

**LEGAL INCORPORATION FROM WITHIN THE IMMIGRANT HABITUS
THE CASE OF THE POST-1990s TURKISH IMMIGRANTS
FROM BULGARIA**

By

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**Submitted to the Graduate School of Arts and Social Sciences
in partial fulfillment of
the requirements for the degree of
Master of Arts in Political Science**

**Sabanci University
February 2010**

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DATE OF APPROVAL: 05/ 02/ 2010

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ABSTRACT

LEGAL INCORPORATION FROM WITHIN THE IMMIGRANT HABITUS THE CASE OF THE POST-1990s TURKISH IMMIGRANTS FROM BULGARIA

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Political Science, MA Thesis, 2010

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Keywords: immigrant associations, habitus, legal status, legal incorporation, Bulgaria, Turkey.

The Post-1990s immigrants (the new immigrants) from Bulgaria are distinguished from the pre-1990s immigrants (the old immigrants) by their lack of a permanent legal status. The focus of this thesis is the relationship between the new immigrants and the associations established by the old immigrants. The associations' actions for the new immigrants' legal incorporation are examined as they manifest the characteristics of the relationship between the new immigrants and the established associations. This study is based on an ethnographic fieldwork conducted between July 2007 and January 2010 mainly in Istanbul and partly in Izmir as well as interviews and participant observation in two well-established associations, BTSA (Balkan Turks Solidarity Association) in Istanbul and Bal-Göç in Izmir.

The case study illustrates that the new immigrants' lack of legal status have created an uneven relationship between the old and the new immigrants in the associations established by the old immigrants. Since only the old immigrants, who are also Turkish citizens, can be active members in the associations, the new immigrants' interests are not officially and fully represented via these migrant organizations. As the associations are subject to the state supervision, any right claim pursued via associations in fact reproduces the immigrant habitus as it used to operate in the legal and political field. Finally this thesis points out that due to the acceleration of irregular migration and the limits of the representation of their interests within the legal framework for associational activities, associations' role as the representatives of the migrant communities can no more be taken for granted.

ÖZET

GÖÇMEN HABİTUSUNUN İÇİNDEN YASAL DAHİL OLMA YOLLARI 1990 SONRASI BULGARISTAN'DAN GELEN TÜRKLER ÖRNEĞİ

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Siyaset Bilimi Yüksek Lisans Tezi, 2010

Tez Danışmanı: Yrd. Doç. Dr. Ayşe Parla

Anahtar Kelimeler: göçmen dernekleri, habitus, yasal statü, yasal dahil olma, Bulgaristan, Türkiye.

1990 sonrası (yeni göçmenler) ile 1990 öncesi (eski göçmenler) Bulgaristan'dan Türkiye'ye gelen Türk Soylu göçmenleri birbirinden ayıran en temel mesele, yeni göçmenlerin kalıcı bir yasal statü, yani yasal vatandaşlık, edinmelerindeki zorluklardır. Bu tezde, göçmenlerin, vatandaşlık hakkı edinmenin yollarını ararken, göçmen dernekleriyle kurdukları ilişkilere ve derneklerin yeni göçmenler adına yürüttükleri faaliyetlere odaklanılmıştır. Tezin bulguları, Temmuz 2007 ve Ocak 2010 tarihleri arasında İstanbul'da yürütülen, yeni göçmenlerin dahil olma stratejilerinin katılımcı gözlem ve derinlemesine görüşme gibi etnografik yöntemlerle izlendiği saha çalışmasına ek olarak, eski göçmenler tarafından kurulan İstanbul Balkan Türkleri Dayanışma ve Kültür Derneği (BTDKD) ve İzmir Bal-Göç derneklerinin yetkilileri ile yapılan görüşmeler ve yeni göçmenlerle birlikte çeşitli zamanlarda BTDKD'ye yapılan ziyaretlere dayanmaktadır.

Yeni göçmenlerin yasal statülerindeki düzensizlik derneklerle kurdukları ilişkilere de yansımaktadır. Göçmen derneklerinde sadece yasal vatandaşlık hakkını çoktan elde etmiş eski göçmenlerin aktif üye olabilmeleri, yeni göçmenlerin resmi olarak temsil edilememesine sebep olmaktadır. Bu durum, dernekler tarafından, yeni göçmenlerin yasal haklarını savunmak için önerilen ve izlenen hukuki ve siyasal mücadelenin de sınırlarını çizmektedir. Derneklerin ve yeni göçmenlerin yasal hak mücadelelerinin incelendiği bu çalışma, göçmen dernekleri devlet denetimine tabi örgütlenmeler oldukları için, dernekler aracılığı ile yürütülen hak mücadelelerinin aslında hukuki ve siyasal alanda işleye geldiği biçimiyle göçmen habitus'unun yeniden üretilmesine sebep olduğunu gösteriyor. Son olarak bu çalışma, aslında derneklerin 1990 sonrası sayıları gitgide artan düzensiz göçmenlerle kurdukları eşitsiz ilişki düşünüldüğünde, göç literatüründe derneklere biçilen göçmen topluluklarının temsilcisi rolünün de tekrar gözden geçirilmesi gerektiğinin altını çiziyor.

ACKNOWLEDGEMENTS

My heartfelt thanks go to my thesis advisor, Ayşe Parla who has been both my advisor and mentor and a close friend over the years. Working for her TUBİTAK projects has been a life time experience for me and I have learned a lot from going into the field together as well as thinking and writing together. Without her endless support and belief in me, this thesis would not be possible.

I would also like to thank Işık Özel for her guidance and also Murat Akan for agreeing to sit on my jury. Their constructive critiques as well as their positive feedbacks to the first draft of this thesis gave me the confidence I need to keep on working.

I am indebted to all the irregular immigrants I have met for the last three years. Without their help and sharing, I would never be able to gather the insights and information presented here. Unfortunately, their undocumented status compels me from ‘documenting’ their names here but I will personally thank to each of them next time we meet.

Many people made me feel at home during my studies at Sabanci University and whipped up my academic enthusiasm during our invaluable debates. I am especially thankful to Nil Uzun, Önder Küçükural, Özgül Akıncı, Doğan Gürpınar, Zeynep Kutluata, Berna Öztekin and Hakan Günaydın, for all their support and sharing.

I would like to thank my old friends Ahmet Camcı, Ezgi Karşlı, İbrahim Büküşoğlu, Köysel Çetin, Murat Danışman, Ozan Akın, Sebla Akın, Tümay Algan who suffered together with me while I try to ‘make an academic production.’ Though they never stopped teasing me, I know it was a strategy to calm me down and it really worked. I would also like to thank my dear friends Burak Köse, Elif Keskiner, Tuğçe Bulut and Zeynep Yanaşmayan who have always been close to me as my own mind even when they are thousand miles away.

I owe gratitude to my parents, Zerrin and Ahmet Kaşlı, and my sister Ayşegül Kaşlı for their endless patience, understanding and support in this rippled road that I decided to walk on.

I would also like to thank Cengiz Yönezer who insistently shows me the bright side of everything. Without his company, I would not survive the hard times.

Finally, I would like to thank my grandma, Nazmiye Kaba who taught me that I should explore the world by myself. This thesis is dedicated to her.

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CHAPTER 1

INTRODUCTION

The Post-1990s immigrants from Bulgaria are distinguished from the pre-1990s immigrants by their lack of a permanent legal status. Unlike the 1989 political migrants and those who came with former waves of “return” migration in 1925, 1950-51 and 1968, the post-1990s immigrations mentioned above are generally undocumented immigrants who have been working and/or residing illegally since their arrival. After 300,000 ethnic Turks fleeing state repression in Bulgaria were welcomed in the “homeland” as soon as they arrived in 1989, the Turkish visa regime was gradually tightened throughout 1990s. Yet this change in the attitude of the Turkish state did not suffice to prevent people to cross the border by trying various legal and illegal ways of entry. According to the records of the Balkan Turks Solidarity Association (henceforth BTSA), the biggest and most established Balkan migrant association in Istanbul, added to the 1989 immigrants, there are around 700,000 immigrants from Bulgaria currently residing in Turkey. 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 irregular residence permits and those with permits for accompanying a child (*refakatçi izni*), circular migrants on visa waivers and illegal immigrants (Kaşlı and Parla 2009).

The case of the post-1990s immigrants’ legal incorporation demonstrate that the immigration policies, as the embodiment of state’s sovereignty rights, are not solid, static, holistic decisions that apply everyone equally in all fields of social life but are rather historically, relationally and unevenly defined by the state. Treated as part of “return” migration waves from Bulgaria, 1989 immigrants were considered as political immigrants and automatically granted citizenship upon their arrival under the category of “ethnic kin”, whereas the post-1990s are treated as independent immigrants who

migrated either alone or with their families for a better living and are exposed to series of visa regime changes in a constant state of irregularity.¹ Due to constant changes in policies for residence and work permit acquisition, the post-1990s immigrants' process of migration and settlement have not been as smooth and direct as the former ones. Thus to perpetuate their stay in Turkey, post-1990s immigrants have tried, developed or followed various different ways which are shaped by Turkish state as it manifests itself in the changing visa policies and short-term amnesties and perpetuated in the rhetoric of the immigrant associations whose legal and political activities are subject to the state authorization.

It has been common sense in the migration literature that there are numerous immigrant experiences determined by the different and changing legal positions hold by individuals in the societies that they come and go to (as irregular or circular migrants) or they leave (as emigrants or diasporas) and they stay (as immigrants, residents, students, workers or to-be-citizens). Nevertheless the literature on the incorporation of immigrants into new social fields (be it a local, national or transnational fields) generally takes the legal positions of immigrants for granted overlooks the fact that the immigrants' legal incorporation is a process through which these changing positions are constructed in negotiation with (yet still within the bounds of) the new polities' rules. Comparing the ways in which the new immigrants' (meaning post-1990s irregular immigrants) involve in the associational activities with the old immigrants (of 1989 and the former waves) indicate that the process of legal incorporation In fact precedes the immigrants' incorporation in other social fields and also constructs the forms and limits of these incorporations.

Another general tendency in the literature on immigrant incorporation is to take associational activities as a major indicator of immigrants' perceptions and practices of incorporation into the new state. However, the case study on the legal incorporation attempts of the new immigrants from Bulgaria to Turkey and their interactions with the immigrant associations established by the old immigrants to seek help for that matter reveals that only those who could achieve and sustain a legal status can be official members of the immigrant associations with the right to elect and monitor the actions

¹ For detailed analysis of the role of visa regime on immigrants lives and state power, please see Kaşlı, Z. and Parla, A. (2009) "Broken lines of Il/Legality and the Reproduction of State Sovereignty: The Impact of Visa Policies on Immigrants to Turkey from Bulgaria", *Alternatives*, 34 (2): 203-227.

and discourses of the associations. Therefore considering the processes of immigrants' legal incorporation into the new state, the associations' role as the representative of the communities' interests and as the manifestation of immigrants' perceptions and practices of incorporation policies cannot be taken for granted mainly because the discrepancy between legal positions held by the official members (the old immigrants) and unofficial members (new immigrants) of the associations vis-à-vis the new state might leave various interests unrepresented under the rubric of the associational activities.

1.1. The Aim of This Study

In this study, I try to follow how the Turkish state's changing policies of legal incorporation and its perpetuation of the new immigrants' lack of permanent legal statuses shape on the one hand the distribution of the social capital among the new and old immigrants in the established immigrant associations and on the other hand the established associations' discourse of rights regarding the incorporation of the new immigrants in Turkey. Here I take the associations, which are the only formal channels of representation of the immigrants' interests, as active agents vis-à-vis the host state.

By looking at the new immigrants' perceptions of the associations, associations' perceptions of the new immigrants and the interactions between the two parties particularly for the issue of the new migrants' legal incorporation, it would be possible to situate the agencies of these actors into context and to capture fully the agency of the new immigrants (irregular immigrants) as well as the limits of the discourses and actions of the established immigrant associations.

Based on the case study of post-1990s immigrants from Bulgaria to Turkey, I seek answers to the following questions:

1. How are the new immigrants positioned in the established associations? How is the social capital of the immigrants from the same country distributed in the context of these associations and how does this distribution affect their relations at the associational level?
2. Do the immigrant associations represent the interests of irregular immigrants fully? How are the limits to the discourses and actions of

associations for the legal incorporation of the new immigrants into the host society determined?

3. Are the new immigrants able to develop autonomous strategies for their legal incorporation into the society independent from the ones developed by the associations on behalf of the new immigrants?

In answering these questions, I suggest that immigrants from the same country of origin do not hold a single position vis-à-vis the states and that their capacities to engage in associational activities, or their social capital, are unevenly distributed among immigrants from the same country depending on the different legal statuses they hold in relation to the host state and its political and administrative agents.

The new immigrants' lack of associability, meaning the ability to form an association, and the particular form of their membership in the existing organizations (only as a "volunteer" not as an "official" active member) are sustained by their lack of formal citizenship in Turkey. Since the associations are not accountable to the new immigrants as their voluntary members, this uneven distribution of social capital creates an unequal relationship between the old immigrants, as the founders and active members of the associations, and new immigrants with no formal membership in the association due to their lack of formal membership in the new polity. As the new immigrants do not have the right to elect and to be elected to the executive board of associations, the interests articulated, by the old immigrants who have the power to elect and represent, are not subject to the new immigrants' vigilance. I further claim that this uneven relationship is reproduced through the immigrant associations' patronizing discourse of "our people" and their attitudes towards the new immigrants as clients rather than equal members. Moreover the ways they seek rights on behalf of the new immigrants are determined within the limits of the existing laws and the associational actors' political engagements.

The case study reveals that the new immigrants seek formal citizenship on multiple grounds, for example to be able to work legally and have social security, to own a property and commute between Bulgaria and Turkey or to guarantee their children's right to full citizenship in the near future. In spite of the differences in their motivations and the instrumental grounds for seeking formal citizenship on immigrants' side, the associations' discourse of rights erases all these differences in immigrants' claims and reduces them into a single discourse of Turkishness as it is sustained by the

prevailing laws. Here I examine how this discourse of Turkishness is framed within the prevailing laws and why it becomes the dominant discourse of the associations.

I illustrate that since the associations are formed by the legal consent of the state and that are entitled to state jurisdiction, they cannot act as independent pressure groups on behalf of the rights of the new immigrants who are yet not authorized by the state to represent their interests. In other words, the discourse of rights developed in the established associations by the old immigrants (as active members with a higher social capital than the new immigrants as only voluntary members) can only make the existing laws apply for the new immigrants while they cannot make pressure to change the prevailing laws so as to include other and more instrumental grounds to seek citizenship or a permanent legal status. Showing the lack of accurate representation of the new immigrants' interests in the established associations supports the already suggested idea that the associations do not represent the interests of the whole immigrant community therefore they cannot be taken as the only manifestation of the incorporation experiences and perceptions of the immigrants in the host society.

The case study also reveals that the contours of the right claims made by the associations on behalf of the new immigrants and the hierarchical positions held by the old and new immigrants in the associations are primarily determined by the state and its agents who are the forceful actors with the power to render the acts and existence of immigrants in the host society legal and illegal. Yet as mentioned above, the authorizations given by the states to the immigrants to work, stay or settle legally are not solid, static, holistic decisions that apply everyone equally but are rather historically, relationally and unevenly determined.

Here I also try to demonstrate the continuities and ruptures in the authorizations given to the Turkish immigrants from Bulgaria by the Turkish state over time while I stress that the positioning of these immigrants are shaped in four-fold: 1) global processes (demise of USSR, the relations with the EU, the role of ECHR as well as regional traffic of goods and people), 2) bilateral relations among states (Bulgaria as the "sending state" and Turkey as the "homeland") 3) domestic politics of sending and receiving states (election periods in both countries, de-ethnicization of the Turkish citizenship, ongoing discrimination that Turkish minority feel and experience in Bulgaria especially in the labor market), and more importantly 4) by the existence of familial and social networks in the new destination (add to the knowledge of language and geographical proximity, the availability of work and residence). Since all these

layers seem to have an impact on the legal incorporation experiences of the new immigrants, I also look at the current situation of the Turkish immigrants from Bulgaria as a historical emergent and analyze the legal positions held by the new immigrants in Turkey with reference to these factors. Finally I try to explain how these factors affect the new immigrants' claims for legal incorporation within and outside the established associations.

1.2. Method of this Study

This study is based on an ethnographic fieldwork conducted between July 2007 and January 2010 mainly in Istanbul and partly in Izmir.² Based on anthropological methods of participant observation, and semi-structured and open-ended interviews with 22 new immigrants, relations developed over multiple encounters with 8 of these interlocutors during regular visits to their homes and neighborhoods (generally in Kurtköy and Avcılar), meetings in the city and visits with immigrants to institutional settings like immigrant associations and the “Emniyet” (Foreigner’s Department) and “Vatandaşlık işleri” (Bureau of Population and Citizenship Services) and a transborder bus journey between Turkey and Bulgaria. Becoming intimately involved in the everyday lives of irregular immigrants in multiple personal and institutional settings tremendously aided my understanding of the in-between positioning that our informants constantly occupy and negotiate. Interviews and participant observation were also conducted at two well-established associations, Balkan Turks Solidarity Association (BTSA) in Istanbul and Balkan Immigrants Solidarity Association (Bal-Göç) in Izmir. In each association, I interviewed the general secretaries –both are also lawyers-- and

² Fieldwork for this article was conducted as part of two projects (one completed and one ongoing project) that are funded by The Scientific and Technological Council of Turkey (TUBITAK) and that I have been participating as the research assistant: Forms of Organization among New Migrants: A Comparative Analysis of Bulgarian Turks, Iraqi Turkmens and Moldavians in Turkey, undertaken by Ayşe Parla, Mine Eder and Didem Danış, from January 2007 to September 2008. “A new Migrant Incorporation Model Premised on the Work, Residence and Legalization Processes among Irregular Turkish Labor Migrants From Bulgaria to Turkey” undertaken by Ayşe Parla from January 2009 until January 2012.

the newspaper editors of the associations, while I also attended their meetings and followed their newsletters and announcements in their websites.

Ethnography is particularly helpful in studying immigrants' legal incorporation which is a long process unfolding over time and in multiple settings. As Clifford (2000: 97) says, "to imagine a coherent future, people selectively mobilize past resources," thus to understand the processes that constitute the politics of identities we need to focus on the negotiations between old traditions/new cultural claims and local agency/global forces in specific contexts. Additionally, following Clifford's stress on historically informed ethnography, I provide a historical overview of the waves of immigration from Bulgaria to Turkey and situate the new immigrants' legalization attempts in its historically constituted political context.

Appadurai's (1998: 196) notion of global ethnoscape which underlines the "impact of the deterritorialized world on the imaginative resources of the lived and local experiences" has also to be considered while analyzing the immigrants' lived experiences which can no longer be observed in spatially bounded "wholes" such as villages, communities or localities. Therefore even while it seems a study on the immigrants' legal incorporation requires a spatial focus to observe the immigrants' experiences in a territorial state which they move into, the imaginative sources of the immigrants' lived experiences in all social fields are to be observed in a "macroethnography", in Appadurai's terms, nurtured by historical and relational analysis of the current experiences.

Levitt and Glick-Schiller (2004) claim that even those who have never identified or participated transnationally are embedded in the transnational social field and that the cultural repertoires and identities interacting within a location and across its boundaries mobilize into action in times of crises, or in our case times of opportunities (for example the election times). The new immigrants, who could not be fully incorporated in legal terms, are embedded in the transnational field not only through the strong and weak ties that the immigrants have back in Bulgaria but more so through their insufficient or unsustainable legal incorporation in Turkey which always keeps going back to Bulgaria in their agenda as a last resort.

The issue of legality seems to create a discrepancy between the new immigrants and the active members of the established associations regarding their motivations and the ways to mobilize their cultural repertoires and identities in the transnational field. For example the elections in Bulgaria are seen as times of opportunities for the new

immigrants who legalize, in fact only temporarily regularize, their stay by making use of the amnesties released by the Turkish political elite around the times of elections in Bulgaria to encourage the irregular immigrants to go and vote for the Movement of Rights and Freedoms Party (MRF) in support of the Turkish minority's interests in Bulgaria. On the other corner, the associations seek legal rights for the new immigrants on the grounds that the Turkish state is indebted to the people of Turkish descent and culture while they also seek old immigrants' social and property rights in Bulgaria. The political elites respond to the former claims made by the associations on behalf of the new immigrants only by temporary amnesties during the elections in Bulgaria while their claims for the old immigrants seem to be taken seriously mainly during the elections in Turkey to encourage the old immigrants vote for the incumbent government. Although the new immigrants and the associations of the old immigrants mobilize similar cultural repertoires and identities, the difference in their positions in the eyes of the political elite is sustained by the new immigrants' lack of a permanent legal status. In these circumstances, the new immigrants become concerned more about the irregular or unstable positions they hold in this transnational field whereas the old immigrants (provided that they can be and they are active members in the associations) hold a higher position in this transnational field with certain, though limited, power to negotiate their interests through the associations as electors of the Turkish politics. To uncover these uneven and different positions both in the associations and with respect to the political elite and other the agents of the state, I take a closer look at the narratives of both the new immigrants and the association leaders on the Bulgarian and Turkish elections as well as their narratives of the grounds to claim rights for a permanent legal status and other social rights.

It is true that there are other possibilities for the undocumented immigrants to organize and represent their own interests, such as the Sans-Papiers Movement in France (McNevin 2006; Rodriguez 2004). Although these social movements, as organized by the undocumented immigrants themselves, directly voice the demands of the new immigrants and are essential to increase public awareness on the presence of the undocumented immigrants, they do not hold the same official position that the immigrant associations occupy vis-à-vis the state. Therefore the associations and social movements like Sans-Papiers and their relations with the states and their agents are to be examined separately. This thesis focus only on the new immigrants' relations with the established associations, in the light of the particular case of the legal

incorporation of the post-1990s immigrants, in order to capture the contours of the interest representation via associations, the associations' discourses and actions, thus to challenge the overemphasis given to the associations as the representatives of the immigrant communities.

