ResearchGate

See discussions, stats, and author profiles for this publication at: https://www.researchgate.net/publication/301945232

Transit Migration in North Cyprus (TRNC)

Article · December 2014

DOI: 10.21533/epiphany.v7i1.88

CITATIONS
0

READS
667

3 authors, including:



Yilmaz Colak
Turkish National Police
11 PUBLICATIONS **173** CITATIONS
SEE PROFILE



Recai Aydin
Social Sciences University of Ankara
26 PUBLICATIONS **61** CITATIONS
SEE PROFILE

All content following this page was uploaded by Recai Aydin on 20 May 2016.

The user has requested enhancement of the downloaded file.

Epiphany
Journal of transdisciplinary studies

Epiphany: Vol. 7, No. 1, 2014
ISSN 1840-3719

Transit Migration in North Cyprus (TRNC)

Yılmaz Çolak[*]
H. Hüseyin Tekin[*]
Recai Aydin[*]

Abstract

This study aims at exploring the flows of transit migration to North Cyprus by type: whether or not it is labour, refugee or asylum. To determine that, the question of which push factors lay behind transit migration in the origin country tries to be answered. Also this study seeks to analyze origins, routes and destinations of transit migrants in TRNC from 2004 to 2008. In addition, the paper analyzes what kind of measures TRNC government was taking to deal with illegal transit migrants, human trafficking and smuggling through its borders, and how non-state institutions in TRNC considered and dealt with transit migrants and especially refugees.

Keywords: Illegal Migration; Refugees; Asylum Seekers; Human Trafficking and Smuggling.

[*] Yılmaz Çolak, Faculty of Security Studies, Turkish National Police Academy;
[*] H. Hüseyin Tekin, Faculty of Security Studies, Turkish National Police Academy;
[*] Recai Aydin, Faculty of Security Studies, Turkish National Police Academy; e-mail:raydin77027@yahoo.com

Introduction

The Turkish Republic of Northern Cyprus (TRNC) has been attracting the flow of transit migrants in recent times. Since 2004 the number of those transit migrants has increased in a relatively massive scale. The last wave of migration in its nature is a totally new form. In the past, majority of migrants came from Turkey, Great Britain and Bulgaria to North Cyprus and some Turkish Cypriots migrated to other countries, following the partition of the island in 1974 Turkish intervention. However the situation is rather different today. By 2004, when the Republic of Cyprus (RoC) joined to the European Union, the Green Line, cease-fire line that separates the island into two parts (RoC and TRNC), began to serve as the border of EU. Thus, the existing status of North Cyprus makes it one of the most favourite routes for irregular transit migrants. This fact finds its clear expression in the words of Baldwin-Edwards (2005) "For the new EU members, such as Malta and Cyprus, inclusion in the EU regime has made them attractive for illegal migrants and/or asylum-seekers not so much in their own right, but as transit stages to northern Europe." TRNC became a transit country where people from many countries try to migrate to EU countries, first to the RoC, illegally as labour migrants, refugee or asylum seekers (İçduygu, 2005, p. 2). Since 2000 TRNC has received many "illegal" transit migrants from Syria, Iraq, Iran, Georgia and other Asian and African countries.

This study aims at exploring the flows of (irregular) transit migration to North Cyprus by type: whether or not it is labour, refugee or asylum. To determine that, the question of which push factors lay behind transit migration in the origin country tries to be answered. In parallel to that, this study seeks to analyze origins, routes and destinations of transit migrants in TRNC from 2004 to 2008. Moreover, it tries to analyze what kind of measures TRNC government was taking to deal with illegal transit migrants, human trafficking and smuggling through its borders, and how non-state institutions (United Nations High Commissioner for Refugees (UNHCR) and human rights organization) in TRNC considered and dealt with transit migrants and especially refugees. And then it is argued that TRNC government had a several difficulties in combating and handling the problems aroused from illegal, transit migration because of its internationally unrecognized position.

Migration, Illegal Migration, Transit Migration

Migration can simply be defined as people's act of leaving their homeland for another location with a specific purpose. In other words, an individual or a community travels from one region, state or country to another one. In this context migration requires experiencing a life style that is intensified by horizontal mobility. Migration can be the result of natural, political, social or economic conditions. The geographical events, need for a shelter and security concerns might also trigger people`s willingness to

move. In the early centuries, it was generally the result of people`s need for food, settlement and security which forced them to move from one region to another. Towards the beginning of and during the twentieth century the world witnessed huge migration waves where hundreds of thousands of people moved and immigrated into new regions due to great wars, annexations, political disturbances and search for a better life. This trend accelerated with the establishment of nation states. Consequently, this led to acceleration of the legal establishment and institutionalization of border and passport controls.