1.3. Theoretical framework

As opposed to the claims that in the postwar era even foreign populations are authorized as productive individuals and incorporated into the Western countries they reside on the basis of universal personhood (Soysal 1994: 31), the act of authorization, being subject to the rationing of the liberal states, aims universal equality as a conditional "privilege of presence" while punishing the undocumented immigrants for their "hereness" (Bosniak 2006: 139). Scholars argue that the state's decision to include and exclude by authorizing the immigrants entry and stay and documenting the aliens' presence, has been increasingly subject to the neoliberal policies regulating the labor market.

While the flexibilization and informalization of the labor market has required the flexible visa regimes to make cheap labor available, these visa regimes have been bifurcated or diversified the immigrants' experiences of legal incorporation and eventually uneven and fragile incorporation into the market and into the society, as in the case of Sans-Papiers in France (McNevin 2006), status mobility of immigrants in Italy (Schuster 2005), the differentiations among the Polish immigrants in London (Ryan et al. 2008), undocumented Mexican immigrants in the US (Chavez 1994; Galvez 2007), Albanians in Greece (Iosifides et al. 2007) and undocumented immigrants from neighboring countries in Turkey (Akalin 2007; Eder 2007; Erder and Kaşka 2003; Kümbetoğlu; 2005; Keough 2004; Kaşlı and Parla 2009; Parla 2007; Yüksek 2004). Yet, just like there is no essential alien (Bosniak 2006: 134), being undocumented is also tied up with ethnicity, gender, religion, country of origin etc. Only by disentangling the complex interplay between economic and political concerns of the states, we can fully understand how these categories of documented/undocumented are determined and in what ways these categories affect the incorporation of immigrants.

In *Distinction*, Bourdieu (1984: 170) defines the notion of habitus as "not only a structuring structure which organizes practices and the perceptions of practices, but also

a structured structure” meaning that it is constituted and reconstituted by forceful and dominant members of a society and its institutions. In that sense, I refer to the notion of habitus, here, to understand the structures that constitute and are constituted mainly by the practices of the agents of the state and reproduced by the old immigrants’ associations and the newcomers acting in the legal and bureaucratic fields. A field, for Bourdieu (1992:97) is a “network, or a configuration, of objective relations between positions” and positions are “objectively defined by their present and potential situation in the structure of the distribution of species of power (or capital) whose possession commands access to the specific profits that are at stake in the field, as well as by their objective relation to other positions (domination, subordination, homology, etc).” Following Bourdieu’s notion of field, the political field, with its own logic, rules and regularities and dynamic borders, is taken as the main focus of this study in order to capture the new immigrants’ legal incorporation and their encounters with state agents as well as established associations in the legal and bureaucratic fields, or the subfields of politics. Moreover the associations formed by old immigrants are also analyzed as actors reproducing the immigrant habitus as it operates in the legal and bureaucratic field.

Looking at the habitus of a specific immigrant group (as reflected in immigrant associations) helps us to observe these experiences of immigrant incorporation relationally and in its historicity. While focusing on the legal incorporation experiences of the 1990s immigrants from Bulgaria, I am beware of the fact that these immigrants do not form a distinct category to analyzed as a homogenous group with the same socioeconomic characteristics and motivations (consider for example those who come to study in the Turkish universities, to work in a household/ in a company, to start a business, to marry, to settle as a family or to unite with their family members in Turkey) and therefore that they do not share the same experience in the habitus. Moreover, this group is not in stark contrast to the former immigrants who came from Bulgaria at different times in history (for example to seek refuge in Turkey, as in 1989, or to unite with their family, as in 1968) since almost all post-1990s immigrants have at least a far relative in Turkey and consider Turkey as their sole destination for migration and/or settlement. While trying to understand the new immigrants’ strategies of legal or formal incorporation which appear as a rupture in continuity, I situate the post-1990s immigrants in the habitus that constitute and is reconstituted not only by the newcomers

but also by the former immigrants and more so by the stance of the Turkish state and its agencies towards these new immigrants.

I try to understand the strategies that the post-1990s immigrants develop in order to come to, to work and to settle in Turkey as strategies that are determined by their position in each field and more specifically by “the distribution of the specific capital, and on the perception that they have of the field depending on the point of view they take *on* the field as a view taken from a point *in* the field” (Bourdieu 1992: 101). Since

there has already been a discourse of incorporation developed and sustained by the associations of the older immigrants, thus the new immigrants are not acting in a social and political vacuum, the these new immigrants fall short of developing autonomous discourses and practices of incorporation. Moreover the immigrant habitus and the powerless position held by the new immigrants to transform the habitus according to their own (and generally more instrumental) needs, has been sustained by the new immigrants lack of permanent legal status and formal citizenship. Bourdieu (1992:130) argues that there might be a discrepancy between the habitus and the field, and that the transformation of the former takes longer than the latter. This thesis aims to unravel how the changing political field as determined by the state and its agents – as in stricter visa policies, de-ethnicization of the citizenship laws and the arbitrariness in application of the already existing laws— affect the habitus of the Turkish immigrants from Bulgaria (as reflected in immigrant associations) and the new immigrants’ strategies of incorporation.

Bourdieu’s description of a theory of social space sets the underlying principles of my approach to the space in which immigration and immigrants’ legal incorporation takes place. Bourdieu’ theory of social space suggests that the homology of positions, hold by actors in different fields sustains the circle of symbolic production and reproduction of the social world whereas the principle of differentiation varies from one field to the other.

“Constructing a theory of the social space presupposes a series of breaks with Marxist theory.’ First, a break with the tendency to privilege substances - here, the real groups, whose number, limits, members, etc., one claims to define - at the expense of relationships; and with the intellectualist illusion that leads one to consider the theoretical class, constructed by the sociologist, as a real class, an effectively mobilized group. Secondly, there has to be a break with the economism that leads one to reduce the social field, a multi-dimensional space, solely to the economic field, to the relations of economic production, which are thus constituted as co-ordinates of social position. Finally, there has to be a break with the objectivism that goes hand-in-hand with intellectualism, and that leads one to ignore the symbolic struggles of which the

different fields are the site, where what is at stake is the very representation of the social world and, in particular, the hierarchy within each of the fields and among the different fields.” (Bourdieu1985: 723)

In analyzing the positions and strategies of immigrants in the social space, Bourdieusian notions of the logic of fields and the habitus are instrumental for the researcher to understand the life worlds of immigrants rather than taking immigrants as an objective analytical category (Kelly and Lusic 2006). For Bourdieu (1992), the relationship between the habitus and the fields has a cognitive dimension. The differentiated meanings of the social world are embedded in the habitus and the strategies used by individuals in each field are “objective potentialities” that are suggested by the habitus as a “feel for the game.” In this study, too, the state, the locals, the pre- and post-1990s immigrants are not taken as distinct units of analysis. Instead, the post-1990s immigrants are observed as individuals occupying certain positions in different fields and in relation to other actors who also constitute and are constituted by the immigrants’ transnational habitus.

1. 4. Organization of the Chapters

In the remainder of this thesis, I first provide an overview of the recent studies on the state’s incorporation regimes, from social to formal membership in the new society, and explicate how they situate the immigrant associations in their analysis of the immigrants’ experiences or perceptions of incorporation. I will then portray other studies which underline the necessity to differentiate the situations of documented and irregular/undocumented immigrants in terms of their incorporation into the new society. I give examples of the studies in which Bourdieusian notions were applied to capture this division. I then discuss how Bourdieu’s social theory would be used to understand the irregular/undocumented immigrants’ position in the immigrant habitus that is structured primarily by the agents of the state as well as the associations on the one hand, and that is structuring the associations’ actions and discourse, the new immigrants’ instrumental use of the prevailing laws as well as the state agents’ approach to the new immigrants and associations on the other. In the following chapter, after situating the post-1990s immigrants into the historical and political contexts of

immigration to Turkey, I analyze the new immigrants' experiences in the legal and bureaucratic subfields mentioned above by using Bourdieusian conceptual tools. Here, to provide insights into the life worlds of the actors under scrutiny, a great attention is given to inform the reader about the particularities of the case studied through extensive use of direct quotations from the data and through thick description. Therefore I first analyze the associations' rights claims on behalf of the new immigrants and the contours of these claims and then I situate the new immigrants' encounters with and their perceptions of the associations for the particular issue of their legal incorporation in their narratives of their legal incorporation experiences. By doing that, I try to analyze how the new immigrants' interests are represented in the discourses and actions of the established associations. Finally I discuss if it is ever possible for associations to be fully responsive to the demands of the new immigrants and/or if the new immigrants would develop any other legal channel of representation and rights seeking, like associations, while I also try to give some insights about the new shapes and directions that the immigrant habitus might take in terms of the immigrants' legal incorporation in the near-future

CHAPTER 2

LITERATURE REVIEW

2. 1. General Outline

There are many studies examining the associational activities of immigrants as the sites that disclose the immigrants' actions for incorporation, their experiences and motivations of incorporation as well as their responses to the incorporation policies in their new destinations and increasingly in the transnational field of migration. These studies might be seen as responses to those who explain the immigrant and receiving country relations by focusing on the characteristics of the sending and/or receiving countries as the main structural factors. In these studies on immigrant incorporation the immigrants' legal status are taken for granted and the main focus is given to the immigrants' social and political incorporation. Yet a permanent legal status in deed signifies that the immigrant is recognized and authorized by the receiving state for further incorporation. In other words, those who do not hold a permanent legal status cannot actively engage in legal channels of representation, like association, thus the associations are shaped by those members of the immigrant community who already hold a permanent legal status. Therefore any other organization that is formed by the irregular or undocumented immigrants would hold to a different identity than an association and the legality of such organizations or movements would still be entitled to the authorization given by the state in order to be taken as groups to negotiate their interests with the state.

There are studies explicating that there is a distinction between the documented and undocumented immigrants or between those who hold a permanent legal status (in most cases a formal citizenship) and those who are irregulars in terms of their positions in terms of their potential responses to the immigration and incorporation policies of the

states. Although interaction between the two groups in the context of established associations is not studied by many scholars, the studies mentioning the distinct experiences of those with permanent status and those with temporary legal statuses will be given emphasis here. These studies are crucial to develop our understanding of the limits of the political actions and right claims that the irregular immigrants can pursue (via associations as only formal channels to come together with other immigrants and articulate their interests) vis-à-vis the receiving states.

Among the studies that consider the formal or legal incorporation as a matter of fact, although the central tendency in the literature is still to assess these different forms as dichotomies, such as legal/ illegal, formal/ informal, regular/ irregular, temporary/ permanent etc, a growing number of studies critically analyze how these dichotomies are produced by nation states and that they are intrinsic to the nation-state system as instruments of exclusion (Browne 2005; Diken 2004; Eder 2007; Kaşlı and Parla 2009; Rajman and Grundy-Warr 2004; Peutz 2007; Salter 2006; Yamamoto 2007). In developing conceptual tools to analyze the multiplicity of immigrant experiences especially in the legal and bureaucratic fields, to capture the unsteadiness in undocumented immigrants' experiences of legal incorporation and the uneven relations and representations caused by this unsteadiness at the level of associations, I introduce Bourdieu's notions of habitus, fields and social capital as three concepts that articulate with one another and that could be applied together.

To verify that these Bourdieusian notions are essential to analyze the case of post-1990s immigrants from Bulgaria in Turkey, I give examples from previous studies referring formal (legal and institutional) and informal (practiced and cultural) citizenship as a crucial determinant of the social capital (emphasized by Bauder) in immigrant transnational habitus (emphasized by Kelly and Lusia) in a Bourdieusian sense. I agree with these studies' emphasis on the strategic reproduction of hierarchies in the labor market or at the societal level among those with and without formal/informal citizenship and I also agree with their argument that the political elites are reproducing this distinction by the redefining the contents and the value of this social capital. Yet, I further claim, the case of the post-1990s Turkish immigrants from Bulgaria reveals another dimension to this distinction: that moving into a habitus constituted primarily by the rules of the receiving state and to a great extent reinforced by the former immigrants associational activities (in the discourse and actions of established associations) is decisive in the creation of a hierarchy of social

capital among the new immigrants (without formal citizenship) and the former immigrants (with formal citizenship) in the associational life.

As the active members of the associations are not accountable to the new immigrants with no right to be official members of the associations, thus there is an uneven distribution of social capital around the associations, it might be claimed that the grounds for rights-claiming made on behalf of the new immigrants in the only channels of representation for immigrant interests are also defined according to this hierarchy between the old and the new immigrants in the same immigrant habitus defined by the prevailing laws of the receiving state. The case of the new immigrants' legal incorporation would suggest the empirical foundations of these arguments.

2. 2.The structural explanations for Immigrant Incorporation

There are many comparative studies that examine the different traditions of citizenship and nationhood in order to understand how the immigration policies are defined (Brubaker 1992; Castles and Miller 2003; Giugni and Passy 2004; Soysal 1994). However these studies tend to take the state as a singular unit and disregard the multiplicity of the structures and the dynamic nature of these multiple structures that the immigrants move in and out of and which in fact constitute what is called a "state." Moreover they seem to overlook the fact that immigrants are not a monolithic category to be treated by the "state" equally.

In contrast to these scholars who take the state as a singular and coherent unit with respect to immigrant incorporation, Freeman (2004) argues that institutions within states ought to be taken as independent actors in framing the rules of their distinct domains which then intersect with immigrant aspirations and create specific modes of immigrant incorporation as a product of that interaction. Freeman claims that comparing immigration policies of different countries with minor differences from one another presumes as if the policies in different fields of life are determined only by considering the immigrants. Instead Freeman suggests the focus of analysis should be based on the intersection of different structures and strategic choices in specific domains (such as state, market, welfare and culture) in order to grasp different modes of incorporation in their particularities.

There are other studies in which the issue of immigrant incorporation is taken not as a single decision valid for all cases within the entirety of the national borders but rather as a matter of politics that require different actions in different fields. Freeman (2004) refers for example to the works of previous scholars such as Entzinger's "three domains of integration policies" and Joppke and Morawska's "fragmented incorporation processes." Entzinger (cited in Freeman 2004) develops a six-cell typology of integration policies including equal or group rights in the state domain, liberal pluralism or multiculturalism in the domain of the nation, and equal opportunity or equity in the market domain. Similarly Joppke and Morawska (cited in Freeman 2004:947) suggest that modern society is in fact composed of multiple autonomous and interdependent fields and all immigrants are necessarily integrated in certain fields or systems, thus, the authors argue, it is possible to talk about only fragmented incorporation processes but not totally nonintegrated immigrants.

In a parallel line with Freeman and others, Pyykkönen (2007) also focuses on the structure and takes the processes of incorporation or integration as fragmented. Yet Pyykkönen differs from these studies with his problematization of power in the integration of immigrants in Finland, from a Foucauldian governmentality perspective. Pyykkönen also adds into the picture the immigrant associations which, for him, serves for basic political rationalities as the techniques of the self, both at the individual and community (population) level, such as security of the society, health, activeness, capacity and happiness of the population and individuals, and cultural pluralism. For Pyykkönen, while these techniques show that "the most democratic modes of government entail power relationships that are both voluntary and coercive", integration and empowering governance are in many ways essential for the peaceful development of multicultural societies and successful cultural hybridization.

These studies are of pivotal importance for taking our attention to the fragmented nature of the immigrants' incorporation in various social fields. Yet, presuming that only the interactions among the structures would constitute the mode of incorporation, the agency of the immigrants is overlooked in these studies. More importantly these studies assume that each of these multiple structures take a single position against *all* immigrants. However, the case of the new immigrants from Bulgaria to Turkey and their incorporation in the legal field explicate that the structural rules do not apply everyone equally and these differentiated implementations make the hold diverse positions in each field.

As a subset of the studies that assume multiplicity of fields or domains of incorporation, there are many studies directly focusing on the *Political Opportunity Structures* (POS). POS studies aim to analyze the characteristics of the political activities of immigrant groups within a given political structure and also the limits and/or opportunities that the different structures would provide for these activities. Here the focus of study moves from the state level to the level of associations. In migration literature, the associations are given primary importance as the representatives of migrants from the same country of origin. Since the host countries incorporation policies and how the immigrant groups respond to these policies can be easily and systematically followed through the examination of the associations, as formal channels of representation, many studies on the immigrants' experiences of incorporation are centered on the associations. Associational activities seem to play an active role in shaping the immigrants incorporation in the form of the formal (legal and institutional) and informal (practiced and cultural) citizenship. So the studies on immigrant associations or any other organization is depicted separately in the next two sections which are followed by another section on the relations between associations and the irregular immigrants.

2.3. Immigrants Associations in the National Political Field

Studies on immigrant associations are also generally comparative studies which try to explicate the diversity of the incorporation experiences. However there are those who give more emphasis on the structure and those who emphasize the agency of the immigrants as they are manifested through the associations. As an example to the first approach, in his historical examination of the factors that shape immigrants' formal "sociability," outside of their family mainly in the context of North and South America, Moya (2005) argues, if the associational practices of immigrants in the same country are strikingly similar, the host environment acts as a "homogenizing steamroller." He states that the importance of the state appears to have increased over the twentieth century. In part this is due to increased intervention by sending governments, but it also stems from the expansion of the welfare state in immigrant-receiving societies. In both cases it is a matter of the impact of global structural changes on the receiving state policies.

In analyzing the central role played by community-based organizations for the immigrants' incorporation at all societal levels in the US, Cordero- Guzman (2005) claims that there is an increase in the number of organizations occurred in two different periods: (1) late 1960s and early 1970s, following the civil rights movement and changes in the racial, ethnic or national composition of immigration flows to the US, and (2) late 1980s following the Immigration Reform and Control Act (IRCA) of 1986, therefore the political structure affects the spread of organizations. Similarly, by analyzing the impact of welfare reforms on the community-based organizations of Latinos in New Jersey, Canino-Arroyo (2003) argues that with the privatization of public services, there has been a major qualitative shift from advocacy role of nonprofits/CBOs to service provision as they are mostly dependent on state funding and he further claims that the reduction of the mediating function of nonprofits also weaken citizenship.

In a similar vein, Kastoryano's comparative work on France and Germany focuses on Islamic associations and their "negotiation of identities" depending on the particularities of different contexts in which states to a certain extent "maintain [their]role as a structuring force of a collectivity" (2002:6). Paradoxically Kastoryano suggests, these associations, which were formed by immigrants for instrumental purposes to gain public recognition in the receiving society and were encouraged by the compensatory policies of the states to reduce social inequality, promoted the expression of cultural differences and identification in the host societies. While the societal exclusion of Islam in France leads to a greater focus on religious identity as a public identity of immigrants, the tradition of ethnic exclusion in German stimulated a more nationalistic tone.

Another example of a similar structural account is Bloemraad's comparative study of Portuguese and Vietnamese communities in metropolitan Boston and Toronto. Here Bloemraad (2006) shows how settlement and multiculturalism policies provide material and symbolic resources to facilitate community building, respond the migrants' adaptation concerns and encourage their participatory citizenship in their new country of settlement. She further argues that immigrant communities might benefit from the government more than they do from other mainstream organizations.

The studies focusing on a single country, however, seem to uncover how the political structures or institutions might operate in practice. In her comparative research on three regions in Italy, Caponio (2005) argues that the difference in political

opportunity structure (in this case whether the local government is a left or right wing administration) has no impact with respect to immigrants' organizations. She also suggests that the primary beneficiaries of government support are Italian, rather than immigrant organizations and that public intervention have only an indirect crowding-out effect as delegation of these associations to traditional welfare organizations prevails. In analyzing the Belgium context, Hooghe (2005) argues that, although Belgium offers a theoretically open political opportunity structure to ethnic mobilization through its traditional culture of concertation and dialogue, sharp divide among associations along ethnic and political cleavages causes a limited practical action. Both Caponio and Hooghe's analysis reveal that government policies aimed at helping migrants might instead hurt them by crowding out indigenous organizing. Yet in these cases too, more emphasis is given to the structural factors than on how the immigrants respond to these policies.

By emphasizing the receiving state as "the only political power that allows identities to be negotiated" (Kastoryano 2002: 185), these studies assume homogeneity among the community by taking these associations as the sole representative of all immigrants from the same country of origin. However, taking into account the migrants' life worlds at the micro-level, the in-group discussions in response to the state policies, and their possible effects on the ways in which these identities are negotiated in a given country would make the power relations within the group explicit and how the identities are constructed the way they are in negotiation with more structural factors.

Contrary to the studies mentioned so far that take immigrants and their organizations as "passive recipients," Yurdakul (2006:437) argues that immigrant associations are "active political agents in the political system of the receiving country." She compares two Turkish umbrella immigrant associations in Germany (the social democrats-TBB- and the conservatives -Cemaat) with respect to their differing political views in issues related to their incorporation into German society. According to her analysis, TBB emphasizes ethnicity, and secularism, and suggests incorporation and minority status for Turks in Germany by receiving German citizenship. By contrast, the Cemaat opposes assimilation and takes Turkishness and Sunni Islamic religion as the cement of the community in Germany. While agreeing that the receiving state is the politically and economically dominant power, she takes the relationship between associations and other political organizations as a dynamic process. Yurdakul also point out that these two dissimilar organizations could still collaborate for the common goal

of political lobbying for Turkey's accession to the EU, under an umbrella organization (Turkish Community in Germany) and also force governments to change citizenship regulations and to break the link between ethno-national membership and citizenship.

In a similar vein, Chung (2005) examines the political dimensions of ethnic organizational cultures within "1.5" (raised in the USA) and second-generation (born in the USA) Korean-American organizations which are supposed to be 'apolitical' institutions as recipients of governmental support yet paradoxically without which there is little motivation or guiding framework for facilitating community development. By comparing these two organizations, Chung (2005: 913) further aims to understand "how such mediating organizations are able to navigate their non-profit status within the power structures of the immigrant community and how this leads to divergent strategies of political expression and participation." For Chung, to understand the creation two different types of non-profit community-based organizations one that focused on social services (like KYCC) and the other on advocacy work (like KIWA) as a result of the 1992 Los Angeles Civil Unrest in the US, it is necessary to look at the different ties bonding and dividing the co-ethnic, thus to address the internal power dynamics and the ethnic opportunity structures; the dynamics of competition, conflict and inequality that arise from unequal access to capital; and how organizations negotiate such divisions with their political agendas.