Western social scientists came up with some explanations for this trend and specified push and pull factors of migration, based on their observation and research in their local communities and historical experience. In this sense there is a common consensus that people`s economic, social, political issues and inability to meet their primary needs within their geographical area, and the absence of optimism to overcome these issues in the near future can be considered as a push factor. On the other hand, when existing problems make their life uncomfortable, these factors drag people away from their place of residence to a new region where they find a hope for living in freedom and better conditions. These positive features are known as pull factors of migration (Kushner & K. Knox, 2001, p. 1).

The immigrants who leave their countries with the fear that they might be the victims of cruelty often are put in the same category with the people who immigrate to find a new job, or to

get a proper education or to gather with their families. Although they had been practiced for centuries, the terms asylum seeker and refugee gained an institutional framework only in 1919 with the establishment of League of Nations. According to *Dünya Mültecilerinin Durumu* (2001) by 20th century there were around 150 million immigrants who went from their home states for other countries. This number was equivalent to 2.5 percent of world population by then. And around 10 percent of this 150 million people were refugees.

United Nations defines refugee as someone who has well-founded fear of torture and/or persecution in his state due to civil conflict or armed rivalry, hence with a legitimate fear of danger he asks for refuge from another state (BMMYK, 1997). The term `asylum seeker` is used in English to define the status of one who seeks for refuge. Person is considered to be an asylum seeker if he or she faces a threat or violation of his/her rights in his/her basic living conditions and from an official authority or state institution, and if he/she is left without the protection of his/her state and seeks to be settled up in another country.

In general, asylum seekers might face some difficulties until the process is over. Especially when the process of granting full refugee status becomes too long the situation gets too deterrent. Under state law, rights of asylum seekers are much limited compared to refugees. In some cases, there is overlapping of domestic and international law on refugees, and this leads to misunderstanding and misinterpretation regarding the rights of

asylum seekers. Because under this category, there are wide range of people whose application for refugee status is about to be completed, those whose application will be rejected, and those who will not be granted a refugee status but can still reside in the host country for a limited time. To overcome this complex situation UNHCR receives applications and until given a final verdict all asylum seekers are identified as `presumptive refugees`. Under the protection of these statues, people exercise the right of nonrefoulment which forbids states from returning asylum seekers to the regions where they will be subjected to persecution and torture again. Asylum seekers live under this protection until they receive a final decision. (Hein, 1993, pp. 43-44).

The term refugee is used for someone who applies for UNHCR to be granted official refuge, and whose application is considered by `Status Determination Unit` and approved after all the interviews and investigation. After the aproval of refugee`s application by UNHCR there is second round of interview for financial support. Unless the second interview ends with the conclusion that refugee is in financial need, certain amount of income is provided for her/him. Definitions we refer ti in this work have a clear legal framework for government authorities. However, for social scientist it is not possible to say how they came to a consesnus about the right definition of these words. Sociologist Hein, who is well known for his studies about

refugees, linked refugees to economic reasons and asylum seekers to political dimensions (Ibid.,).

Usually it is not easy to differentiate between asylum seekers and refugees on the bases of political and economic reasons. Similarly, it is not so easy to differentiate between immigrant, asylum seeker and refugee from one another with clear distinctions. Hence, these words and definitions are often used by social scientists interchangeably (Hacket, 1996, p. 9). Using immigrant, refugee and asylum seeker interchangeably and analyzing all three categories under the concept of refugee leads to this common conclusion: "Refugee is someone who was forced to leave his hometown and bear some threats in order to live in a safe region". Another definition stated that "Refugees are often considered as people who lost their home, family connections, friendships, social environments and financial assistances" (Williams, 1993, p. 135).

The economical and political reasons together with conditions of the 20th Century brought about new grievances for people to abandon their own countries. Under this circumstance the difference between economic immigrant and political refugee becomes more blurry. What makes this distinction even harder is the fact that all around the world political and economic conditions are interpenetrated and governments` perception of migration and refuge fully relies on political terms.

There are no concrete differences among the migrants, refugees and illegal migrants. A person can request the status of

asylum seeker due to outrage of his very primary rights and security concerns and meanwhile grant residency and work permit hence granting the status of a refugee. On the other hand an immigrant who settled in the country in a legal way might lose his rights due to breaking some rules or expiration of the time. This person can stay in the country by illegal means (Angenendt and Edward, 2002).

Illegal immigrants often arrive in the host country by migrant smuggling and human trafficking and pay huge amounts to people who organized the delivery. Throughout the journey they bear the risk of being deported, being a part of an international crime and being sent to the court. They cannot carry any official document for identification. They destroy all the identification documents in order not to be identified. The smugglers organize all the process and make sure it will go smoothly. Very often fake passports and visa are used; the journey may last months since they pass through several states. Due to the difficulties and possible problems that can be faced at the border passing's, the illegal human smuggling organizations also arrange the accommodation at the borders (Ibid, p. 11).