Yurdakul and Chung's emphasis on the agency of the immigrants and their depiction of the different forms of activism that came out of same group of immigrants challenge the former studies which assume the state policies have a unidirectional and single affect on the immigrants' organizations. In my analysis, similar to the Yurdakul and Chung's emphasis on the internal power dynamics and differences within a single group of immigrant (from the same country of origin) acting in the same political setting, I also disclose the differences in the actions and discourses of the two associations of the same immigrant group regarding the issue of the new immigrants' legal incorporation, Therefore I do not take the impact of the political structure on immigrant organizing for granted either.

However, my analysis is different from Yurdakul and Chung's emphasis on the agency of immigrants simply because I also do not take for granted the immigrants' associability or their social capital to form associations and officially involve in associational activities. While all the scholars mentioned so far focus on political incorporation of immigrants in the receiving country, by disregarding the distinction

between the immigrants with and without a legal status in terms of their associability, these authors actually neglect the fact that only the legal immigrants, as authorized subjects, would have to right to officially involve in associational activities.

2.4. Immigrant Associations in the Transnational Field

The idea of considering not only the receiving country but also the sending country as part of the structures that shape the immigrants' incorporation in the new destination has paved the way for an emphasis on the role of transnational networks and ties. Yet similar to the general tendency in the structuralist approaches mentioned above, most of the studies focusing on the transnationalizing field of immigrant politics also consider the immigrant groups as monolithic entities and the distinction between those with and without a permanent legal status vis-à-vis the receiving state has mostly remain out of their agenda. In the transnationalist approach, the main actors are again the immigrant associations yet this time as situated in multiple political settings. Again, most of the studies focusing on the transnational field downsize the variations within the groups that might derive from the different social, political, economic and more importantly legal positions they might hold in the both sending and the receiving societies while the immigrant associations are treated as the representative of all interests.

For example, Ogelman (2003) attempts to include both sending and receiving countries in a single conceptual framework – termed the transnational political opportunity structure (TPOS)--which shapes the political activities of immigrant associations. In this historical analysis of the Turkish organizations in Germany, Ogelman (2003) explains the reasons of their “failure to mobilize Germany's Turks around shared ethnocultural grievances against the host society” as both the “host polity's inability to absorb ethnoculturally distinct groups,” and “a sending state's inability to manage domestic social conflicts and to preclude the exit of ideologically contentious political migrants.” Nevertheless he overlooks the agencies of the immigrants as he expects the multiple identities of the immigrants to be reduced into a single and “ethnocultural” identity and to be represented as a single group in the country

of settlement, while again the states, though this time not one but many states are placed as the determinant of the immigrants' activities.

Cano and Delano (2007) also discuss the value of a historical perspective for the study of transnational politics and they offer a historical account of the development of transnational relations between the Mexican government and the organized Mexican immigrant community from 1848 to 2005. They underline that the transnational relations are not actually new and they only take different characteristics depending on the evolution and characteristics of migrant organizations, political and economic circumstances in Mexico, and foreign policy considerations involving US- Mexico relations.

All the studies mentioned so far (in all the three sections) admit that there are different experiences of incorporation as shaped by various forms of opportunity structures at various levels. Yet by focusing too much on the policy formation, these approaches prioritize the role of structures over the agency of immigrants and they cannot capture how immigrant experiences also constitute the structure on the ground. There are also studies which give some credit to immigrants as active agents at the transnational field. Faist (2000:313) argues that although transnational social spaces do not necessarily rival nation states, they are in a key position to question the idea of an exclusive territorial and symbolic boundedness seemingly inherent to nation-states. In other words, Faist claims, transnational communities not only serve as platforms to challenge the authority of governments in emigration countries by launching opposition groups outside their reach, but also raise doubts about singular nation-state membership in the immigration countries. Ostergaard (2003) also examines the transnational practices of immigrants association that are formed after settling in the new destination. By comparing the Turkish and Kurdish migrant organizations in Germany, Ostergaard (2003) seeks to identify the effect of the social and political contexts of the sending country on migrants' transnational practices. As opposed to state-centered analyses, Ostergaard argues that the homeland political mobilization is shaped by various actors in the transnational space and emerges as "the outcome of the complex interplay between political ambitions of leaders living abroad and the agendas of the state, government and various political parties and movements in Turkey and in the receiving countries" (2003:267). She argues that sending country politics and the different positions taken by different immigrant groups on the homeland politics might have an impact on immigrant politics in the receiving countries but not vice versa.

There are also other studies emphasizing the fact that state and immigrant relations are to be taken as a process affected by global as well as local transformations. Goldring (2002) analyzes migrant-led and state-led transnational practices and policies with reference to two different governments in Mexican politics and the latter government being more universalistic, explicitly extraterritorial, and perhaps having a more rhetorical program. Goldring indicates that, since the late 1980s and early 1990s, as part of the neoliberal turn, there has been a redefinition of the relationship with Mexicans abroad as a hegemonic project of the state. This project involves the largely symbolic reincorporation of “paisanos” living abroad back into the nation while also encouraging their naturalization in the US. But since this hegemonic project was based on existing practices and objectives of hometown clubs and was depended on provincial and municipal authorities and transmigrant organizations for their implementation, Goldring argues that the project caused uneven implementations as well as corporatist and clientelist relations with transmigrant organizations in transnational social spaces. Finally, she argues that all these processes are a reflection of the negotiations over the meanings and privileges attached to “membership” in the national or subnational community.

In a similar vein, Çağlar (2006) also takes our attention to the “changing landscape of state regulatory activity” as the main reason for the differential growth and spread of the hometown associations (HTA) and the new actors constructed around the flow of remittances and HTAs rather than the specific characteristics and the composition of the migrant population active in the HTAs, such as their 'exit' conditions or background characteristics. On the basis of the case study of businesses and entrepreneurs acting between the industrial district of Bozlu in Turkey and Berlin in Germany, she depicts how the selective strategies of states open up new entrepreneurial opportunities to businessmen and *migrants* from certain places in “industrial districts” (and urge for help to solve region's health, education and infrastructural problems). As Çağlar argues, this case study reveals that the changing state-space relations are framed in close relation to neoliberal globalization. Finally she stresses the necessity to revisit the division between “transnationalism from above” and “transnationalism from below,” the encounters between states and migrants, and the interaction between transnational networks and local power structures by taking the state as a 'structural effect' of detailed processes including its own discursive construction.

Following the emphasis on the interaction between the global and the local processes (as in Çağlar, Goldring) rather than taking the transnational space as a summation of the interactions at different levels (as in Ogelman, Cano and Delano, Faist, Ostergaard), my analysis of the new immigrants' experiences of legal incorporation aims to capture how the incomplete legal incorporation of the new immigrants is derived from and sustained by the new landscape in which the Turkish state's interests are also negotiated with the neoliberal globalization in the market. Although market interests stimulate flexibilization and informalization in the migrants incorporation into the labor market as well as the other social fields, the state still has the final word by holding the power particularly for the legal incorporation of immigrants to be complete and also to render legal and illegal any political action initiated on behalf of the new immigrants or directly by the new immigrants themselves. Therefore, I argue, the dynamics of the associational activities regarding the legal incorporation of its new members are determined more by the power of state and its agents as the overarching structure which is not a structure in itself but rather a habitus, which Bourdieu defines as a "structuring structure" and a "structured structure."

2.5. Formal membership still matters

Many scholars have studied the acceleration of the transnational practices across borders, the complexity of the current notion of membership as well as the new forms that contemporary citizenship takes on at different scales and in different geographies. In developing a theory of extra-territorial citizenship, Baubock (2003a) points out two problems in granting external voting rights to emigrants. From the perspective of theories of democracy, Baubock (2003a:713) states the common view of theorists of democracy that "those who take part in collectively binding decisions and in the election of representatives should have, first, some ongoing involvement and, second, some future stake in the polity." Therefore, he argues, there should be a residential requirement for voting rights which should expire with the first generation. Moreover formal citizenship should not be transmitted to the younger generations.

In fact, Baubock's theory of transnationalism is a highly structural account of immigrant incorporation that sees incorporation to one polity as the ultimate end. As it

is based on the subtle assumption that migration is a temporary period, it turns a blind eye to the many people who are “settled in mobility,” in Morokvasic’s (2004) words, due to the lack of legal right to work and stay in their new destinations. There are many studies, however, analyzing how the neoliberal restructuring in the labor market paved the way for flexible visa regimes especially in Europe and North America (Calavita 1998; Calavita and Suarez-Navaz 2003; Eder 2007; Erder and Kaşka 2003; Kaşlı and Parla 2009; Kümbetoğlu 2005; Keough 2004). These new flexible visa regimes encourage “irregular” or “undocumented” immigration in order to perpetuate the “New International Division of Labor” (Gibson and Graham 1986) especially in low-paid and informal sectors like the domestic work (Anderson 2000; Hondagneu-Sotelo 1994, 2001; Morokvasic 1984, 1993; Parrenas 2000, 2001; Pessar 1999; Phizacklea 1998). Yet by referring only to legal residents and disregarding the current rise in the number of undocumented workers and residents in the receiving countries, Baubock (2003a) does not consider the multiplicity and instability of immigrant status and he assumes that the state policies apply to every individual on equal terms.

I would also argue, not only Baubock (studying a new normative ground for incorporation) but all the studies mentioned so far (studying immigrant associations as a site for incorporation) take the immigrants’ legal incorporation for granted. These studies overlook the fact that a permanent legal status is the precondition to immigrants’ political actions and associational activities and legal incorporation is regulated by the nationality law as a sovereignty right. Although the scholars in the first section (Brubaker, Castles and Miller, Freeman, Guigni and Passy, Pyykkönen, Soysal for example) underline the link between citizenship regimes and immigrants incorporation into different social fields, they focus only on how the state defines the conditions for both formal and informal incorporation and assume that there is no discrepancy between the idealized (as stated in the laws) and the realized (as applied in practice) while they still take the immigrants’ legal incorporation for granted as they move their focus on other fields of incorporation. In order to show the inconsistencies between the idealized and the realized, I analyze the new immigrants’ experiences of legal incorporation as a process. I further spell out that the legal references and calls made by the associations on the behalf of the new immigrants in fact show continuity as they refer to the privileged status of Turkish descent and culture still maintained in the laws whereas the state’s instrumental use of these laws creates a rupture in practice.

Moreover, the new international division of labor reveals that the immigrants are today incorporated especially in the economic field before they are incorporated into the legal field. Exceptions are depicted below as the scholars who consider a distinction between the documented and undocumented immigrants and who highlight the relevance of formal citizenship in immigrant incorporation into various social and economic fields. In addition to their incorporation in other fields, as the new immigrants' lack of a legal status hinders their associability and active membership in the established associations, the discourse of rights developed by the associations with reference to the existing laws (the exceptional immigrant status guaranteed by the law to the people of Turkish descent and culture) does not represent the new immigrants' variegated motivations for legal incorporation (such as to work legally and have social security, to own a property and commute between Bulgaria and Turkey, to guarantee their children's right to full citizenship in the near future). This derives from the fact that the new immigrants' incorporation into the associational life is not complete. As long as the immigrants are not granted the right to stay, their claims are not represented as they are vis-à-vis the receiving state or political opportunity structure, the transnational social space or the new landscape as emphasized by scholars mentioned here. Therefore their incomplete legal incorporation also affects their representation in the associations and there emerges an uneven relationship between the new immigrants and the old immigrants in and around the associations.

Appadurai and Holston (1999) argue that people may be less interested in having legal or formal citizenship since substantive rights can be acquired by legal resident non-citizens in the US context. They also note other dimensions of membership such as the moral and performative ones. Holston (2001) depicts the residential (social) right-claims of urban poor in Sao Paulo, Brasil (who are citizens but illegal residents), and (cultural) right-claims of illegal residents of Oceanside, California (not by the noncitizen residents themselves, but by the city government) to seek greater civic participation, democratic practice and redistribution of resources for the marginalized. In the California example there is no reformulation of national citizenship as the urban residents remain non-citizens. Yet Holston (2001: 345) argues, "It [the cultural right-claims of illegal residents] may realign national citizenship in other ways by driving wedges between a national space and its urban centers." In addition to the emphasis on the power of the local, Soysal (1994) and Baubock (1994) point out the role of universal human rights discourse and supranational actors which transcend the national borders

and provide new grounds for extending rights. As a continuation of or as complementary to this cosmopolitan premise, Baubock (2003b) emphasizes the need for a new normative framework that incorporates the notion of “urban citizenship” based on *ius domicili* as the basis for the rights of immigrants and those affiliated with more than one place.

In contrast to these views suggesting a positive relationship between mobility and the acquisition and usage of substantive rights, there are scholars who argue that national citizenship still matters. Particularly there are several studies which focus on the relation between legal status and differential incorporation of immigrants in their new destinations. Bloemraad (2006) -- in the US context -- and Maas (2008) -- in the EU context-- underline that membership to the nation is even more important today to claim rights not only at the national level but also at the supranational level. Schuster and Solomos (2002) also criticize the overemphasis on postnational membership, especially in Soysal’s analysis of the EU countries, for not considering the situation of resident aliens who reside legally but work illegally and also the non-EU citizens who work and reside illegally with respect to citizens of EU citizens.

In her analysis of the rights of the undocumented residents in the US, Varsanyi (2006) also criticizes the supranational view –for overlooking the role of nation-states in defining the contours of the cosmopolitan-- as well as those who overemphasize the power of the local governance and the agency of the marginalized populations –for assuming practices at the city-level as detached from the nation-state. She argues that even when the undocumented residents are granted a variety of rights -- to vote, to avoid deportation, to have a legally accepted identity, and to attend a public institution of higher education— at the local level, both in Europe and US, undocumented migrants are increasingly marginalized and racialized at the national level.

By analyzing the struggle of the Sans-Papiers (324 irregular migrants-asylum seekers and long term working residents- who occupied a church in Paris on 18 March 1996), McNevin (2006) argues that the claim to insider status brings into being a speaking political subject from a silenced position of illegitimacy. The speaking political subject, in turn, reveals the vulnerability of the sovereign order to such acts of insurgent citizenship. She also argues that the contradictory strategies that the Sans-Papiers have employed to stake their claims to belonging (such as claiming a right of membership on the basis of a variety of European and International Treaties, French nationalism and the birth of modern citizenship etc) actually work to reinscribe the

territorial and citizenship boundaries against which they struggle. For Mc Nevin, it is paradoxical because they demand that the exclusivity in determining rights of access and membership to France be removed and at the same time they also seek formal inclusion within France via regularization in such a way as to accept and reinforce its existing boundaries.

Moreover in response to the Sans-Papiers' demands, the French state arbitrarily include these undocumented immigrants. Ticktin (2008) points out that the "humanitarian clause" added in the 1998 revisions to the French immigration law makes the arbitrary inclusion of "very sick" Sans-Papiers as "higher moral cause of the suffering body" and aims to exempt the issue from the debates about the politics of immigration and citizenship. She also shows how this humanitarian ground has shifted again in 2006 from illness to a proof of violence committed against innocent and oppressed women. Therefore the grounds to acquire papers are determined by the state's decision, which the state justifies on humanitarian grounds while trying to define humanitarianism outside the political action of the opposition and especially the immigrants' claims for membership in the French nation.

Schuster (2005) defines the shifts in one's status of being documented and undocumented as "status mobility" and argues that status and geographic mobility are related. Based on her fieldwork in Italy, she claims that immigrants' status mobility determines their geographical mobility and increasing mobility does not necessarily lead to greater political involvement in the host society. Schuster focuses on the process of inclusion and exclusion of migrants and minorities in a number of European societies (inclusion as having access to territory and political, social and economic resources; exclusion as being excluded not only from the territory, through visa regimes movement, education, healthcare etc, but also from society through racism, xenophobia and prejudice). However, she admits, she cannot give a firm answer to the impact of continued status mobility on the migrants as well as the communities and associations they form in the host society but she states that geographical and status mobility, might create a growing population in Europe whose interests are scarcely represented in public sphere.

In line with Schuster's stress on the impact of status mobility on associability, Galvez (2007) asks the following question: "What are the implications for the organizational strategies of the city-wide association if some of the most established activists are no longer undocumented?" In her analysis is based on two migrant

organizations that are in fact Parish Guadalupan Committees in New York. Although the number of undocumented immigrants has increased since 1996 changes in the US immigration and naturalization laws, Galvez demonstrates that these undocumented immigrants take part in these Parish Guadalupan Committees which are seemingly religious social organizations and through which they can engage in activism for labor rights, housing, education, and health care and even in the sphere of electoral politics, thus they can be challenging to existing modes of assimilation and definitions of both juridical and cultural citizenship. However Galvez (2007:101) admits that in the absence of any broader coalition building, long-term education and empowerment or subscription to larger discourses of rights and humanity,” such an involvement in the established organizations might eventually produce new inequalities within the group such as the one based on documented versus undocumented status. Galvez’s study supports my argument that the incomplete legal incorporation creates a hierarchical relationship among the new and old immigrants at the association level and it further proves that such inequalities would emerge not only particularly in immigrant associations but maybe in other forms of organizing, as in a Parish Committee.

In contrast to Schuster and Galvez who emphasize the decisive role of legal status on the immigrants’ ability to engage in associational activities to represent their own interests via associations, Rosenhek’s study shows that legality might have a paradoxical role on immigrants’ collective actions. Based on his analysis of the two immigrant worker groups with different legal status in Israel (Romanian documented contract workers and African undocumented spontaneous labor migrants) and their framing of the demands, Rosenhek (1999) depicts the principles of the Israel’s migration regime (its restrictive and exclusionary policies which sees foreign workers as “temporary recruitment” to overcome shortages caused by the closures of the “occupied territories”) as the sources of opportunity structures (and constraints). Rosenhek stresses that it is the Israeli migration regime which determines the contours of migrants’ activism and claims-making while it is the cracks in the institutional setting which open opportunities for immigrants to constitute themselves as collective actors and conduct a politics of claims-making. Paradoxically, he argues, absence of association among Rumenian workers is due to strict state control (implementation of a policy of rotation, dwellings in camps near the workplace, complete dependence on the employer) whereas the difficulty to control irregular migration paved the way for association among African undocumented migrants. However, he also admits that there is a limit to the

claims-making by these immigrants. This limit becomes most apparent in the discourse of the African Workers' Union (AWU) which could claim only legalization of their presence and not citizenship while they could make this claim by pleading for mercy, humanitarian help and hospitality based on religious motifs and anti-Semitism and not based on the discourse of basic rights.

Depicting the unequal positioning of those with and without formal citizenship in claiming rights (as in Bloemraad, Galvez, Maas, Mc Nevin, Schuster, Schuster and Solomos, Ticktin, Varsanyi, and in Rosenhek, albeit controversial) indirectly means showing that the formal citizenship has a role to play in the immigrants' associability since the associations are taken as main sites of representation of interests. Following a similar line of thinking, I also aim to display the distinction that legal status creates between the new immigrants with no permanent legal status and the old immigrants from Bulgaria. I further argue, even though the established associations of the old immigrants insist that they represent the new immigrants' interests on behalf of them, they can not integrate into this discourse the various grounds in which the new immigrants seek legal incorporation. Due to the fact that the associational activities are entitled to the state jurisdiction, the contours of these right-claims made via the established associations (in which new immigrants could only be voluntary members) would only reproduce the habitus of the immigrants from Bulgaria (defined by references to their Turkish descent and culture).

2.6 Bourdieusian Tools on Immigration

Putnam (1993; 2001) develops his conception of social capital through mechanisms that strengthen the integration of the values of society, solidarity and togetherness; and which create consensus and sustain an ordered society based on generalized trust through horizontal relationships.³ Yet it is not clear why he assumes 'horizontal' relationships within networks of civic engagement and in social life associations would bring consensus and order to the society. By taking social capital as

³ Here, I focus only on Putnam's definition of civic engagement and social capital and leave aside the emphasis he gives, in *Making Democracy Work*, on the relationship between civic community and democratic governance, institutional performance, which is a matter of debates in civil society and democratization literatures.

a “self-reinforcing and cumulative stock” owned by the community as a whole, he totally disregards the possibility of conflict of interests and power differentials within the community. By contrast, Bourdieu (1991: 231) claims that the amount and type of capital that an agent possesses also locates it in the “social field [which] can be described as a multi-dimensional space of positions such that each actual position can be defined in terms of a multi-dimensional system of co-ordinates whose values correspond to the values of the first pertinent variables.” Therefore agents are positioned in any social field not only with respect to the overall volume of the capital they possess but also according to the relative weight of the different kinds of capital in the total set of their assets.

Aiming to understand the conditions of undocumented immigrants groups in a given country context, there are some exploratory studies which utilize the concept of social capital. Iosifides et al. (2007) for example identify three main forms of social capital (bonding, bridging and linking social capital) that concern all aspects of migration trajectory and have multi-dimensional implications and outcomes for the incorporation of Albanian immigrants in Greek society. They identify two strategies used by immigrants to overcome bureaucratic difficulties and other problems in dealing with the authorities, immigrants mainly use two strategies which include their involvement in social networks: (1) to mobilize family/kinship, ethnic or other network members who act as mediators with the authorities; (2) the involvement of more formal mediators, usually lawyers, who charge a certain amount of money for providing their services to immigrants (during the regularization processes of 1998 and 2001 and in almost total absence of a coherent public policy on these sensitive matters).

Ryan et al. (2008) also uses the concept of social capital in examining the conditions of Polish immigrants in London after the Poland’s EU membership and they critically assess the different usages of the concept developed by Putnam, Coleman and Bourdieu in terms of their applicability to the migration cases. The authors suggest that Putnam and Coleman’s focus on the stability and continuity of social relationships for accumulation of social capital makes their approach less applicable to migration cases whereas Bourdieu’s conceptualization of social capital is a better analytical tool for exploring migrants’ varied relationships to social networks. With reference to Bourdieu’s (1986) definition of social capital – as the size and type of social networks one can access and draw upon depending on the available time and resources-- Ryan et al. examine the differentiation and specification of immigrant networks not only

vertically and horizontally (bridging and weak ties in London) but also spatially and temporally (with the family and networks in Poland).

Social capital, for Bourdieu, has two main features. Firstly social capital is a resource that is connected with “group membership” and “social networks.” Here, Bourdieu (1998: 71) uses the concept of social capital as the source of power for elite groups, or what he calls “dominant social fractions” and for the reproduction of their privileges”, while different positions of social actors can be improved through these memberships and networks in different fields. “The volume of social capital possessed by a given agent ... depends on the size of the network of connections that he can effectively mobilize.” (Bourdieu 1986: 249) Therefore it is a quality produced by the totality of the relationships between actors, rather than merely a common “quality” of the group (Bourdieu cited in Siisiäinen 2000: 11-12). Secondly social capital is based on “mutual cognition and recognition” and its perpetuation depends on individuals’ subjective feeling. This, according to Bourdieu (1986:257), is how economic, cultural and social capital acquires a *symbolic character* and is then transformed into symbolic capital. Bourdieu claims that the amount and type of capital that an agent possesses also locates it in the social field. He defines the social field as “a multi-dimensional space of positions such that each actual position can be defined in terms of a multi-dimensional system of co-ordinates whose values correspond to the values of the first pertinent variables.” (1991: 231) Therefore agents are positioned in any field (social, economic, political etc.) not only with respect to the overall volume of the capital they possess but also according to the relative weight of the different kinds of capital in the total set of their assets.

There are other studies in which Bourdieu’s concepts have been taken as the theoretical and epistemological starting points to analyze immigrant incorporation. Bauder (2008) examines the market incorporation of the immigrants from Lebanon to Canada and from Turkey to Germany, by drawing on Bourdieu’s ideas of capital which he defines as the source of reproduction of social order, at the intersection of economic, political, social and cultural processes. Bauder (2008) suggests that citizenship is a strategically produced form of capital for migrant and non-migrant workers in these two contexts and it is an illustration of non-market driven processes of labor-market regulation (with positive effects for Lebanese immigrants in Canada versus negative effects for Turkish immigrants in Germany). In other words, he claims, citizenship is a culturally produced category which manifests itself in formal (legal and institutional) as

well as informal (practiced and cultural) forms. Bauder also argues that both formal and informal aspects of citizenship function as a key mechanism of distinction that renders migrants vulnerable and exploitable in the labor market. His view of citizenship as a form of capital offers insights into the concrete labor-market segmentation of international migrants and also permits integrating political, cultural, and geographical processes of inclusion and exclusion into a conceptual framework.

By taking into account the distinction that formal membership creates between citizens and non-citizens, Bauder's analysis of the immigrant incorporation goes beyond the studies that overemphasize the new discourses and practices at the postnational and the local levels in explaining the current state of immigrant incorporation (as in Baubock, Holston and Soysal) and that overlook the increasing number of undocumented immigrants who are mostly invisible in the public discourses and records. Bauder also makes the analogy of "imagined national habitus" for Western countries to which immigrants are expected to show their willingness to adapt/assimilate by embracing the cultural identity of their country of settlement. In the *Logic of Practice*, Bourdieu defines the *habitus* as follows:

"The *habitus* is the principle of a selective perception of the indices tending to confirm and reinforce it to all objective conditions identical to or homologous with the (past) conditions of its production; it adjusts itself to a probable future which it anticipates and helps to bring about because it reads it directly in the present of the presumed world, the only one it can ever know. It is thus the basis of what Marx (1975:378) calls 'effective demand' (as opposed to 'demand without effect', based on need and desire), a realistic relation to what is possible, founded on and therefore limited by power. This disposition, always marked by its (social) conditions of acquisition and realization, tends to adjust to the objective chances of satisfying need or desire, inclining the agents to 'cut their coats according to their cloth', and so to become the accomplices of the processes that tend to make the probable a reality" (1990: 64-65)

Bourdieu's notion habitus complements his definitions of social capital and field not only by underlying the role of structure but also by emphasizing how the agents come to instrumentalize it, depending on the place one occupies within this habitus. Both fields and members of fields have intersecting and overlapping trajectories as agents are embedded in fields and engage in strategies to accumulate different kinds of capital. The specific configuration and characteristics of both *habitus* and field at a particular point in time will depend on that exact intersection (Wacquant cited in Lizardo 2004).

Bauder stress that a new national habitus is formed as a result of migration whereas Kelly and Lusia remind that habitus is not defined in association with a particular space. Taking the habitus as space-free increases its explanatory power for the cases of transnational migration. Kelly and Lusia (2006) state that viewing human action as the accumulation and exchange of various forms of capital is commonplace in immigration studies to understand different modes of immigrant incorporation. Referring to the other scholars who attempt to integrate multiple forms of capital, the authors criticize these attempts for being highly individualistic and for “running the risk of atomizing the immigrant experience and obscuring any sense of structural power relations based on patriarchy, capitalist class relations, racialization, etc....It is important, therefore, not just to assess the valuation of various forms of capital, but also to explore how such valuations are being arrived at, by whom, and in whose interests” (2006: 837).

In their study of transnational migrants from Philippines to Canada, Kelly and Lusia, then, use Bourdieu's notion of habitus, as a framework for understanding the value assigned to economic, social, and cultural forms of capital and “as a conceptual vocabulary -- not to encompass these various processes in an overarching model, but to provide a way of exploring their interrelationship” (2006:833). The authors also recognize that this habitus must also be differentiated according to place of origin in the Philippines, class, gender, length of residence etc. but they choose to confine themselves to an undifferentiated Filipino status with the aim of exploring the uses of the habitus concept.

To sum up, it is true that a certain form of immigrant *habitus* is developed and the hegemony of certain interests is consolidated through the internalization of the objective structures in the form of political and legal practices. Habitus consists of a culturally determined set of bodily dispositions that guide agents to act, feel and think in certain ways but not in other ways. And at the same time this habitus also becomes the basis for creating hierarchies of social capital within the group. Based on the Bourdieusian notions of habitus, field and social capital, my analysis of the legal incorporation experiences of the post-1990s immigrants from Bulgaria to Turkey in relation to the associations of old immigrants as well as the state and its agents aim to disclose how the uneven distribution of social capital between the old and new immigrants in the context of established associations is determined by the state policies on associability.

The laws on associational activities define the limits to the interests represented in the associations. This limit in the legal channels of representation works to reproduce the uneven relation between the old and new immigrants who remain at the periphery of the associations and also discourages the new immigrants to get in contact with these associations to claim their rights. Therefore the immigrant habitus and the uneven distribution of legal capital (having the legal right to be permanent members in the associations as well as in the society) that constitutes this habitus are sustained by the state as the forceful actor to define both the associational laws and the immigration laws. Finally, the associations become the sites for reproducing this uneven distribution of social and legal capital even if they aim to question the state's lack of action for the legal incorporation of the new immigrants. Therefore the interest representation through associations cannot represent fully the multiple grounds on which the undocumented immigrants seek legal incorporation.

By placing the post- 1990s immigrants' life worlds at the center of my analysis of explicating this uneven distribution of social capital, I differentiate the habitus in terms of continuities and ruptures in terms of the legal incorporation experiences of the Ethnic Turks who migrated from Bulgaria to Turkey at different time periods. To make the power structures more explicit, I take the early 1990s as the turning point for both economic and political fields with specific references to the Turkish context. Therefore I remain loyal to Bourdieu's emphasis on historical analysis while I also trace the transformations in the immigrants' habitus and not take the habitus, social capital and fields as monoliths. This, I argue, help us to understand not only how the existing power relations work in the current system of reproduction but also why they work the way they are. Now I move on to my analysis of the habitus of Turkish immigrants from Bulgaria and try to portray how new comers, who have been living and working in Turkey for five to ten year, are made to "cut their coats according to the cloth" that is being sewed by the Turkish state discourse and the old immigrants' experiences and practices.

CHAPTER 3

THE HISTORICAL OVERVIEW OF THE RELATIONAL POLITICAL FIELD

In this chapter, I first give a historical summary of the migrations from Bulgaria to Turkey together with the political circumstances in both sides of the border that enforce and discourage migration of the Turkish minority in Bulgaria. The examination of the political field is necessary to understand that the state policies are not static and holistic devices that apply all immigrants equally as opposed to the general view in the literature. I then move on to the associations established by the pre-1990s immigrants as representatives of the migrant population in their new destinations. Here I examine the two prominent associations, BTSA in Istanbul and Izmir Bal-Göç and compare them both in terms of their internal organizations and more importantly in terms of their relations with the new immigrants in the associational activities and more importantly for their role in the new immigrants' legal incorporation into the society. The immigrant narratives as well as the association representatives are given emphasis to explicate the uneven distribution of social capital around the associations and the contours of the associations discourse and actions of rights on behalf of the new immigrants.

There have been several big migration waves of the Turkish minority in Bulgaria to their historical homeland, Turkey, and each migration process was shaped not only through the Bulgarian domestic politics but also as part of the diplomatic relations between Bulgaria and Turkey. The first two waves took place before the foundation of the Turkish nation-state, during the Russian- Ottoman war of 1877-8 and the Balkan Wars of 1912-13 from the lost territories of the Ottoman Empire to the center (Eminov 1997; Şimşir 1986). The 1925 Ankara Agreement between Bulgaria and the Turkish Republic reaffirmed the minority rights envisaged by the Treaty of Neuilly that Bulgaria signed with the Allied Powers in 1920. Ankara Agreement also guaranteed the people's rights to immigrate, work, be self-employed and to own property in the other state's

territory, except for land ownership, whereas the real estates owned in the country of emigration are to be left to the use of that state (State Archives 2002: 31).

Both states agree on facilitating population exchange as part of their nation-building projects. During the early Republican Era it was facilitated also by the 1934 Settlement Law of Turkey which encouraged the migration of the Turkish minority, designated as the “return” of ethnic kin back to their “homeland” (Parla 2006) or as a policy of active repatriation (Höpken 1997). On the Bulgarian side of the border, the dictatorship in 1934 brought stricter rules on the Turkish minority such as the use of the new Latin scripts for all the Turkish publications in Bulgaria and supported the activities of the religious leaders in Bulgaria in their battle against the secular reforms of Atatürk’s Turkey in order to cut the ties of Muslims in Bulgaria with Turkey (Höpken 1997; Poulton 1997). Nevertheless soon after İnönü and the foreign minister Tevfik Rüştü Aras visited Bulgaria, Tsar Boris III lifted the ban in order to maintain good relations with Turkey and Bulgaria re-granted the right to use Latin alphabet in Turkish school (State Archives 2002:45). By interfering with the Bulgarian domestic politics, Turkish state displayed a characteristic of a kin-state which is defined as the institutionalization of transborder political, cultural and economic links between the national homeland and external minorities (Fox 2007). Additionally, the Communist nationalism of the 1940s that aimed to establish the feeling of solidarity and loyalty to Bulgaria caused resistance and nourished the group solidarity and the ethnicization of the Muslim population and gradually increased emigration to the “Turkish homeland” (Eminov 1997; Höpken 1997).

The second wave of migration occurred in 1950 and 1951, following the collectivization of land in late 1949 which was also met with resistance on the part of Turks. In 1950, Bulgarian government delivered a note to Turkish government that 250,000 migrants were going to be sent to Turkey in three months. Yet only around 150,000 could achieve migrating until Turkey closed its borders due to the uncontrollable border crossings of the “unwanted” migrants in 1951 (Eminov 1997; Tuğlacı 1984). After 1950-51 emigrations and until Todor Zhivkov’s visit to Turkey in 1969 and the treaty came into force to unite separated families, the freedom of movement was severely restricted as part of a common Soviet-Bloc policy (Eminov 1997; Şimşir 1986; Poulton 1997). After the treaty on family reunification, initially 30,000 people arrived to Turkey while people continued to come to settle until 1978 (Tuğlacı 1984). The last and most massive wave of immigration took place after the

infamous forced assimilation campaign launched under the leadership of Zhivkov and directed towards the Turkish and other minorities in Bulgaria. However, among the 300,000 people fled to Turkey in 1989, nearly a third of these immigrants, designated as refugees, returned soon after the regime change in Bulgaria in 1990 as the cold war came to end. Those who stayed in Turkey were granted Turkish citizenship (Apap et al 2004; Kaşlı and Parla 2009; Parla 2007).⁴

After the massive migration wave of 1989, people from Bulgaria were still on the road to Turkey. In contrast to the 1989 immigrants who received Turkish citizenship as “ethnic kin,” the post-1990s migrants, who are technically entitled to the same designation, have in practice been subjected to different and constantly changing visa regimes. Höpken states that according to Bulgarian figures emigration to Turkey reached 50,000 in 1991-2 and from 1990 to 1994 more than 120,000 emigrated. (1997: 80). In October 1992, although Turkey announced tougher immigration measures, to “stem the flood” (Poulton 1997), the number of entries from Bulgaria on a tourist visas was about 140,000 in 1996 and 380,000 in 2000 (Kirisci 2005). Nevertheless the only way that the post-1990s immigrants were able to find was to cross the border on a tourist visas and stay without a residence and or a work permit (Kaşlı and Parla 2009; Poulton 1997).⁵ Therefore, the new members of the same group of immigrants from Bulgaria who also identify themselves as “Turks” not “Bulgarian” were not as welcomed as those who arrived during previous waves of migration.

⁴ For a reliable statistics on emigration of Turks from Bulgaria from 1978 to 1992, please see the table piled by Eminov (1997) and presented here in Appendix 1.

⁵ In early 1990s, the criterion for obtaining a visa from the Turkish Embassy in Sofia was the ability to speak Turkish (Poulton 1997). Yet Poulton states that the Turkish authorities would issue a visa to a Pomak, albeit in rare occasions, if the authorities were convinced that the person was so determined to go to Turkey that he take a clandestinely. Figures that Poulton (1997:209-10) provides are obtained from Turkish Foreign Ministry in August 1994. Our respondents also told that in most cases tourist visas were granted to only one partner in order to keep families in Bulgaria. We have observed that one out of every three respondent who migrated in the late nineties either sought recourse to smuggling networks themselves or were aware of such a practice through the experience of a friend or a relative. (Kaşlı and Parla 2009)

3.1. The Relational Field since the 1990s

Due to the ambivalence of belonging by residence and formal citizenship to one state and by ethnonational affinity to another, Brubaker argues, many groups, as in the case of the Turkish minority in Bulgaria, have to deal with “two mutually antagonistic nationalisms- the nationalizing nationalisms of the states in which they live, and the “homeland” nationalisms of the states to which they belong, or can be construed as belonging, by ethnocultural affinity though not (ordinarily) by legal citizenship” (1996: 56). By referring to Bourdieu’s notion of the field, Brubaker makes a crucial call for a reorientation in the study of nationalism in New Europe that would focus on the “relational nexus linking national minorities, nationalizing states and external national homelands.” Brubaker’s relational approach suggests that all these three “elements” are dynamic stances rather than static conditions, and thus the relation between the three is a “relation between relational fields” and a contingent outcome of the interplay among the three. Therefore his approach could explain how the Turkish minority in Bulgaria perceives the Turkish state and also why the Turkish and Bulgarian states supported the transborder movement of Turkish minority at certain times and hindered in others depending on how the contingent interplay among the three elements at that particular moment would affect the nation- building processes of these states.

Yet Brubaker’s emphasis on this interplay between the three elements does not seem to explain fully the 1989 immigration and the consecutive transborder movements from Bulgaria. For example, in the case of 1989 immigration, not only how these three elements or fields are situated in relation to one another but also how the international public, as manifested in the reports of Amnesty International, situates these elements within the wider political field played a constitutive role in the Turkish state’s decision to open its borders to its “ethnic kin” (Parla 2007). Moreover, I would argue, due to the fact that his units of analysis are these elements rather than the wider political field itself in which these elements act in relation to one another, Brubaker’s dynamic approach to nationalism can only analyze the changes in the actors’ positions in response to one another --thus how they constitute the field-- whereas he falls short of explaining how the wider political field constitutes the actors as such, which Bourdieu emphasizes as the logic of field. In my analysis, I situate the relational positions taken by the new

immigrants from Bulgaria --as the Turks of Bulgaria-- Turkish and Bulgarian states in a wider landscape which constitutes these actor's responses in conjunction with the political and economic transformations at macro level.

With the aim to capture the logic of the field, I think we should perceive the relational field in which the states and the immigrants --identified by Brubaker as fields and elements interchangeably-- perform their acts in a wider spectrum. In other words, although I still agree with Brubaker that the elements or actors have dynamic stances rather than representing static conditions, I tend to think the relational field as a more extended and interconnected one than the relational nexus Brubaker identified.

In this more extended and interconnected relational field which, as Levitt and Glick Schiller (2004) suggest, is a transnational one, the collapse of USSR and the concomitant changes in the region, the increasing economic and political relations with the Western countries, acceleration of transnational ties across borders--triggered by the communication technologies-- have transformed the interaction between the actors and have shaped the conditions of both the individuals' transborder movement and the states' decisions to let people cross their borders.

Since the 1990s, Turkey's position in the field of international migration has changed from a country of emigration to a country of immigration in the region due to the economic and political changes in the neighboring countries (İçduygu 2005; Kırisci 2007). Composed of transit migrants from Afghanistan, Iraq, Pakistan and African countries with the intention of migrating to a third country (Apap et al 2004; Daniş 2006) and the circular migrants from neighboring countries, such as Iraq, Bulgaria, Turkmenistan and former USSR countries, many people have increasingly entered on a tourist visa to work in the informal sector and especially in domestic work (Akalin 2007; Daniş 2007; Eder 2007; Kaşka 2006; Keough 2004; Kümbetoğlu 2005; Yüksek 2004). The total figure for transit migrants who either entered or exited Turkey illegally between 1995 and 2006 stands only at 616,527,⁶ which, as we argue elsewhere, might be taken as an indication of the cyclical nature of il/legal immigration that results neither in full illegality nor full regularization(Kaşlı and Parla 2009).

⁶ These numbers are compiled by Emin İçduygu 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

Neoliberal restructuring with the demise of the USSR and subsequent economic difficulties in these sending countries are sorted as the push factors (Eder 2007; Kaşka 2006; Yüksek 2004) while the pull factors were identified as Turkey's geographical proximity, the relative ease of crossing border, low travel costs, low costs of living and the existence of prior migrant networks (Icduygu 2003) and the flexibilization of the Turkish visa policy and introduction of "sticker visa" to ease the commercial as well as private traffic in the region since 2001 (Apap et al. 2004; Icduygu 2003; Kirisci 2007; Keough 2004; Eder 2007; Erder and Kaşka 2003; Yıldız 2007). Kirisci (2007) states that the gradual liberalization of the visa policy is evident in the numbers of entry from these countries to Turkey that increased from 54,000 in 1980 to 6.2 million in 2005. With the lifting of visa requirements for Bulgarian passport holders in 2001, the number of transborder movements from Bulgaria has increased three-fold from about 140,000 in 1996 and 380,000 in 2000 to 1.3 million out of 6 million entries in 2004 from former Soviet republics, Balkan and Middle Eastern countries (Kirisci 2005).

As stated by Apap et al. (2007), the lifting of visa requirements for Bulgarian nationals was also entailed as part of the adjustment of its visa policy to the EU decision, in 2001, to remove Bulgaria from the negative list. Bulgaria was in the negative list, a sign of the potential risk of illegal immigration originating from and transiting through Bulgaria, from the time Bulgaria submitted its application for EU membership in 1995 until its adjustment with the Schengen rules in terms of security measures in 2001. 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 overstayed as well as of those who had entered the country illegally through smugglers (Kaşlı and Parla 2009). Following Bulgaria's membership to the EU in January 2007, Bulgarian nationals were granted the right to free movement in the Schengen area for maximum of ninety days for every six months. As part of the ongoing harmonization with the Schengen visa regime, a new visa agreement between Turkey and Bulgaria also came into force in May 2007.

According to this change in the visa regime in 2007, the former procedure applied from 2001 to 2007 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 ninety days for every six months while Turkish passport holders who are transiting to the Schengen

area with a proper visa are no longer required to get a Bulgarian visa.⁷ Therefore, for the Bulgarian nationals, harmonization with the Schengen visa regime changed the border between Bulgaria and Turkey first to a more permeable and then to a stricter one. Therefore, since the late 1990s, the transborder movements between Bulgaria and Turkey which was previously subject to bilateral relations among the two countries have increasingly been subject to these countries distinct experiences of harmonizing with the EU procedures.

The flexible visa regime that has applied from 2001 to 2007 helped the post-1990s immigrant not only to be legal circular migrants but also to settle in Turkey by only crossing the borders for a few days in every three months regularly and then come back to stay legally for another three months. Yet their full legal incorporation could never been achieved on a tourist visa since, two years of uninterrupted residence permit is required to earn the right to apply citizenship. For the Bulgarian passport holders, there were only three ways to get a residence permit: being a student, accompanying a child under 18 and who studies in Turkey, or having a valid work permit which is to be arranged by the employers. Nevertheless, except the last one, these statuses only grant the right for legal stay with no possibility to earn the right to apply citizenship while work permit is not seen as a viable option by the new immigrants since their employees are reluctant to go through the complicated and costly procedure of application.

Unlike the citizens of the “A Group” which contains mainly Western countries and the EU member states, the Bulgarian nationals are not allowed to apply long term residence permit although they can prove to be financially self-sufficient because, the officer in the Foreigners’ department explains, Bulgarian nationals are not counted in the Group A. They are not granted residence permit if they buy a property in Turkey either. The reason for that limitation is explained both by the General Secretary of the BTSA and the officers in Foreigners’ department as the implication of the reciprocity rule between Bulgaria and Turkey.