National and international migration laws determine the legal or illegal status of a migrant. For any given legislation the number of illegal migrants depends on the social-political and economic conditions of the sending countries and on the organizations which favor frontier transit, but also on push-pull forces in the host countries. This note elaborates on why

employers decide to use irregular workers – be they locals or foreign nationals; why workers decide to reside illegally in another country; why institutions enforce the law; and last but not least how society pushes institutional action or enforces legislation directly. Without social enforcement it is very costly to institutionally enforce a law which limits employment and income access to legal workers in societies where irregular employment is common practice (Venturini, 2009).

A second way of answering the question would be to focus on the sheer number of forced migrants in the world today, which has been estimated at between 100 and 200 million (Castles, 2003, p. 15). This phenomenon is a product of wider processes of social and economic change, processes that are normally referred to as 'globalisation' and which appear to be creating an ever increasing North-South divide in living standards, human security, and access to justice and human rights protection. It follows that forced migration, including the 'migration industry' of people trafficking and smuggling, can provide a kind of window on these processes, a way of examining and understanding them (Turton, 2003).

My main point in this section is that the distinctions we make within the wider category of forced migrants are an artifact of policy concerns rather than of empirical observation and scientific enquiry. It would be interesting to know exactly when the term forced migrant itself first entered into use in policy and academic circles, but this must have been fairly recently. For it

must have been a response to the narrowing down of the range of attribution of the term refugee to a legally defined category through the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. It then became necessary to treat the term 'refugee' which, in the language of everyday speech can mean anyone who has been forced to leave his or her home, as the name of a much narrower category of people, with special rights in international law and with a special call on the assistance of the international community. The term 'forced migrant' therefore came into existence as the name of the wider class, from which the legal category of 'refugee' had been 'extracted'.

When creating a legal category, of course, it is very important to be clear about its limits, about the membership criteria to be used. The refugee definition provided in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol is, of course, the main standard of refugee status today. This definition provides two main criteria: persecution and 'alienage'. The refugee is a person who has crossed an international border because of a well-founded fear of being persecuted' in his or her state of origin (ibid.,).

Then you have the new category of 'asylum seekers', people who have made a claim for asylum but whose cases have not yet been determined. This category has emerged in response to the growing difficulty of making clear distinctions between people who are moving for political as opposed to economic reasons, since political upheavals go hand in hand with violent

conflict, economic distress and human rights abuses. Asylum seekers are, not surprisingly, found mainly in Northern countries, where they are assumed by governments and public alike to be economic migrants using the asylum procedure to circumvent immigration controls. When the number of asylum applications in W Europe began to rise in the early 1980s, partly no doubt because of the closing down of the migration channel, the immediate response of states was to introduce so-called 'restrictive asylum practices' - visa restrictions, carrier sanctions, safe third country and safe country of origin concepts, narrower interpretations of the 1951 Convention. These restrictions were successfully evaded by a large numbers of migrants using transnational social networks, new transport and communication technologies and people smugglers. It does not, of course, mean that asylum seekers are not 'genuine' just because they use migrant networks to make their way into Western Europe, nor because they make use of the services of people smugglers. What it does mean is that it has become increasingly difficult, in practice, to separate out refugees from economic migrants, and yet such a separation is seen by governments as an essential condition of an effective asylum and immigration policy. Nor is this just a European issue. The Afghan refugee crisis of the past twenty years, for example, has been superimposed on a history of seasonal economic migration, within the Central Asian region and beyond, going back hundreds of years (Ibid., pp. 52-53).

A Profile of Transit Migrants in TRNC

The issue of transit (illegal) migration is totally a new phenomenon for North Cyprus. For TRNC police record, transit migrants began to been seen since 2000. According to UNHCR Report by that time TRNC became one of the preferred routes for those, form Middle Eastern, African and Asian countries, who want to go to one of EU countries in an illegal way. Especially Syrian illegal migrants are using North Cyprus to pass to the RoC, due to geographical closeness. There is also some significant number of Iraqi and Palestinian transit migrants who might be considered as refugees.