Beside these regular (non)ways to get a residence permit, for the Bulgarian nationals, there is one irregular and arbitrary way to get a permit which is for free yet available only during the election periods. For example, around the same time with the liberalization of the visa regime in 2001, the Turkish political elite provided free residence permits for the Bulgarian nationals who would be interested in voting in the

⁷ For detailed information, see the bilateral agreement between Turkish and Bulgarian governments in Appendix 2.

coming elections in Bulgaria. Such amnesties were announced later before the 2005, 2007 and 2009 elections to encourage the Bulgarian nationals in Turkey to legalize their stay for a temporary period of time in order to go back to their homes in Bulgaria without paying fines for the period they overstayed and to vote for the Movement of Rights and Freedoms Party (MRF) representing the Turkish minority in Bulgaria. Yet although each time these amnesties were launched as if they were going to be renewed (and thus the applicants would earn the right to apply citizenship in the near future), only the permits granted in 2005 were allowed to be renewed and in other times these immigrants lapsed into illegality after a temporary period of legal stay (Kaşlı and Parla 2009). These arbitrary applications were arranged not through a change in the residence law but through circulars released by the Ministry of Interior to the Foreigners' departments. Currently the stricter tourist visa regime together with no possibility to get an uninterrupted and renewable residence permit, the Bulgarian nationals cannot successfully complete their legal incorporation into Turkey through regular legal means.

Beside the changes in the visa regime, there have also been some amendments to the Turkish citizenship law in May 2009 in order to de-ethnicize the law in line with Turkey's harmonization with the EU rules and regulations.⁸ In the article 11 of the new law number 5901, which replaced the article 6 of old law number 403, only one condition is added new to the end stating that the applicant should "not to constitute a threat to the national security and public order." The consecutive articles of both the old and the new versions --article 7 in the old version and article 12 in the new version—define exceptional cases in which citizenship can be immediately granted based on the proposals made by the Ministry Interior and the decision taken by the Cabinet. Although in the new version, the number of the clauses defining the exceptional cases is cut down, the clauses that are maintained are as vague as they were in the old version. It is true that since "being of Turkish descent" is no more a separate clause, the ethnic dimension is less apparent in the new version. Yet, by temporary clause attached to the end of the new law, the 5 years of uninterrupted residence condition necessary to be eligible for citizenship is still applied as 2 years for the people of Turkish descent until December 31, 2010.

Although from 2011 onwards, the condition of the duration of stay will be applied everyone equally irrespective of their ethnic affiliations, the third and the final clause of

⁸ The related articles of the old and the new version of the citizenship law as well as the changes in the Settlement Law are provided in Appendix 3.

article 12 (defining the exceptional cases) still refers to those who are accepted as immigrant without clearly defining the conditions for “being accepted as immigrant.” Therefore the article 12 paves the way for the new immigrants from Bulgaria to be considered eligible for the special category of “immigrant” that is subject to the decision of the Cabinet and the Ministry. In other words, the political elites hold the power to make the Turkish immigrants to gain the status of “immigrant” and eventually to earn the right to apply citizenship and therefore it is a matter of politics.

This special status of immigrant, as different from a general category of foreigners, was first defined in the 1934 Settlement Law which guaranteed the right to settlement to the people of “Turkish descent and culture.” Although 1934 Settlement Law was amended in 2006, it still maintains the article granting a special status to the people “of Turkish descent and culture”. Therefore, even though the new visa policy seems to equalize the conditions for cross border movements from Bulgaria to EU countries and to Turkey in legal terms, both in the new settlement law and seemingly less ethnicized citizenship law, the exceptions are maintained so as to be determined by political considerations. Yet, from the point of view of the post-1990s immigrants who are trying to settle in Turkey and also from the standpoint of the established associations, the new visa policies and state’s lack of interest in applying the prevailing laws which differentiates the people of Turkish descent from others are found “unfair to the ethnic kin” who, like their ancestors, consider Turkey as their home.

Referring back to Brubaker’s argument that minority nationalism is shaped with respect to two antagonistic nationalism, I claim that although the determinants of the state’s immigration policies have varied with the increasing interactions at the international level (in this case, both Turkey’s and Bulgaria’s relations with the EU), the individuals whose identity is shaped by the long-established immigrant habitus still perceive the state’s attitude from within a more limited “relational field of nationalisms” that Brubaker identified. The historical overview further proves my initial point that the immigration policies are not solid, static, and holistic rules but they are relationally, historically and unevenly defined even for a group of people coming from the same country. In the remainder of this chapter, by analyzing the narratives of the new immigrants and the representatives of the old immigrant associations I try to show that the political relational field shapes (1) the new immigrants’ perception of the Turkish state’s policies, (2) the short and long term strategies the new immigrants seek for legal incorporation into Turkey, (3) the new immigrants’ relations with the established

associations and (4) the associations' discourse and actions for the legal incorporation of the new immigrants.

This analysis reveals the uneven relations constructed between the new immigrants and the associations of the old immigrants. Here it becomes evident that the association, as the only legal channels of interest articulation and representation, are short of acting as pressure groups for the incorporation of the new immigrants. Even though they consider the interests of the new immigrants within the existing legal framework of the associational activities, these interests are still not shaped with the direct involvement of the new immigrants as active members. Although there are many other hierarchies among the immigrant community-- based on class, gender, education etc-- that would affect people's associability, having and not having a permanent legal status is the major dividing line between the pre- and post- 1990s immigrants from Bulgaria in terms of their membership and representation in the associations. Therefore, given the new trend of temporary legalization and the acceleration of undocumented migration explained above, the immigrant associations should not to be taken as the main representatives of the immigrant community like it is generally the case while studying immigrants' experiences of incorporation into the new society.

CHAPTER 4

THE ESTABLISHED IMMIGRANT ASSOCIATIONS AND THE NEW IMMIGRANTS IN THE RELATIONAL POLITICAL FIELD

In this dynamic political field, the Balkan Turks Solidarity Association (BTSA) in Istanbul and Balkan Immigrants Solidarity Association (Bal-Göç) in Izmir play active role in constituting the habitus of post-1990s immigrants from Bulgaria. Although their main activities are focused on the social and cultural rights of the 1989 immigrants and the immigrants of former waves, compared to many other immigrant solidarity associations, BTSA and Izmir Bal-Göç also seem concerned with the rights of 1990s immigrants. Among the two associations, BTSA is particularly distinguished with its legal aid services. Below I briefly discuss the immigrant associability with respect to political structure of Turkey. Notwithstanding general limitations on associability in Turkey, I focus on the conditions that shape the positions of the post-1990s immigrants from Bulgaria in these established associations. I also compare these two established associations' activities and actions in general and also their positions vis-à-vis the new immigrants in particular. For a critical look at the associations' discourse and activities, I explicate the new immigrants' narratives related to the associations and how the discourse of rights produced by the associations and other agents are perceived by the new immigrants themselves.

4. 1. Immigrants' Associability in Turkey

“Interest group” has negative connotations in Turkish (Özbudun 2000). While the associability level, the practice of association formation, is high in Turkey, the organizations are small and there are few number of active members with little

influence vis-à-vis the state (Kalaycıoğlu 2002a). Moreover, the symbiotic relationship between the state and relatively resourceful associations causes a rivalry more than cooperation between associations themselves and nourishes the corporatist relations and impedes the development of civil society in the pluralist sense (Bianchi 1984; Kalaycıoğlu 2002b).⁹ As shaped within this structural limits, among the immigrants of the former waves, who are eligible to form associations, the practice of associability is based on patronage and personal ties with the bureaucrats and political actors, rather than being independent. This character of the associations were nurtured on the one hand by the association laws which not only define immigrant associations as local hometown associations but also give the Cabinet full control over their activities across borders to sustain the “national interest”; and on the other hand by the elites among the immigrants who are also the most active members in the associations (Özgür-Baklacioğlu 2006).

Both BTSA (in 1984) and Izmir Bal-Göç (in 1985) were established as immediate reactions to the Zhivkov’s forced assimilation campaign against the Turkish minority in early 1980s. The transnational interests of the associations to raise public awareness for the human rights violations in Bulgaria matched well with the Cold War politics of Turkey against the Communist bloc. Therefore the associations were developed as a product of the paternalistic relations between the Turkish state and the immigrant community in 1980s. However with the end of the Cold War and the concomitant changes in Turkish foreign policy as well as the developments in the political representation of the Turkish minority in Bulgaria, the immigrant associations have been expected to replace their former nationalist agenda based on the issue of minority rights with a more instrumentalist agenda supporting the Turkish state’s new interests in its priority areas such as the EU, Middle East and Cyprus (Özgür-Baklacioğlu 2006; Danış and Parla 2009; Toumarkine 2001).

In addition to the dimension of general political opportunity structure, the patterns of associability among the immigrant community might also be determined by general group characteristics. According to Offe’s (1993) analysis of the development of civil

⁹ Kalaycıoğlu (2002a) states that almost half of the 112,000 associations, in 1990s in Turkey, are cooperatives and 13% of them are regional or local solidarity while the 12% are religious associations; another 12% educational and 9% are sports associations. Kalaycıoğlu further claims that the spread of free market capitalism and private ownership stimulated the rise of non-clientelistic voluntary associations and a spill-over from profit-seeking voluntary associations to non-profit associations.

society in former Soviet Union countries, “paternalistic Post-Socialist Eastern European societies” is nurtured by the informal provision of resources through families, relations and social networks. Similarly, the BTSA’s general secretary and the newspaper editor complain about “our people”, meaning the immigrants from Bulgaria, for not knowing their rights and not claiming their rights while they refer to certain clauses in the current laws through which the new immigrants could claim the immigrant status granted to people of Turkish descent and culture and get citizenship in the near future. They explain the immigrants’ negligence with “their ignorance and not knowing how to stand up for their rights.”¹⁰ However, the immigrants’ narratives reveal a certain level of competence in the legal field regulating their daily life in Bulgaria as the citizens of Bulgaria. For that reason, I would argue, what the general secretary calls “ignorance” actually derives from the fact that their new status, as nationals of another country in Turkey, necessitates the knowledge of a new language of rights, pertaining to immigration and citizenship. This new language of rights is completely different from the rights that regulate their everyday life in Bulgaria as “insiders.” In other words, what is designated as “ignorance” is in fact a reflection of the incomplete legal incorporation of the new undocumented or irregular immigrants who remain as “outsiders.”

Another argument against the general secretary’s emphasis on “ignorance” might be the class dimension embedded in the associability of immigrants. In her analysis of the profiles of active members in immigrant associations, Özgür-Baklacioğlu (2006) shows that the BTSA mainly represents the immigrants from Bulgaria and its active members are mostly upper-level state officials, white collar people and entrepreneurs rather than the middle class and working class which actually comprises the general profile of immigrants from Bulgaria. Although BTSA has less financial resources than the Rumeli Turks Solidarity Associations (RTSA) due to the limited number of businessmen in BTSA, all these immigrant associations generally represent the interests of the few not the many. Considering their moderate socioeconomic positions, most of the community members have been primarily concerned with achieving and maintaining a certain life standard in their new country of settlement (Toumarkine 2001: 426).

¹⁰ In an informal interview with the General Secretary in the office of BTSA, Çemberlitaş, in 5 Nisan 2008.

However, particularly for the associability of the new immigrants, I argue, above the class dimension that is also reinforced by having/not having a legal status, the legal dimension is more decisive for the new immigrants' associability and active membership in the established associations since non-citizens are not allowed to form an association or take active role in the associational life as official members of the associations unless they hold permanent residence permits.¹¹ Therefore the post-1990s irregular immigrants, with no permanent legal right to reside in the country, are not granted associational rights either. Similarly, if we take associability as an indicator of rights struggle, as the general secretary and the editor of the BTSA do, then we should differentiate the new and old immigrant's "apathy" or their levels of associability according to the limits drawn by the existing legal framework regulating the associational life. Therefore the new immigrants' "apathy" to claim their rights is nurtured by their incomplete legal incorporation into the society and their "outsider" status in legal terms, notwithstanding the class dimension as a general determinant of associability. Their incomplete legal incorporation also creates a hierarchical relation between the new immigrants and the associations. The associations appear only as formal information channels that the new immigrants contact to get legal advice but not to be actively involved in the associational activities as political subjects to claim their rights even within the bounds of the prevailing immigration laws.

¹¹ According to the 2003 amendment (law number 4778) to the old association law of Turkey (number 2908), a permanent residence permit was the primary condition for foreigners to be an active member. However, the new association law (number 5253) which abolished the law number 2908, does not specify the requirements for foreigners' membership and does not abolish the law number 4778 either. In this case the new rule creates a gap in the law in terms of the associability of the new immigrants which, the general secretary of Izmir Bal-Göç says, might have been regulated through other legal documents, such as a circular issued by the Ministry of Interior. Yet, he further explains, the circulars does not hold the power of a law, the gap in this new law leaves the acceptance of non-citizens as active members in the associations to the associations themselves. (Personal conversation with the general secretary over the phone, January 2010) If this is the case, then we might claim that the old immigrants in the established associations are interpreting the law so as to reproduce their hierarchical position in the association and not to incorporate the new immigrants into their body.

4.2. Different Practices in the Same Political Field

Both BTSA, in 1984, and Izmir Bal-Göç, in 1985, was established as immediate reactions to the assimilation campaign launched by the Zhivkov government in Bulgaria in 1984. They are established by the immigrants of the former generations who aimed to take attention --at the national and international level-- to the ongoing pressure on the Turkish minority. The editor of BTSA's journal gives the numbers of BTSA's membership together with the members in local branches as 40,000 and 2000 of these members are reached by SMS over the phone. In the website of Izmir BAL-GOC the number of membership, again including the local branches, is given as 15,000.

According to the decision of the Cabinet in 1987, Izmir Bal-Göç was entitled the status of the "Association Working for Public Good" (*Kamu Yararına Çalışan Dernek*)¹² and it became a member of the Federation of the Balkan Turks Migrant and Refugee Associations together with Bursa Bal-Göç and Kocaeli Bal-Türk. The BTSA, however, seems entitled to regular association law which means it is still subject to the state supervision yet it is not provided certain financial privileges that the associations working for the public good have. This difference in their status might imply that the Izmir Bal-Göç is recognized by the state and its agents as more "reliable" by being seen suitable for the status of "association working for the general good" whereas the BTSA is not eligible to be in the list of such associations. There is no access to the information on whether or not the leaders of the BTSA applied to earn this special status, and also if they applied, on what grounds their application is rejected by the Cabinet (for example whether it is because of being "dangerous to the working of the public good" or because their activities are not found as "beneficial" as Izmir Bal-Göç or if for any other reason). However in our informal talk with the general secretary of the BTSA, he was criticizing the current association law according which the BTSA was treated in the same way as the "association of canary-bird fans." Even though how the political elite sees the BTSA

¹² For more information on the associations working for the public good and the full list of these associations, please visit the official site of the Ministry of Interior,

Associations Directorate:

http://www.dernekler.gov.tr/index.php?option=com_content&view=article&id=451%3Akamu-yararına-calanan-dernek-statuesue&catid=11%3Adier-lemler&Itemid=18&lang=tr

in comparison to Izmir Bal-Göç is not fully known, the general secretary's complains for the current situation at least indicates that the BTSA is not contented with the "legal position deemed worthy to an association representing the rights of immigrants."

Notwithstanding the general limits to all associational activities, the differences between BTSA and Izmir Bal-Göç' stances can easily be followed in various information sites and at the associational meetings. As the general signs of an associational identity, these differences also shape the dissimilar political actions pursued by these two associations on the issue of the new immigrants' legal incorporation into Turkey.

The common characteristic of these associations is that they both represent mainly the interests of the Turkish immigrants from Bulgaria. Although the leaders and the active members of these associations are former immigrants from Bulgaria in line with their motivations to be established in the first place, the names of these associations underline the importance of being from the "lost territories of the Ottomans" which is symbolized as a common tragedy of the wider geography of the Balkans rather than a particular tragedy of the people from Bulgaria.

Özgür-Baklacioğlu (2006: 82) indicates the differences in the approaches of the Rumelian Turks Associations and the BTSA to the same geographical land that they come from. For the Rumeli Turks Associations, the word "Rumelia" embrace all the Muslim and Turkish people of the Rumelia whereas for the BTSA, the word "Balkans" represents a wider geographic area in international politics and it also underlines the Turkish character of these lands rather than the foreignness that the name "Rumelia" implies. As Özgür-Baklacioğlu (2006) explains, the Rumelian Associations generally represents the migrants from Macedonia and Kosovo whereas the Balkan associations represent the migrants from Bulgaria. In comparing the names of the Izmir Bal-Göç and the BTSA, I would argue, the "Balkan migrant" in the former underlines the act of migration from Bulgaria back to their "homeland" whereas the "Balkan Turks" in the name of the BTSA distinguish these immigrant Turks from the other ethnic Turks in Turkey and it also implies ongoing ties with the Balkans.

The differentiating character embedded in their names can also be observed in the design as well as the contents of the two associations' web sites. In the web site of Izmir Bal-Göç, a separate section is devoted to "our countryman Atatürk," together with detailed historical information on the Republican history which stands as a representation of their loyalty to the Turkish Republic and their emphasis on a fresh

beginning in their perpetual “homeland.” According to my reading of the BTSA website, however, allocation of a section to the commemoration of the Gazi Osman Paşa, as the hero of the Balkan Wars, represents their identification with and mourning for the Balkans more than Turkey as their “homeland.”

While being beware of the fact that BTSA’s website is not frequently updated, the sections allocated at the top of the page to trade with Balkan, to job postings, to exchange rates and also to a discussion forum might be interpreted at least as a declaration of intention of the BTSA to have an interactive relationship with its members based on exchange of information rather than a one-way relation embedded in the construction of the website of Izmir Bal-Göç. Although these differences in their institutional structures have no direct impact on the immigrant habitus in terms of the issue of the legal incorporation, they are still crucial to understand the associations’ general approach to the immigrants’ habitus which in return affects the way they address the legal incorporation issue.

The difference in their position at the transnational field is also revealed in the contents of their periodicals. In the magazines that the active members of the Izmir Bal-Göç have given me as the sample copies, the pages were filled with life histories and success stories of old immigrants (who are now either dual citizens or citizens of Turkey). Pictures of the old immigrants’ cultural activities both in Izmir region and in their villages back in Bulgaria are ornamented with romanticized descriptions of these activities and there is no article on the problems that the old and new immigrants face in Turkey or no commentary on Turkish, Bulgarian or international politics. To the contrary, the periodicals of BTSA are occupied with the general secretary’s and the editor’s essays on Bulgarian and Turkish politics, and their relations with the EU and other neighboring countries while the last page of the newspaper is always assigned to pictures and writings on the Ottoman heritage in the Balkans. The BTSA’s journal also insistently provides information on and calls the old immigrants to make legal claims for their problems such as the transfer of social security and pensions from Bulgaria or public housings issues¹³ but also to the new immigrants or what they call “tezkereliler” to claim “independent immigrant” status to be able to acquire formal citizenship.

¹³ The transfer of social rights from Bulgaria to Turkey is still a serious problem for the old immigrants who had in fact worked for many years in Bulgaria before they migrated and yet had been considered as fresh beginners when they start working in Turkey. Another issue is the public housing guaranteed to all 1989 immigrants. Since the

Recalling the former studies taking associations as active agents in the political system of the host country (Chung 2005; Faist 2000; Ostergaard 2003; Yurdakul 2006), the different positions that these two associations take in the habitus of immigrants from Bulgaria shows that beside the political structure (defining the grounds for associability) or group characters (apoliticization of the Turks in Bulgaria as a common practice of the Soviet Bloc), there are other factors determining what kind of actions the associations would take.

Based on my observations of the meetings held in the two associations, the dialogues within their executive board and the interactions between the association's active members and the new immigrants, I argue, (1) the repeated problems of people contacting the association (greater number of undocumented immigrants living and working in Istanbul than Izmir); (2) the social and educational background of the executive board (the general secretary of BTSA having an international law master versus the general secretary of Izmir Bal-Göç working as a local lawyer); (3) the institutional structure of the associations (the general secretary being the highest representative in BTSA versus the presence of a president above the general secretary in Izmir Bal-Göç, thus a more hierarchical organization than BTSA) and (4) even the geographical distance from Bulgaria as a factor affecting both the number of undocumented immigrants and the former immigrants' relations with Bulgaria (Istanbul being closer to the Balkans than to Anatolia) would have a decisive role in the ways that these two associations see the incomplete legal incorporation of the new immigrants as a problem that they should develop solid grounds of action.

Toumarkine states that the associations in the big provinces such as Izmir and Bursa play the limited role of regional associations compared to the more central role of the associations in Istanbul in general while, among the other associations in Istanbul, only the BTSA and the associations of the immigrants from the Western Trace play the true oppositional role (2001: 433). Therefore although the BTSA is not a typical example of the immigrant associations in Istanbul, the fact that there is a difference between the associations in the provinces, like Izmir, and the ones in Istanbul is proven by Toumarkine's detailed analysis of the Caucasian and Balkan Migrant Associations in Turkey.

Turkish state collected a certain amount of money to provide public housing to all migrant families but could not meet this promise, the 1989 immigrants have the right to open a court case to claim their property rights.

What really differentiates BTSA from Izmir Bal-Göç is the more prominent role that the BTSA plays for pushing the limits of the legal and bureaucratic subfields of the politics by helping the new immigrants file lawsuits. In that sense, the distance between positions of Izmir Bal-Göç and BTSA in the political field seems in perfect similarity to Daniş and Parla's (2009) analysis of the distance between the positions taken by the ITSA, for the Iraqi Turks coming especially after the invasion of Iraq in 2003 and the BTSA, for the post-1990s Turkish immigrants coming from Bulgaria. Although Izmir Bal-Göç might be expected to be closer to BTSA because they represent the same group, ironically, the active members of Izmir Bal-Göç stands closer to the ITSA especially in terms of the way they identify with and remains fully loyal to the Turkish state discourse, instead of the BTSA's relatively "critical" look to both sides of the border.

Particularly for their activities related to the irregular or undocumented immigrants, the general secretary of the BTSA says, "When we try to make a detailed research on this issue to help our people more, the public authorities become suspicious of our attempts to collect information about the new immigrants."¹⁴ The general secretary of the Izmir Bal-Göç also states that "as an association there is a certain limit to what [they] can do." Yet the difference between the two narratives is that the former talks as they are entrapped with the current association law and claims that the immigrant associations are not only socialization channels but also channels to seek rights of a group of people and thus they should be regulated differently from the other social organizations whereas the general secretary of Izmir Bal-Göç talks as more complied with the prevailing status of the immigrant associations.

The difference in their tones of complains might derive from the fact that these two associations hold diverse positions in the eyes of the political elites who differentiate Izmir Bal-Göç by recognizing its function for the "public good." These different statuses might also explain the general secretary of the BTSA's more challenging discourse compared to the more conformist tone in the general secretary of Izmir Bal-Göç in terms of the political actions they engage in, on behalf of the undocumented or irregular immigrants.

Yet there is also a common point in these two seemingly dissimilar narratives. Both associations are concerned with maintaining their officially recognized status while they do not consider playing the role of "public awareness raising channels"

¹⁴ This informal meeting with the general secretary took place in BTSA office, in Çemberlitaş, in April 5, 2008.

through protests and movements as they once pursued in the very early periods of their establishment. Therefore the chary attitude in their approach to the problems of the new immigrants point out the fact that being recognized by the state as an association and being entitled to the state supervision (irrespective of having a special associational status) gives a certain shape and limit generally to the immigrant groups' actions and particularly to their actions and discourse of rights on behalf of the new immigrants. In other words, although the primary reason for not being able to represent the rights and demands of the new immigrants fully is explained by the uneven distribution of social capital due to the new immigrants' incomplete legal incorporation relation, this lack of full representation in fact derives from and is sustained by the general limits to all associational activities which are always entitled to the provision of the state and its agents.

4.3. Different Actions *On Behalf of* the New Immigrants

In addition to these reflections on the associations' information channels as the media of contact with the immigrant community, their leaders' narratives on their particular actions for the new immigrants reveal the differences in the positions held by associations vis-à-vis both the Turkish state and the new immigrants.

4.3.1. Izmir Bal-Göç

Izmir Bal-Göç has prepared a report in which they stated nine major problems that the Turkish immigrants from Bulgaria face in Turkey as follows: (1) the transfer of the social security and pensions of the old immigrants in Bulgaria, (2) the social housing grievances of many 1989 immigrants, (3) hardships that the post-1990s immigrants face in being accepted to Turkish citizenship, (4) no free work permit for the residence permit holders, (5) the health insurance of the elderly who are pensioners from Bulgaria, (6) violation of the Settlement law by taking the public housings away from many immigrants, (7) hardships in getting a residence permit, (8) hardships faced by pre-

1990s immigrants in getting birth certificates at the Registration Offices, (9) the customs tax required from the dual citizens in border crossings.

After a long introduction to the report presenting the Turkish and Muslim identity of the immigrants from Bulgaria and their common descent, this report depicts the problems and refers to certain laws which are already there but need political will to be applied properly to the benefit of the Turkish immigrants from Bulgaria. This report is available in the website of Izmir Bal-Göç together with a note stating that as a result of the efforts put forward by the leaders of the association during several meetings at different times with the Prime Minister and related cabinet members as well as party leaders, four of these problems are finally solved in the year 2008. Yet all four problem areas are related to the pre-1990s immigrants who are already citizens whereas the other problems concerning the new immigrants are not among this list of success.

During our informal talk, the general secretary of Izmir Bal-Göç¹⁵ proudly explained the political impact of the report which he himself, a 1989 immigrant and a lawyer, prepared together with the editor¹⁶ of the association. Although the general secretary seemed personally concerned with the precarious conditions that the post-1990s immigrants have to deal with, he admitted the fact that their report was taken seriously not for the points it raised regarding the undocumented immigrants but more so for the problems highlighted in the report regarding the old immigrants who already hold Turkish citizenship.

The general secretary also admitted that certain solutions were provided by the political elites to the problems mentioned in the report, right after the general elections and before the local elections in Turkey. This development, the general secretary tacitly agrees, appears as a lip service given by the incumbent government to those who are eligible to vote in the last general election in July 2007. While doing that, the state officials and MPs could more easily disregard the sections of the report that does not require a new regulation or amendment to the law but only a political will to make the already existing settlement law to be implemented for the new immigrants to obtain

¹⁵ This informal interview with the general secretary took place in 4 April 2009, in Bal-Göç office in Izmir.

¹⁶ The second informant was also the member of the executive board and he was responsible for media and public relations of the association. However for practical purposes I refer him as the editor of the association since he is also responsible from editing all the materials published by the association.

“independent immigrant” status. However, the fact that the political elite selectively took this report into consideration reveals that the association’s advocacy could make a change in the issue of the new immigrants’ legal incorporation only to the extent that the association’s demands for the application of the already-existing laws comply with the interests of Turkish state.

The state does hear, however, the demands made on behalf of the new immigrants yet not during the elections in Turkey but during the times of elections in Bulgaria. By declaring amnesties before the Bulgarian elections in 2001, 2005, 2007 and finally in 2009 as mentioned above. By granting non-renewable free residence permits --except the permits granted in 2005 amnesty-- the political elites, as the policy maker, pave the way for the perpetuation of the irregular status of the new immigrants who each time were made to cross a “broken line of il/legality” (Kaşlı and Parla 2009). Although the new immigrants’ incomplete legal incorporation is put forward in Izmir Bal-Göç’s report, the representatives of the association does not mention any further associational action taken to raise public awareness to the new immigrants’ urgent problems and to put pressure on the political elite to facilitate the implementation of the prevailing laws. They rather prefer underlining the success they got in defending the rights of “their people,” which in fact overweighs the old immigrants to the new immigrants. In other words, the immigrant associations represent the rights of old immigrants more than the new immigrants while not opposing the policy of the state agents to keep the post-1990s Turkish immigrants from Bulgaria only as “reserved armies” of laborers and voters and not involving in direct political action as it was once done in the early days of their foundation. Although the last point made for Izmir Bal-Göç’s position in relation to the old and new immigrants’ problems is also valid for the BTSA’s position, latter one still constitutes a different position in the political field and plays a dissimilar role in shaping the immigrant habitus.

Izmir Bal-Göç does not make rights claims on an individual basis but kindly demands the politicians to apply what is available in the prevailing laws. Their actions on behalf of the new immigrants are only limited to the meetings with the political elite since they do not seek rights through legal routes. These relations between the political elite and this association, I would argue, constitute a certain practice of rights-claiming as a matter of privilege rather than as a matter of political struggle. Although both the new immigrants and the association leaders’ narratives already reveal that the political will determines how the prevailing laws would apply, taking no other action beyond

meeting the politicians disregards the possibility of initiating a solid political struggle for the rights of the new immigrants (if not for claiming new rights further) and reconstitutes the authority of the state with respect to immigrants' organizing. Moreover Izmir Bal-Göç reproduces this clientelistic character of the relations between the state and the associations (Danış and Parla 2009; Toumarkine 2001) for the habitus of post-1990s immigrants, during other activities it organizes such as the conference series for the 20th year of the 1989 migration which was structured as to fulfill a functional role of sustaining an immigrant solidarity and identity as a cultural element.

4.3.2. The Balkan Turks Solidarity Association

The BTSA claims to be the pioneer of providing 'true' legal help to the post-1990s irregular immigrants and supports this claim by the fact that the general secretary of the association holds a J.D. and a master's in international law. The general secretary compiles the petition sent to the Ministry of the Interior on behalf of the new migrants in return for a fee of 100TL (approximately \$83) which the general secretary legitimizes as "a small amount compared to legal service provided by a professional lawyer outside" and that the fee is taken as "donation" to support the associations' activities, like the publish the periodicals.

The content of the individual petitions are confidential and the applicants are not allowed to keep a copy of the petition they sign and they pay for. The general secretary is not willing to share this petition with the new immigrants with whom he in fact builds a lawyer-client relationship more than a member-to-member relationship at the associational level. He explains the reason for his refusal to share the content with the value of this legal know-how which he has spent his years to collect many historical and legal documents and more importantly the circulars that are usually not easy to reach unless one could build personal networks with the Ministerial officers. Yet I had a chance to see the content of this petition when one of our interlocutors decided to file one last year. As we depicted elsewhere (Kaşlı and Parla 2009), the petition requires the extension of the applicant's expired residence permit in accordance with the Article 5 of the 1934 Settlement Law that defines the "independent immigrant" status for people of "Turkish descent and culture" along with a relative of a first or second degree who is a

Turkish citizen and who resides in Turkey at that moment. As the 2006 amendments to the Settlement Law kept this emphasis on Turkish descent intact, in theory, the settlement law provides sufficient grounds for obtaining a residence permit eventually followed by citizenship.

Yet, like the representatives of Izmir Bal-Göç, the general secretary of the BTSA also repeatedly underscores that the decisions for the permit are a matter of politics rather than law, thus they cause inconsistencies in practice. As stated earlier, the Bulgarian passport holders are not allowed to obtain renewable residence permit as property owners or as accompanying a child studying in Turkey. Although they are able to get a renewable permit if they marry a Turkish citizen or if they get a work permit via his/her employer, the general secretary insists that compared to these ways to apply for a regular residence permit towards the acquisition of citizenship, there is a third route for the immigrants from Bulgaria to earn the right to get citizenship as long as they can prove their Turkish descent and culture and obtain the status of “independent immigrant” granted by the decisions of the Ministry of Interior and the Cabinet.

Since most of these new immigrants are not married to Turkish citizens and their employers are not willing to go through the complicated and costly process of obtaining a work permit, the general secretary insists that in fact this final route is the only possible way for most of the post-1990s Bulgarian Turkish immigrants is to get earn Turkish citizenship. Moreover, according to the general secretary, even if the ministry does not grant the permit, filing a petition to demand the renewal of their residence permit on the grounds that they fulfill the status of an “independent immigrant” is still a rational option for the migrants. The migrants are anyway better off for having put in an application since having an application that is being processed entitles them to a legal stay for an extra six months after which they receive an official reply (Kaşlı and Parla 2009).

I followed the BTSA’s discourse and practice of right-claims through the new immigrants’ encounters with the BTSA during regular “office hours” open to all members of the immigrant community on every Saturday afternoon. During these visits, the general secretary of the BTSA suggests the post-1990s irregular immigrants the strategy to file a lawsuit to seek “independent immigrant” status, explained above in detail, as the most effective way to achieve legal incorporation with reference to the prevailing laws.

“I definitely recommend everyone, coming here, to open a court case because it is the most guaranteed way to get citizenship immediately and we are 100% successful in each case today. I was not that confident two years ago but now each court action we make ends with citizenship acquisition. As long as a person can prove they have a family member of first or second degree who is Turkish citizen, that person can get citizenship. The grounds I made in the file seem to be well taken by the judges in the courthouse in Ankara. (...) In this file, the claims I make are not only based on the citizenship law or settlement law. How can a person who was not exposed to assimilation in his life explain to the court why these people [the post-1990s immigrants] carry Bulgarian names today? Who knows what these people are going through in Bulgaria? I make reference to all that is lived by these people and every law, regulation and circular that has been passed in Turkey about this issue.”¹⁷

The general secretary underlines the affiliation between himself, as a 1989 immigrant and the new immigrants in terms of the hardships they face in Bulgaria which motivated all of them to come to Turkey. Moreover he is very confident in the way he makes use of the existing law to resist the state’s “indifference” to the legality problem of post-1990s immigrants. He gives examples of the applications he made even for few people, who came from Bulgaria illegally, by declaring that the person lost his/her passport and making him/her apply to the consulate in Istanbul and get a clean passport with which he/she can then open a court case to be considered for “independent immigrant” status. Yet he keeps on reminding that these legal claims will work up until the citizenship law changes and the exceptional clause that is reserved for “immigrants” (in the article 12 of the new citizenship law) is completely removed. Although he is in touch with the politicians or high state officers in the Ministry of Interior to be informed beforehand if such a change would be likely in the near future and although there has been no political attempt to remove this exceptional clause so far, the general secretary says he never trusts politicians because “especially in this one-party government, they can change everything over night by just raising their hands.”

During a previous “office hour” on a Saturday afternoon in July 2008, a group of irregular immigrants were asking the general secretary what the association can do for their other legal problems, such as work permit or the fees required for accompanying a child . The general secretary replied “what can I do, I cannot turn a blind eye to our people who come here to earn their bread money, so I am telling you what we can do

¹⁷ This quotation is retrieved from a recent informal talk with the general secretary, during our visit to the association together with one of our interlocutors in early January 2010.

with the existing laws.” He said in fact there were laws which grant the “independent immigrants” to get work and residence permit free of charge. Nevertheless the immigrants should open up court cases to obtain the “independent immigrant” status to make the prevailing settlement law apply. This rhetoric of rights reveals that the BTSA as a legal adviser showing how to make use of the prevailing laws which favor the Turkish descent and therefore also correspond with the association’s identity of being the representative of the heritage of the “lost territories” of the Ottoman Empire. In that sense, the associations’ actions on behalf of the new immigrants in fact reconstitute the paternalistic relations between the state and the associations on the grounds of the Turkish state’s “indebtedness” to “our people.”

Take Halime, for example, a 49-year-old woman, who used to work as human resource manager in a Bulgarian factory and works in Turkey as a domestic since 2003 and currently working in the house of a nouveau rich in Istanbul.¹⁸ Halime bought a house with the intention to settle in the neighboring city, Tekirdağ, where her sister lives with her family. Although she is willing to pay a certain amount of fee and get a renewable residence permit for being a property owner, because Bulgaria is among the few countries whose nationals are not granted residence permit based on their certificate of estate ownership, buying a house does not work for Halime to apply a renewable residence permit.

The general secretary of BTSA says “because this state does not consider you as much as a Ugandan. If you were from Uganda, you could get a residence permit when you buy a property here.” Yet besides this rhetoric accusing the Turkish state for being “perfidious to its Turkish descent,” he explains the reciprocity of this rule –meaning the rule applies not only for Bulgarian nationals in Turkey but also for Turkish nationals in

¹⁸ Halime has been a circular migrant until the visa regime changed in May 2007. By getting the free residence permit granted before the Bulgarian elections in October 2007, she legalized her stay for another six months. Yet, like all other irregular migrants from Bulgaria, she could not renew this free permit either. Around the time her permit expired in April 2008, she decided to visit the BTSA to ask if there is any way to get a residence permit which she was not expecting to be free and she was willing to pay the amount for its renewal. By the time the general secretary suggested her that the first step should be filing a petition via the association and she agreed to do it and to pay the “donation” to the association. Although there has been no reply to her petition for a long while, as the general secretary explained, her stay in Turkey was legal as long as she waited an official reply from the Ministry of Interior to be sent to her address.

Bulgaria—as a matter of “politics among the elephants and these people [pointing the new immigrants waiting her in the lounge] are a pawn.” Yet against what exactly the Turkish state uses these new immigrants is never made very clear in his talks. But it is repeated by him many times that “The Turkish state is doing wrong to these people. This state is indebted to these people from history. It cannot turn a blind eye now.”

When it comes to what the associations can do to change this game, he further states, they cannot interrupt these policies further because they are subjected to the rules defined by the state and all they can do is to show what the “our people” can do within the existing legal framework. By accepting the limits to the fields that they can and cannot interrupt, the BTSA also gives his consent to the exceptions produced by the state sovereignty. Therefore, like Izmir Bal-Göç’ political claims making, the BTSA’ legal actions does not aim to redefine the distribution of power among the state and the immigrants either and they rather to reinforce the existing habitus constituted by the laws of the state by suggesting the new immigrants to follow the exceptional clause embedded in the settlement law to favor the people of Turkish descent and culture.

Even when the general secretary of BTSA refers to the EU laws on family reunification and he guarantees to take the court cases to the ECHR if the applicants are not granted “independent immigrant” status notwithstanding the presence of their first degree relatives in Turkey, he in fact instrumentalizes the EU law to support his claims on the existing paradigm of national citizenship that still favors people of Turkish descent. Therefore, I would argue, even the universalistic nature of EU law, that Soysal (1994) sees essential for the postnationalization of the citizenship, is used instrumentally only to legalize the new immigrants’ presence through the Turkish immigrant *habitus* that is constituted by the Turkish state and reinforced by the former immigrants, in Bourdieu’s words, as “a realistic relation to what is possible, founded on and therefore limited by power.”

Similar to the uneven representation of the interests of the new immigrants in the political actions of Izmir Bal-Göç, the variation in the discourses and actions within a single association is also manifested in the diverse tones of the BTSA’s rights claims on the one hand for the old immigrants and on the other hand for the new immigrants. For the old immigrants, it is stated in various volumes of the newspaper that the BTSA launched a campaign entitled as “I want my house campaign” (*Konutumu İstiyorum Kampanyası*) calling the old immigrants to come and join the “rights struggle” through legal means. However for the petitions and the court cases that the post-1990s irregular

immigrants can file in order to apply for “independent migrant” status are not announced as a “campaign” but rather more as regular news about the “tezkereliler” (people staying on a residence permit) in the columns of the magazine.

The term “tezkereliler” reveals the distinction between the new immigrants (as non-citizens) and the old immigrants (as citizens). The old immigrants are called for a campaign to seek their rights at the courts which gives the impression of an action among equals in response to the state’s violation of their rights. To the contrary, the news for the rights of the “tezkereliler” is like a regular news showing that the BTSA considers the new immigrants and provides legal services to them while they depict the good results earned by some immigrants as “individual attempts” achieved with the help of the general secretary. More importantly, it is also written in these columns that the legal aid is provided in the association as “not reciprocated” while in fact the association gets 100 TL for each petition filed in the association as “donation.”¹⁹

Added to the inconsistencies in the rhetoric and the practice of legal services provided in BTSA, the new immigrants’ negative perceptions about the association’s officer as well as their lack of trust to the general secretary mentioned below also show that there is a weak tie between the association and the new immigrants. As discussed earlier, the established immigrant associations are not accountable to the new immigrants who cannot be official members due to their incomplete legal incorporation. This uneven relation between the new immigrants and the old immigrants in the established associations creates not only a lack of the full representation of the new immigrants’ voice via associational actions but also a lack of trust to the association’s role as the representatives of their interests.

Based on their former experiences or the stories they hear from the other new immigrants who share a similar irregular status with them, the new immigrants see the associations not as non-profit organizations representing the rights of immigrants’ vis-à-vis the state but more as an extension of the state’s official institutions that they keep visiting to inquire about the possibilities of a residence permit. For example, Halime is still suspicious of the general secretary’s attitude particularly towards the new immigrants even after a year and a half passed since her first contact with the BTSA, although the recent free residence permit she holds since March 2009 is granted most

¹⁹ Similar news are published in several other issues while the call for the old immigrants for public housing and for the tezkereliler appear together in the 66th issue of *Balkan Sentezi*, published in November 2008.

likely as a result of the application she made via the BTSA in 2008 to request the renewal of her residence permit granted during 2007 elections.

Her continuing distrust to the general secretary derives from the fact that the process of application was not totally transparent and that she thinks she was not properly informed. Halime thought, calling back her prior experiences of hiring a lawyer in Bulgaria, she should keep a copy of her petition to herself while the BTSA officer refused to provide a copy. The officer also told her that if she wanted to keep a copy, then she should talk to the General Secretary yet in this case she might have to pay 850TL (approximately \$700) to hire him as a lawyer. Due to this attitude, Halime says, she is not fully sure of the General Secretary's "sincerity":

"They [the BTSA people] say they do it [fight for their rights] by heart. But then they don't tell you everything. Even when he talks to me, he is not looking into my eyes. How come he can talk by heart! They cannot be so rude to people and still claim that they are helping. This person [the officer] does not have the right to talk to me like that when I kindly ask her a question."

Yet, Halime kept calling the association regularly to get legal advice since there is no other channel of information for the undocumented immigrants and she also filed a second petition in early January 2010, requesting the renewal of her one year residence permit. While she paid another fee of 100 TL in return for this service, the general secretary recommended her to "file a court action once and get rid of this residence permit stress forever." As the general secretary explains, the end product of the lawsuits is to earn the write to renew the residence permit for free as long as the case is not closed and if the court decision is positive then the applicant is offered the right to apply citizenship on the basis of the exceptional status of "immigrant." Nevertheless, even though the general secretary says so far all the cases he followed ended positively and he has over 100 cases closed with acquisition of citizenship, Halime still has doubts about his words as she says, "[she] only hopes the general secretary does really send her petition for renewal of her permit to the ministry and he does not put it under the shelf in order to make [her] oblige to the only option of filing a court action for "immigrant" status."

She explains the reason for her distrust with the "insincerity" and "greediness" she feels every time she talks to a representative of the association. In their last encounter in January 2010, the general secretary said the cost of opening a court case is 4000 TL (approximately \$3320) for the expenses to travel back and forth to the courthouse in Ankara –because it works faster than the overloaded courts in

Istanbul—together with bribery as he says “we should see the officers in the court houses you know.” However, Halime remembers that, the fee asked for this service was 2300 TL (approximately \$1900) in July 2008 while it was 3000 TL (approximately \$ 2490) during our visit in September 2009 with another post-1990s immigrant. This increase in the price in such a short period of time might be concomitant to the success he began to get in the cases he has been following since 2008. Nevertheless, Halime says, “things like that” make her suspicious about the “sincerity” of the actions and discourses of the association in general and about the motivations of the general secretary to provide this legal aid in particular.

In other words, the way the legal aid is provided by the association on behalf of the new immigrants weakens the relations between the old and the new immigrants at the associational level, rather than building a member-to-member relationship for solidarity. Particularly for the issue of the legal incorporation of the new immigrants into Turkey, such encounters work to establish more of a lawyer-client relationship between the new immigrant and the leader of the association even though transparency and accountability that the new immigrants would expect is also missing in a supposedly professional relation as such. As the new immigrants stay in the periphery of the associations as only voluntary members and the executive board is not accountable to these voluntary members, the new immigrants’ relations with the associations take a fuzzy form which is neither a fully voluntary nor a fully professional relation.

Nevertheless, ironically, even the officers in the Foreigners’ department began to direct the post-1990s immigrants with no valid residence or work permit to the immigrants’ associations. For example, when the announcement made in March 2009 for free residence permits and yet many applications were rejected, the Foreigners’ department began to direct the rejected applicants to the migrants’ associations to seek legal aid for filing a petition or making an application to the Foreigners’ department to renew their expired residence permits.

In March 2009 the amnesty was announced in the webpage of the Foreigner’s Department as well as the immigrant associations that the Bulgarian nationals who apply to the Foreigner’s Department in every city within a week would be granted one year free residence permit, provided that he/she once got a valid residence permit but then overstayed after his/her permit expired. However thousands of the applicants, according to the leaders of both BTSA and Izmir Bal-Göç, were rejected on the

grounds that their names were not on the list of 900 migrants already determined by the Ministry of Interior to be given free residence permit. How this list of 900 people was determined has been a matter of debate at that time. BTSA presented it as its own success on the grounds that this last “amnesty”, unlike the former ones which were declared as a “Ministerial circular,” was declared as a “special regulation” which, according to the explanation of the general secretary of BTSA, can only be declared as a result of either a law change or a court decision. Therefore, he argues, since there is no change in the law related to the residence permits of Bulgarian nationals, this amnesty could only be a response to the pressures made by the BTSA through the increasing number of the court cases which the general secretary himself opened and followed on behalf of the new immigrants or his clients.

The decisive role of the BTSA was also proven by the general secretary of the Izmir Bal-Göç which, like many other associations did in Istanbul, started a campaign and send a petition to the Ministry of Interior that was signed by the new immigrants collectively and demanded the free residence permit granted to 900 people to be extended to all irregular migrants in Izmir.²⁰ In the process of the new immigrants’ legal incorporation, what differentiates BTSA’s attempts from Izmir Bal-Göç and other associations is that the BTSA was making individual applications with reference to the legal documents, therefore making a pressure to the political field *through* the legal field whereas the Izmir Bal-Göç and other associations’ collective petition was nothing more than a “request” from the central government on clientelistic grounds, thus seeking solution directly and only in the political field.

Based on the picture drawn by the general secretaries of both associations as well as and the attitudes of the officers in Foreigners’ department, we might claim that the established associations and their know-how began to be recognized as crucial during the process of policy implementation if not taken as active participants of the processes of policy making. Nevertheless, the narratives of the representatives of the established associations reveal that they are also neither interested in making pressure to the political elites and other agents of the state in order to redefine their positions in the policy making process, or in the political field, nor willing to act as public awareness raising channels --as they used to be when they were first founded as a reaction to Zhivkov’s assimilation campaign in 1980s-- and not at all concerned

²⁰ This petition was also available on the web iste of Izmir Bal-Göç. This petition is attached in Appendix 4.

with engaging in political action to expand the grounds for the post-1990s immigrants' legal incorporation other than grounds designated to the exceptional "independent immigrant" status. The limits to the established associations' actions on behalf of the new immigrants become apparent when we examine further the new immigrants' narratives of their encounters with the associations to seek advice for their legal incorporation into Turkey.

Although the BTSA seems to contribute to the legal incorporation of the "tezkereliler," it does not fully represent the interests of the new immigrants for several reasons. Especially considering the high costs of the legal aid provided by BTSA, the reliability of the associations is not very high among the new immigrants. It can even be argued that the ability of some and the inability of the many to pay the costs of a lawsuit display the hierarchical distribution of the financial capital hold among the new immigrants. Therefore, the general lack of interest among the new immigrants to the associational actions reveals that the elitist character of the established associations with respect to the usually middle and working class profile of the old immigrants (Özgür-Baklacioğlu 2006) is indeed reproduced among the new immigrants as well. Since the amount that the general secretary requires in return for this legal aid is not affordable to many undocumented or irregular immigrants and also because the price for this service is constantly increasing, the post-1990s "tezkereli" immigrants do not rely on the BTSA as their representative and say "it is not clear who they are."

However, as discussed above, the main factor constituting this hierarchy as such (preceding the other factors such as a lack of interest in associational activities or a class dimension) is the lack of a permanent legal status among the new immigrants. On the one hand, by not fully sharing his legal know-how, the general secretary does not engage in a true lawyer-client relationship. On the other hand, while the general secretary's acts are subject to the supervision of those who elect him, he does not engage in a true member-to-member relationship with the new immigrants who are only "voluntary" members with no right to question his authority. Therefore, the way BTSA speaks on behalf of what he calls "our people" actually constitutes a hierarchical relationship between the new immigrants and the associations. Therefore the new immigrants' lack of associability, meaning the ability to form an association, and the particular form of their membership in the existing organizations (only as a "volunteer" not as an "official" active member) are sustained by their lack of formal citizenship in Turkey. Since the new immigrants' are not granted the right to be represented in the

associations which are established by the legal consent of the state for the first place, the discourse of rights developed in the associations does not represent the different interests of the new immigrants. Therefore the laws that define the associability of the immigrants also determine the limits of the associational discourse and their actions for the new immigrants' legal incorporation.

Moreover, I would argue, considering the increase in the number of undocumented and irregular immigrants over the course of 1990s which stimulated that uneven distribution of social capital among the immigrant communities, associations have lost their representative role within the immigrant community since the experiences and motivations of the new immigrants' for legal incorporation cannot be fully represented at the associational level and thus immigrants' experiences of incorporation (beginning with legal incorporation) cannot be understood only with reference to the established associations discourses and actions.

The new immigrants, who do not seek legal help from the associations, are not totally out of the game of individual rights-claiming although the limits of their claims are also subject to the decisions of the political elite and the state's other agents as the forceful actors. For example Seyide and Emin,²¹ staying on a "refakatçi izni" (permit for accompanying a child) fulfill the same conditions with Birsen and Kenan, who also stay on a "refakatçi izni" since 2001. Yet Seyide and Emin are not allowed to apply for citizenship whereas Birsen and Kenan were able to apply citizenship. In April 2009, Birsen and Kenan went to the Foreigners' Department to check the news spread among

²¹ Seyide came in 1998 through smuggling after first her mother then her husband came to Turkey to work. While her mother could earn the right to apply citizenship because she was able to get a residence permit when she came in 1996, Seyide and Emin stayed illegally from 1998 to 2001 Amnesty. After the amnesty released before the 2001 elections in Bulgaria, Seyide and Emin legalize their stay and began to stay on a "refakatçi izni" that they renew every six months by paying around 600 TL per person (approximately 500\$). Although many people, like Seyide, legalize their stay through her son who is 16 years old now, this "refakatçi izni" is not counted as an uninterrupted residence permit, thus they could not earn the right to apply citizenship so far. Even worse, unless Seyide and Emin can gain citizenship until their son turns 18, he is going to be treated as foreigners, like Seyide and Emin, and he would need a residence and work permit which is for now automatically granted to them as students. Birsen is concerned so much about citizenship mainly for her son who would have nowhere else to go if they are not granted citizenship – with no knowledge of Bulgarian and a degree from Bulgarian schools—while Seyide and Emin could still consider going back to Bulgaria as the last resort. Although they seek ways to apply citizenship for many years, with their permit for accompanying a child it was not possible to earn this right to apply for citizenship.

the immigrants in Kurtköy and Avcılar, about a “law change.” To their surprise, the officer told Birsen and Kenan that they were qualified to apply citizenship because they fulfilled the condition of 2 years of uninterrupted residence permit. So they applied in May 2009 and they are still waiting a call from the Police officers who are going to make address check which Birsen says will be good sign that their file is at least being processed. Although Seyide and Emin were informed similarly at the Foreigners’ office around the same time, their application attempt in 2009 was rejected by the officers in the same City Population Directorate (CPD) because their “refakatçi izni” does not grant them the right to apply citizenship.

The general secretary of BTSA clarifies the point that this rule applied only for a very short period not based on a law change but only on a circular letter issued by the Ministry of Interior. Since there is no “law change” as the immigrants wish, “this state says I gave it, so I take it” in the general secretary’s words. Since Seyide and Emin cannot make a rights-claim based on a circular that does not hold the effect of a law, the only way Seyide and Emin can claim their rights is, the general secretary repeats, to file a lawsuit provided that they have a relative of 1 and 2 degree who holds Turkish citizenship. After our visit to the BTSA office, Seyide was thrilled with the “good news” she heard from the general secretary and she was determined to convince Emin to open up a court case, pay 3000 TL for once (according to the price list of BTSA in September) and “get rid of this legal problems forever.” However so far, they do not want to file a lawsuit via the association simply because one of their family friends told them that this association might be a “swindler.”

This warning of their friend, which Seyide and Emin took more seriously than the general secretary, shows the low level of trust among the new immigrants towards the associations. It means there is such a weak tie between the associations and the new immigrants that a single word uttered by another immigrant who did not even visit that association in his/her life would be enough for not trying to contact them again. While not trying the way proposed by the association, what they decide instead is to keep on renewing their “refakatçi izni” regularly and wait for a possibility of another amnesty, like the “lottery” won by Birsen and Kenan, because they say, “laws change so often, it might change again anytime.”

Similarly Zeliha, a 27-year-old woman with Economics master from Bulgaria now works as an accountant in a small company with no work permit and an expired

residence permit, did not consider contacting any immigrant association because she thinks the associations “don’t even know as much as” she knows.

This impression is based on her encounters with a more local immigrant association in a district closer to her neighborhood, Avcılar. She lives and works in Avcılar, heavily populated by old and new immigrants from Bulgaria, and she barely goes further than the Foreigners’ Department in Aksaray mainly because of time concerns.

“I did not think of going to an association because I did not need it. Only recently because of this visa change, my brother went to this association in Sefaköy and ask what is going to happen. I heard there is going to be a meeting in the association about free work permits for people that hold residence permits. But even if I go, I can only attend as a listener. So it does not make any change.”

Zeliha’s interpretation that there is no need to contact an association so long as they do not have a permanent legal status shows that the new immigrants are aware of the impossibility of taking a role in the established associations and also the limits to the associational activity for their purposes. That is why she was not interested in associations in the first place.

Zeliha used to stay on a six months long free residence permit granted in October 2007 before the local elections in Bulgaria, then lapsed into illegality when her permit was not renewed after six months, in April 2008. When I ask Zeliha why she does not consider applying a work permit so that she can also get a renewable residence permit on the basis of a valid work permit and eventually apply citizenship, she says “I don’t want to be indebted to my boss, you know. If I ask him to do it, it is going to be like a favor. Even the locals in our company do not have social security. So he does not mind me working without a permit. But if he pays for it, then I cannot say I want to go, I have to work for him.” Therefore she prefers to make use of any “favor” done by the state during the times of elections. Therefore she stayed illegally until late June 2009 when she got a three-month free residence permit right before the July 2009 general elections in Bulgaria. Yet when the state granted only a three month long residence permit in June 2009, unlike the six month long permit in 2007, she was disappointed.

“You must trust neither the politicians nor the associations. They [the associations] were saying that we are talking to them [the politicians], things will change very soon. Each time they do it just before the election and they make a fool out of people. I no more believe these people [associations] are going to change anything”

This temporary residence permit helped her visit her family in Bulgaria without paying a fine in the border for the months she stayed illegally while, after three months, she lapsed into illegality once again. Yet another development in 2009 was a Cabinet decision issued in February to be expired in October 2009, stating that the Turks of Bulgaria together with the Turks of Greece, Iraq, China and Afganistan are going to be exempted from work permit on the condition that they once held a valid residence permit before March 2009.²² After she got this stamp on her three months long residence permit, Zeliha decided to take direct action to turn this temporary period of legalization into a permanent status and also to make use of the new rule of work permit exemption.

After hearing that the cost of a petition prepared by BTSA is 100 TL, she made a “market search” and found out that “Sefaköy association prepares the same petition for 50TL.” When I asked Zeliha if she read the two petitions and compared their substance, she said she did not compare them “but what can they write on a petition anyway. Even I can write it by myself. I have to study the laws and that’s it!” While saying that the legal know-how should be easy to acquire if they are truly examined and if there is a determination to provide legal basis to their presence in Turkey, Zeliha seems nervous because of the fact that the laws are made complicated by the associations and politicians themselves who in fact do not want them to settle in Turkey only to keep them available for yet another election.

Not trusting that none of the associations might provide a safe ground to support her presence and determination to stay in Turkey, she finally decided not to go any of these associations and instead she has chosen to get legal advice from “a lawyer in Sefaköy.” Since her sister-in-law already got a work permit with the help of this “lawyer”, who was introduced to her sister-in-law via her boss of a local supermarket that her sister-in-law works in Avcılar, therefore this lawyers success is proven in her eyes, Zeliha trusted the know-how of that person.

When we visited his office in Sefaköy together, I realized that the person Zeliha calls “lawyer” is not a lawyer but a certified translator. Hearing the talk between me and Zeliha, the officer helping him with the paperwork confirmed it yet also added that “he is a consultant as well.” The Bulgarian map on the wall together with Atatürk statuettes

²² Information retrieved from Izmir Bal-Göç website:
http://www.balgocizmir.org.tr/haber_detay.asp?haberID=41

and pictures all around the room was signaling that this consultant was also a former immigrant from Bulgaria. After his sarcastic remarks about the arbitrariness in the border crossings which he can easily circumvent. When we began to ask more specific questions about how she can apply a work permit while staying in Turkey with no valid residence permit, he got furious and said to me “are you the chief prosecutor?” and then more calmly repeated that “this is so easy, do not worry.”

Zeliha paid this consultant 50 TL (approximately \$40), first to file a petition asking the extension of her expired residence permit on the grounds that she is a single woman accompanied by her aunt who lives in Turkey holds Turkish citizenship. According to the consultants previous experiences, being a single woman and having relatives put these “tezkereli” immigrants in an advantaged position compared to married couples who try to settle as a family. She says if this petition does not work out, then the consultant suggests applying work permit as a domestic worker which he claims to be the simplest way to get a work permit compared to other categories of jobs. By the time she also heard about the BTSA’s legal service yet she said she found it not affordable in her current financial situation as she was earning only 1000TL (approximately \$830) per month. However, after this consultant said he would also charge 1000 TL for this service, Zeliha calculated that the costs of filing a lawsuit was going to be even less than the total costs of getting a work permit and paying its fee for three consecutive years to earn the right to apply citizenship. Nevertheless as she has no savings to consider starting the process of a lawsuit immediately, she says she might wait for a couple of months to save some money while keep searching cheaper routes to get a renewable residence permit.

The way this consultant in Sefaköy works is mainly based on a similar know-how of the habitus of immigrants from Bulgaria due to the ethnic references he makes in the petition to renew the work permit. What differentiates his position in the legal field is that he also seeks another way for legalizing post-1990s immigrants stay in Turkey since he suggest work permit as a route to acquire a permanent legal status in the near future. Therefore his action adds “employability” as a new dimension to the habitus of the new immigrants. Whereas the petition he files, very similar to the BTSA’s petition, perpetuate the already existing habitus for the undocumented immigrants of post-1990s, his advice to apply a work permit appears as an alternative route and therefore might make him a constitutive actor of this habitus. Nevertheless it is still early to take the employability discourse as a brand new dimension to the habitus of irregular

immigrants from Bulgaria since none of our respondents so far appears interested in applying work permit with the intention of legal incorporation in the long run and also because this consultant might still be referring to the applicants ethnic identity in order to ease their acquisition of a work permit by referring for example to the discriminations against Turkish minority in the Bulgarian job market.

In terms of the relationship between new immigrants- established associations, Zeliha's as well as Seyide and Emin's suspicion to follow the legal advice given by the BTSA derive from a similar reason which has also become apparent in Halime's interpretation of the association's actions as "insincere." The source of the new immigrants' lack of trust, therefore, is the uneven relationship constructed at the associational level since the established associations neither engage in a truly professional relationship with the new immigrants as their clients nor develop a bond of solidarity with them as equal members of their association.

In *Distinction*, Bourdieu (1984:427) states that "the probability of producing a political response to a politically constituted question rises as one moves up the social hierarchy (and the hierarchy of incomes and qualifications)." In the case of the new immigrants from Bulgaria, the legal hierarchy becomes even more decisive in the political response that the post-1990s undocumented or irregular immigrants would produce to a politically constituted question. It is already stated that the social hierarchy within the wider community of Turkish immigrants from Bulgaria had created a biased representation of the immigrants' interests in the associations by the elites of the immigrant community (Özgür-Baklacioğlu 2006). In the case of the post-1990s immigrants, however, the uneven distribution of social capital compelling the new immigrants' associability, creates a rather more explicit and sharper hierarchy in the new immigrants encounters with the old immigrants in these associations, and places the latter group as the true owners of the associations with the right to form the association and elect their representatives whereas their lack of associability keeps the post-1990s immigrants at the margins of the association with no power to take active role in the formation of the discourse of rights which active members of the associations develop within the limits of the existing laws.

The associations situate the new immigrants in a continuum with the old immigrants by constantly making reference to the already existing laws that protect people of Turkish descent. What the associations do on behalf of the new immigrants is limited to pursuing their rights only with reference to the exceptional clauses reserved in

the laws for the people of Turkish descent and not to try and develop a more autonomous discourse of rights that would contain the various reasons for which the new immigrants actually seek a legal status. By doing that, however, the various reasons for why they came and wanted to stay are reduced to a singular discourse of Turkishness.

However, the reasons for legal incorporation are in fact based not only on a prior knowledge of Turkey embedded in their habitus as the historical “homeland” but also on more particular reasons related to their everyday lives in Turkey, as in Halime’s interest to stay because she bought a house here, Zeliha’s interest to work as a professional without being indebted to her boss or in Seyide’s case not particularly for herself but for her children who, Seyide claims, grow up in Turkey and therefore are belong to Turkey more than anywhere else. In other words, unlike the migrants of the former waves, whose motivations for legal incorporation into Turkey emerged before they reach the country of settlement, the new immigrants’ reasons for full legal incorporation seem to be accelerated especially after their mobility between Turkey and Bulgaria was limited by a new and stricter visa regime with the motivation to perpetuate the social and economic positions they acquired in Turkey as well as in the transnational social field constituted between Bulgaria and Turkey.

The new immigrants’ motivations for complete legal incorporation in fact derive from the fact that the new immigrants have already been somehow incorporated into the everyday life, by buying a house to live in, by finding a professional position to make a career and by finishing secondary school in Turkey. Although there is continuity in the habitus of these immigrants in terms of the social and familial ties between the old and new immigrants, there is a rupture in this continuity deriving from the latter groups’ lack of a permanent legal status which also impedes their representation at the associational level. This rupture in the legal field is manifested in the uneven representation of the old and new immigrants’ interests in the discourses and actions of the established association. Although the new immigrants try to acquire and maintain permanent legal statuses through different routes (through amnesties, getting residence permit for accompanying a child, searching for the ways to get a work permit or even buying a house), beside the limited and indirect actions taken by the established associations with reference to the prevailing laws, none of these routes seem to provide the new immigrants complete legal incorporation and therefore the various motivations

of the new immigrants to stay in Turkey will be represented in the legal and political field.

Moreover the associations' actions on behalf of the new immigrants in fact feed into the state's strategy of instrumentalizing the immigrants' il/legality. By constantly referring to the exceptional clauses, the associations also give tacit consent to the state's practice of using these exceptions only when necessary for its own benefits, like the amnesties released during the election times in Bulgaria. The temporary legality of irregular immigrants not only prohibit them to organize around their own interests but also *unable* to stand up for their rights via associational representation. Finally, the "autonomous" strategies that they try to develop individually in order to maintain their legal presence in Turkey are imprisoned to be shaped within a habitus which is formed by the political elites and other agents of the state and reproduced by the associations, in Bourdieu's terms, as "a realistic relation to what is possible, founded on and therefore limited by power."

CHAPTER 5

CONCLUSION

Incorporation of immigrants has been generally studied with a heavy focus on their political incorporation into the new polity and their legal incorporation has been taken for granted by many scholars as a given condition that applies everyone equally and is immutable and permanent. However this thesis challenges this dominant view and reminds that legal incorporation is in fact antecedent of the immigrants' political incorporation. The case study on the post-1990s immigrants from Bulgaria to Turkey reveals that the legal status is neither directly acquired nor easy to sustain once it is acquired. Immigrants are granted different statuses as "outsiders" depending on their particular migration histories while the states hold the power to define whom, when and for how long to grant permission to come, stay and work. Therefore the first argument of this thesis is that, the state's immigration policies are not unitary (applies in the same way in all fields of incorporation), static (not changes over time) or singular (applies everyone equally) and the political elites governing the state instrumentally use the citizenship laws and immigration policies in arbitrary ways so as to sustain the temporariness of the legal incorporation of the new immigrants.

Following the general trend for the increasing number of undocumented immigrants all over the world (Chavez 1994; Galvez 2007; Iosifides et al. 2007; McNevin 2006; Ryan et al. 2008; Schuster 2005) and in Turkey (Akalın 2007; Daniş 2006;2007; Eder 2007; Erder and Kaşka 2003; Kaşlı 2005; Kümbetoğlu 2005; Keough 2004; Yüksek 2004), post-1990s immigrants from Bulgaria has also found refuge in the informal labor market since their limited legal incorporation reinforced uneven and fragile incorporation into the market and the society (Parla 2007). Moreover, unlike the 1989 "political migration" and former waves of "return" migrations in 1925, 1950-51 and 1968, the post-1990s immigrations are treated as independent immigrants who

migrated either alone or with their families for a better living and are exposed to series of visa regime changes in a constant state of irregularity (Kaşlı and Parla 2009). First a stricter visa regime during the 1990s to cut the flood from Bulgaria, then a flexible regime between 2001 and 2007 as part of a general regional policy and then a limited visa regime since 2007 as part of harmonization with the EU regulations has reinforced the post-1990s immigrants' informal incorporation into the labor market on short term basis while they could not fully settle in Turkey but, in Morokvasic's terms, they "settled in mobility." Yet, in order to perpetuate their stay in Turkey which used to be the norm not the exception for pre-1990s immigrants from Bulgaria, the post-1990s immigrants have tried, developed or followed various different ways which are shaped by Turkish state as it manifests itself in the changing visa policies and short-term amnesties and also by the rhetoric of the immigrant associations whose legal and political activities are subject to the state authorization.

Immigrant associations have generally been perceived as crucial mechanisms of political incorporation in other Western societies. As depicted in the first section of the second chapter, many scholars try to understand the relation/correlation/causation between the incorporation regimes of the states and the activities of the immigrant associations. However the main focus of these studies is the political incorporation of immigrants in the receiving country whereas they overlook the fact that the distinction between the immigrants with a permanent legal status and those without a permanent legal status determines the content of the activities and strategies developed by immigrants at the associational level.

By examining the former studies on political incorporation, I claim that, these analyses take for granted the legal status of immigrants which is in fact a precondition for associability and therefore they reaffirmed the state's right to determine the limits of the associational activities that immigrants, and only legal immigrants, could engage in. Even in many studies, emphasizing transnational ties and multiplicity of the factors determining immigrants' political activities, the decisive role of the distinction between those with and without a permanent legal status vis-à-vis the receiving state has been mostly disregarded.

In my analysis of the legal incorporation motivations and experiences of the post-1990s immigrants whom I called the new immigrants, I have tried to understand the political role that the associations established by the old immigrants have played in this process. Particularly I have tried to find out what kind of a relationship is developed

between the new immigrants and the associations established by the old immigrants, what the main factors that shape this relationship are and whether or not the new immigrants could develop strategies for their legal incorporation outside the discourses and actions of the established associations.

As answers to these questions, I suggest that the new and old immigrants' positions in the political field are determined by having and not having a permanent legal status vis-à-vis the state and its agents. The new immigrants' lack of a permanent legal status or formal citizenship compels their associability, meaning the ability to form an association, and gives a particular form to their membership in the existing organizations (only as a "voluntary" not as an "official" member). As the new immigrants do not have the right to elect and to be elected to the executive board of associations, the interests articulated by the old immigrants are not subject to the new immigrants' vigilance. I further claim that this uneven relationship is reproduced through the immigrant associations' patronizing discourse of "our people" and their attitudes towards the new immigrants as clients rather than as equal members of the community. Moreover the ways the established associations seek rights on behalf of the new immigrants are determined within the limits of the existing laws and also by the identity of the associations whereas the new immigrants cannot take part in this habitus as constitutive actors due to their lack of associability.

The case study reveals that the new immigrants' seek a permanent legal status with the intention to earn formal citizenship on multiple grounds; for example to be able to work legally and have social security, to own a property and commute between Bulgaria and Turkey, to guarantee their children's right to full citizenship in the near future. In spite of the differences in their motivations and experiences for seeking formal citizenship on immigrants' side, the associations' actions and discourses of rights erase all these differences in immigrants' claims and reduce them into a single discourse of Turkishness as it is sustained by the prevailing laws and as it constitutes the habitus of the new immigrants as well as the old immigrants from Bulgaria as a "realistic relation to what is possible, founded on and therefore limited by power."

This immigrant habitus is reproduced around this single discourse of Turkishness within a "structuring structure" because the associations themselves are formed by the legal consent of the state and are entitled to state jurisdiction, thus they cannot act as independent pressure groups on behalf of the rights of new immigrants who are yet not authorized by the state to represent their interests. In other words, associations

established by the old immigrants with a higher social capital, nevertheless, cannot develop a discourse of rights to question the prevailing laws or make pressure to change them so as to include various motivations of the new immigrants as grounds to seek citizenship or a permanent legal status. They can either give advice to the new immigrants on an individual basis for how to seek their rights within the existing laws that favor the people of Turkish descent (as in the actions of the BTSA) or request the political elites to make these laws apply on clientelistic grounds (as in the actions of Izmir Bal-Göç).

The dynamics of the associational activities as well as the legal incorporation of its new members are determined more by the power of political elites and other agent of the state as the overarching structure. Yet the habitus is also reproduced by the associations and the new immigrants' "autonomous" attempts to maintain their legal statuses within a "structured structure." On the one hand, the associations develop the discourse of rights based on the Turkish descent of the immigrants from Bulgaria as it is privileged by the prevailing laws and they underline it as the only legal ground available for "our people." On the other hand, the new immigrants also reproduce this discourse of Turkishness by legalizing their stay through the amnesties released for "our people" who are expected to visit Bulgaria without paying a fine for the times they stayed illegally in Turkey in return for voting in the elections to represent the interests of the Turkish minority in Bulgaria. Nevertheless instrumentalization of the arbitrariness (embedded in amnesties) and privileges (granted to people of Turkish descent) both by the associations and the new immigrants also reinforce the state's abuse of the exceptional status of Turkishness for its own interest. In that sense, the actions taken both by the associations and the new immigrants have in fact structured the structure.

In other words, as the immigrant associations, which are organizations subject to the state's supervision, are not able to engage in action to push for a redefinition of the terms of legal incorporation and as their actions are limited to underlining the existing routes for incorporation, the right claims made by the associations in fact support the political elites' instrumental use of the exceptional laws for the legal incorporation of the post-1990s immigrants.

This study illustrates that a certain form of immigrant habitus is developed and the hegemony of certain interests is consolidated through the internalization of the objective structures in the form of political and legal practices. For further research, a comparative study between the associations of Turkish immigrants from Bulgaria and of

other “outsiders” whose presence in Turkey cannot be defended with reference to the exceptional clauses secured for people of Turkish descent and culture (while keeping constant the visa policies available to enter, stay and work legally) might help us understand how different groups justify their “hereness.”

This comparison might also explicate the limits of political organizing within and beyond associations. Since the prevailing laws still privilege the legal incorporation of the people of Turkish descent, in legal terms if not in practice, comparing the ethnic and non-ethnic groups might answer the following questions: Is the reference to a shared Turkish descent the only ground for claiming legal incorporation for the newcomers? Or are there other values (cultural, political, social, religious or economic values for example) that the new comers from different sending countries and with various backgrounds would refer to in the legal and political field in order to achieve complete legal incorporation in Turkey? Would it be possible to organize around these different values if they are contradictory to the laws defining the legal limits for the actions of social organizations? So far, the former studies on the right-claims made by undocumented immigrants in other countries (as in Mc Nevin, Schuster, Schuster and Solomos, Ticktin, Varsanyi, and in Rosenhek) as well as my study suggest that so long as the legal status is a precondition for political action, the long-established immigrant habitus, more as a “structuring structure” than a “structured structure,” determines the limits of a truly autonomous rights discourse, which would be built on the ground and be based on the multiple motives of immigrants to come and stay permanently for the first place, and which in the post-1990s immigrants case is reduced into their Turkish descent and culture within the established immigrant habitus.

APPENDICES

APPENDIX - 1

TABLE: EMIGRATION OF TURKS FROM BULGARIA, 1878-1992.

| | |
|-------------------|-----------------|
| 1878- 1912 | 3500,000 |
| 1923-1933 | 101,507 |
| 1934-1939 | 97,181 |
| 1940-1949 | 21,353 |
| 1950-1951 | 154,198 |
| 1952-1968 | 24 |
| 1969-1978 | 114,356 |
| 1979-1988 | 0 |
| 1989-1992 | 321,800 |
| Total | 1,160,614 |

The table retrieved from Eminov (1997: 79). Eminov cites to different sources for the numbers given in this table (Donkov 1994; 39; Şimşir 1986a:6; Xristov 1989:51)

APPENDIX- 2

THE MOST RECENT VISA AGREEMENT BETWEEN TURKEY AND BULGARIA

9 Mayıs 2007 ÇARŞAMBA

Resmî Gazete

Sayı : 26517

MİLLETLERARASI ANDLAŞMA

Karar Sayısı : 2007/12070

23 Mart 2007 tarihinde Sofya’da imzalanan ekli “Türkiye Cumhuriyeti Hükümeti ile Bulgaristan Cumhuriyeti Hükümeti Arasında 10 Mart 1993 tarihinde Sofya’da Akdedilen Vize Anlaşmasının Tadiline İlişkin Anlaşma”nın onaylanması; Dışişleri Bakanlığının 26/4/2007 tarihli ve HUMŞ-588 sayılı yazısı üzerine, 31/5/1963 tarihli ve 244 sayılı Kanun’un 3 üncü maddesi ile 5682 sayılı Pasaport Kanunu’nun 10 uncu maddesine göre, Bakanlar Kurulu’nca 7/5/2007 tarihinde kararlaştırılmıştır.

SEZER

Ahmet Necdet

CUMHURBAŞKANI

Recep Tayyip ERDOĞAN

Başbakan

A. GÜL

A. ŞENER

M. A. ŞAHİN

B. ATALAY

Dışişleri Bak. ve Başb. Yrd.

Devlet Bak. ve Başb. Yrd.

Devlet Bak. ve Başb. Yrd.

Devlet Bakanı

A. BABACAN

M.AYDIN

N. ÇUBUKÇU

K. TÜZMEN

Devlet Bakanı

Devlet Bakanı

Devlet Bakanı

Devlet Bakanı

C. ÇİÇEK

M. V.GÖNÜL

A.AKSU

K. UNAKITAN

Adalet Bakanı

Milli Savunma Bakanı

İçişleri Bakanı

Maliye Bakanı

H. ÇELİK

F. N. ÖZAK

R.AKDAĞ

B. YILDIRIM

Milli Eğitim Bakanı
Bakanı

Bayındırlık ve İskan Bakanı

Sağlık Bakanı

Ulaştırma

M. M. EKER

M. BAŞESGİOĞLU

A. COŞKUN

Tarım ve Köyişleri Bakanı

Çalışma ve Sos. Güv. Bakanı

Sanayi ve Ticaret Bakanı

M.H.GÜLER

A. KOÇ

O. PEPE

Enerji ve Tabii Kaynaklar Bakanı

Kültür ve Turizm Bakanı

Çevre ve Orman Bakanı

TÜRKİYE CUMHURİYETİ HÜKÜMETİ İLE BULGARİSTAN CUMHURİYETİ

HÜKÜMETİ ARASINDA 10 MART 1993 TARİHİNDE SOFYA'DA

AKDEDİLEN VİZE ANLAŞMASININ TADİLİNE

İLİŞKİN ANLAŞMA

Türkiye Cumhuriyeti ve Bulgaristan Cumhuriyeti (bundan böyle "Akit Taraflar" olarak anılacaktır) aralarındaki iyi komşuluk ilişkilerini geliştirmek arzusuyla hareket ederek,

İki devlet arasında, vize gerekleri alanında ortaya çıkan değişiklikleri gözönüne alarak,

İki ülke vatandaşlarının seyahatlerini kolaylaştırmanın gerekliliğine inanarak,

1993 tarihli "Türkiye Cumhuriyeti Hükümeti ile Bulgaristan Cumhuriyeti Hükümeti Arasında Vize Anlaşması" ile belirlenmiş olan mevcut vize gereklerinde kısmi değişiklikler yapmak konusunda aşağıdaki şekilde mutabık kalmışlardır.

1. Geçerli umuma mahsus pasaport hamili Bulgaristan Cumhuriyeti vatandaşları, her 6 (altı) ay içinde 90 (doksan) günü aşmamak kaydıyla (ilk giriş tarihinden itibaren hesaplanır), uluslararası yolcu trafiğine açık olan bütün sınır geçiş noktalarından Türkiye Cumhuriyeti topraklarına vizesiz olarak giriş yapabilir, kalabilir, transit geçebilir ve terkedebilir.

2. Schengen Anlaşmasının Uygulanmasına İlişkin Sözleşmenin Akit Tarafları veya Avrupa Birliği üyesi devletler tarafından düzenlenen vizeler ya da Schengen Anlaşmasının Uygulanmasına İlişkin Sözleşmenin Akit Tarafları veya Avrupa Birliği üyesi devletler veya İsviçre veya Lihtenştayn tarafından tanzim edilen ikamet izinlerine sahip geçerli umuma mahsus pasaport hamili Türkiye Cumhuriyeti vatandaşları Bulgaristan Cumhuriyeti topraklarından 5 (beş) günü aşmamak kaydıyla vizesiz olarak transit geçiş yapabilirler. Bu transit geçiş Türkiye Cumhuriyeti'nden sözkonusu vize veya ikamet tezkeresini düzenleyen devlete olabileceği gibi, bahsekonu devletten Türkiye Cumhuriyetine yönelik de olabilir.

3. Bulgaristan Cumhuriyeti'nin diplomatik ve konsolosluk temsilcilikleri, Bulgar gerçek ve tüzel kişileriyle sürekli ticari ve ekonomik ilişkileri olan ve ikili ekonomik ve ticari ilişkilerin gelişmesine önemli katkıları olan Türkiye Cumhuriyeti vatandaşı işadamlarına, 1 (bir) yıla kadar geçerli, her 6 (altı) ay içinde 90 (doksan) günü aşmamak kaydıyla (ilk giriş tarihinden itibaren hesaplanır) kısa kalışlı çok girişli vize ita edecektir.

4. İşbu Anlaşma, Akit Tarafların, Anlaşmanın yürürlüğe girişi için gerekli iç hukuki süreci

tamamladıklarını belirten son yazılı bildirim alındığı tarihte yürürlüğe girer.

5. İşbu Anlaşma, Akit Taraflardan birisinin Anlaşmayı feshetme niyetini diğer Akit Tarafa diplomatik yoldan bildirdiği tarihten sonraki 90 ıncı (doksanıncı) güne kadar yürürlükte kalacaktır.

6. İşbu Anlaşma 10 Mart 1993 tarihinde Sofya’da akdedilmiş olan Türkiye Cumhuriyeti Hükümeti ile Bulgaristan Cumhuriyeti Hükümeti Arasında Vize Anlaşması’nın ayrılmaz parçasını oluşturmaktadır.

23 Mart 2007 tarihinde Sofya’da, Türkçe, Bulgarca ve İngilizce dillerinde, her metin aynı derecede geçerli olmak üzere, ikişer nüsha olarak akdedilmiştir. Yorumla ilişkin uyumsuzluk halinde İngilizce metin esas alınacaktır.

Türkiye Cumhuriyeti Hükümeti

Bulgaristan Cumhuriyeti Hükümeti

Adına

Adına

MehmetGücük

Lyubomir Kyuchukov

Bu Anlaşmanın İngilizce ve Bulgarca dillerindeki metinleri 9/5/2007 tarihli Resmî Gazete’de yayımlanmıştır.

This agreement is available at <http://www.resmi-gazete.org/tarih/20070509-3.htm>

APPENDIX – 3

THE RELATED ARTICLES OF THE OLD LAW # 403

Madde 6 - Aşağıdaki şartları taşıyan yabancılar Bakanlar Kurulu kararı ile Türk Vatandaşlığına alınabilirler.

Vatandaşlığa alınmasını isteyen kişi,

- a) Kendi milli kanununa, vatansız ise Türk Kanununa göre reşit olmalıdır.
- b) Müracaat tarihinden geriye doğru Türkiye`de 5 yıl ikamet etmiş olmalıdır.
- c) Türkiye`de yerleşmeye karar verdiğini davranışı ile teyit etmiş olmalıdır.
- ç) İyi ahlak sahibi olmalıdır.
- d) Genel sağlık bakımından tehlike teşkil eden hastalığı bulunmamalıdır.
- e) Yeteri kadar Türkçe konuşabilmelidir.
- f) Türkiye`de kendisinin ve geçimi ile yükümlü olduğu kimselerin geçimini sağlayacak gelire veya mesleke sahip olmalıdır.

B) İstisnai vatandaşlığa alınma:

Madde 7 - Aşağıdaki hallerde 6 ncı maddenin (b) ve (c) bentlerindeki şartlar aranmaksızın yabancılar, istekleri üzerine, İçişleri Bakanlığının teklifi ve Bakanlar Kurulu kararıyla Türk vatandaşlığına alınabilirler.

- a) Türk vatandaşlığını herhangi bir şekilde kaybetmiş olanların sonradan doğmuş reşit çocukları,
- b) Bir Türk vatandaşı ile evli olanlarla, bunların reşit çocukları,
- c) Türk soyundan olanlarla, eşleri ve reşit çocukları,
- ç) Bir Türk vatandaşı ile evlenme kararıyla Türkiye`de yerleşmiş olanlar,
- d) Türkiye`ye sanayi tesisleri getiren sosyal, ekonomik alanlarda veya bilim, teknik veyahut sanat alanlarında olağanüstü hizmeti geçmiş veya hizmeti geçeceği düşünülen kimseler,
- e) Vatandaşlığa alınması Bakanlar Kurulunca zaruri görülenler.

THE RELATED ARTICLES OF THE NEW CITIZENSHIP LAW #5901

Yetkili makam kararı ile Türk vatandaşlığının kazanılması

MADDE 10- (1) Türk vatandaşlığını kazanmak isteyen bir yabancı, bu Kanunda belirtilen şartları taşıması halinde yetkili makam kararı ile Türk vatandaşlığını kazanabilir. Ancak, aranan şartları taşımak vatandaşlığın kazanılmasında kişiye mutlak bir hak sağlamaz.

Başvuru için aranan şartlar

MADDE 11- (1) Türk vatandaşlığını kazanmak isteyen yabancılarda;

- a) Kendi millî kanununa, vatansız ise Türk kanunlarına göre ergin ve ayırt etme gücüne sahip olmak,
- b) Başvuru tarihinden geriye doğru Türkiye'de kesintisiz beş yıl ikamet etmek,
- c) Türkiye'de yerleşmeye karar verdiğini davranışları ile teyit etmek,

- ç) Genel sağlık bakımından tehlike teşkil eden bir hastalığı bulunmamak,
 - d) İyi ahlak sahibi olmak,
 - e) Yeteri kadar Türkçe konuşabilmek,
 - f) Türkiye'de kendisinin ve bakmakla yükümlü olduğu kimselerin geçimini sağlayacak gelire veya mesleğe sahip olmak,
 - g) Millî güvenlik ve kamu düzeni bakımından engel teşkil edecek bir hali bulunmamak, şartları aranır.
- (2) Türk vatandaşlığını kazanmak isteyen yabancılarda, yukarıda sayılan şartlarla birlikte, taşıdıkları devlet vatandaşlığından çıkma şartı da aranabilir. Bu takdirin kullanılmasına ilişkin esasların tespiti Bakanlar Kurulunun yetkisindedir.

Türk vatandaşlığının kazanılmasında istisnai haller

MADDE 12- (1) Millî güvenlik ve kamu düzeni bakımından engel teşkil edecek bir hali bulunmamak şartıyla Bakanlığın teklifi, Bakanlar Kurulunun kararı ile aşağıda belirtilen yabancılar Türk vatandaşlığını kazanabilirler.

- a) Türkiye'ye sanayi tesisleri getiren veya bilimsel, teknolojik, ekonomik, sosyal, sportif, kültürel, sanatsal alanlarda olağanüstü hizmeti geçen ya da geçeceği düşünülen ve ilgili bakanlıklarca haklarında gerekçeli teklifte bulunulan kişiler.
- b) Vatandaşlığa alınması zaruri görülen kişiler.
- c) Göçmen olarak kabul edilen kişiler.

Türk vatandaşlığının ikamet şartı aranmaksızın yeniden kazanılması

MADDE 13- (1) Millî güvenlik bakımından engel teşkil edecek bir hali bulunmamak şartıyla aşağıda belirtilen kişiler Türkiye'de ikamet etme süresine bakılmaksızın, Türk vatandaşlığını Bakanlık kararıyla yeniden kazanabilirler.

- a) Çıkma izni almak suretiyle Türk vatandaşlığını kaybedenler.
- b) Ana veya babalarına bağlı olarak Türk vatandaşlığını kaybedenlerden 21 inci maddede öngörülen süre içerisinde seçme hakkını kullanmayanlar

Available at <http://www.hukuki.net/kanun/403.15.frameset.asp>
<http://www.turkhukuksitesi.com/showthread.php?t=39776>

APPENDIX- 4
PETITION OF İZMİR BAL-GÖÇ

Bulgaristan göçmeni soydaşlarımızın "İkamet Tezkeresi" alma ve "Türk Vatandaşlığı'na" alınmama sorunu ile ilgili olarak İzmir Balkan Göçmenleri Kültür ve Dayanışma Derneği Genel Başkanı sayın Süleyman PEHLİVANOĞLU imzası ile T.C. İçişleri Bakanlığı'na gönderilen 16.03.2009 tarihli ve 026 sayılı yazımız aşağıda yer almaktadır.

T.C.
İÇİŞLERİ
ANKARA

BAKANLIĞINA

Derneğimize kayıtlı üyelerin akraba veya çocukları olarak Türkiye Cumhuriyeti'ne gelmiş Bulgaristan uyruklu soydaşlarımız ikamet tezkereleri ile burada yakınlarının yanında ortalama 10 yıldır ikamet etmekte ve çalışmaktadırlar, ancak 23.02.2009 tarihinde İçişleri Bakanlığına yapılan bireysel oturma izni sorunları ile ilgili müracaat etmiş olanlara Emniyet Müdürlüğünün Yabancı Şubelerine gönderilmiş 900 kişilik listede isimleri bulunmayan soydaşlarımızın mağduriyetleri devam etmektedir. Bu konuyla ilgili belirtilen kişilerin ileri tarihlerde başvuracakları vatandaşlık müracaatlarına esas olmak üzere ikamet izni ile birlikte çalışma izni verilmesi ilgili mağduriyetlerinin göz önüne alınarak değerlendirilmesini talep ederiz.

Gereğini bilginize arz ederiz.

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