For the TRNC Police Department (TRNC-PD), the total number of the migrants who have entered to TRNC in illegal ways and been arrested since 2000 is 1273. It is important to note here that there is a noteworthy increase in the number of detained illegal migrants by 2003. Since then 1107 transit (illegal) migrants have been detained; among them 99 migrants came in 2003; 163 in 2004; 111 in 2005; 289 in 2006; 362 in 2007; 83 in 2008. It is clear that there are two main reasons behind this increase. First, the TRNC authorities unexpectedly opened up the Green Line for border crossing in April 23, 2003, which has also an obvious impact on the Cyprus Question entering in a new unalterable process (Frantz, 2002). After lifting the ban on free-crossing a lot of Greek and Turkish Cypriots have crossed the line between the north and the south. Such free-crossing also makes human traffickers' job easy, starting to effectively use the gates to transfer illegal migrants. Second, the RoC became one of 25

members of the EU in May 2004. This makes the Green Line a *de facto* external border of the EU. As a result it became an attractive route for human traffickers to maintain illegal migration across the Green Line. In the increase of human trafficking across the Green Line, the attitudes of the RoC authorities have a greatest part. As reported in daily *Cyprus Mail*, "with the opening of the checkpoints in 2003, the government refused to establish anything that might resemble border posts, with scant controls on traffic at the checkpoints. Five years, on, officials remain housed in prefabs, and most of those crossing simply walk through unhindered, with no identity control whatsoever."

Syrian origin-illegal migrants constitute a large bulk of the transit migration in TRNC. The total number of Syrians been arrested since 2000 is 847, which drastically increased in recent years. Almost two-third of these transit migrants came in last two years and all of illegal migrants, 83, detained in 2008 have Syrian origin. We can easily call these Syrian migrants as labour migrants, due to the fact that the majority of these migrants have not applied for being considered as refugee and wanted to go back to their country. There are also some labour migrants from Iraq, Iran, Palestine and Georgia.

Iraqi transit migrants constitute the second largest group with detained 295 illegal migrants. When we look at their arrival time, three-fourth of them came in between 2000 and 2002. Here one can make a speculation that they escaped from Iraq which was under the threat of US invasion after September 11. Other

arrived in and detained by TRNC authorities in 2007. The significant majority of these migrants are asylum seekers or refugees. Together with them, Palestinian illegal migrants, whose number is 20, are also refugees. These Iraqi and Palestinian refugees usually start their journey from their country origin and come to North Cyprus *via* Syria and Turkey. And then they tried to cross to the south (www.unhcr.org.tr/MEP/FTP). Most of these refugees said that they escaped from civil skirmishes, widespread violence, war, and authoritarian rule and their life was under the threat (www.starkibris.net/index.asp).

Other nationals, comprising just 10 percentages of the total number of detained illegal migrants, include 44 Georgians, 17 Iranians, 15 Afghans, 10 Bangladeshis, 8 Lebanese, 7 Pakistanis, 4 Egyptians, 2 Jordanians, 2 Senegalese, 1 Mongolian and 1 Lithuanian. Almost all of these illegal migrants were arrested after 2003. Majority of them seem to fall into the category of labour migrants.

According to TRNC-PD's record and *Star Kıbrıs*, (2008), when one looks at the nature of transit migrants in terms of age, it is obvious that young people constitute majority. 52.2 percentages of 362 transit migrants detained in 2007 are ages between 21 and 30; 20.7 percentages of those are less than 21. Another major group is ages between 31 and 40, constituting 19.9 percentages; and just only almost 7 percentages are over 41. It is important to mention that more than one-fifth of transit migrants are less than 20 years

old. These figures show that there are many too young migrants; and also, it means that there are many children coming with their parents. But, when we consider the issue of gender, among detained illegal migrants, there are few women migrants who usually accompany their husbands.

When we analyze the news appearing in newspapers on the stories of illegal migrants, we discover the fact that the most favourite destination points are the member states of the EU. First they tried to go to South Cyprus and then the majority of them want to pass to one of other EU countries. Besides that, other major target countries for final destination are Australia, Canada and Scandinavian countries.

Besides these detained illegal migrants, it is also estimated that many illegal transit migrants crossed to the south in one way. Among them there are many transit migrants who enter to TRNC in a legal way as tourists and cross to South Cyprus in illegal ways. On this issue, Kıvanç Aktuğ, director of UNHCR's Human Relief Mission in the north, said that in 2006, 441 Syrians and 272 Iraqis came to North Cyprus and applied to the Mission for asylum; among them 17 Syrians and 13 Iraqis went back to their countries with their desire, but, after the Mission's rehabilitation of them, their majority crossed to the south with their efforts without informing them. Those 86 of Iraqis who were arrested while they were crossing over the Green Line were taken back from the Turkish Cypriot police and helped them, but later all of them crossed to the south again (*Star Kıbrıs*, 2008).

Routes of Transit Migrants and Particular Cases

There are four main routes human traffickers use in carrying illegal transit migrants. The first main route is from Turkey's southern provinces to North Cyprus. Here human traffickers use Turkey as a transit country to come North Cyprus and then cross over it to go to South Cyprus and then one of EU countries. In this route, Mersin, Adana ve Hatay are the favourite places to come to TRNC north-east coastline, especially Karpaz peninsula. Usually human traffickers use rented fishing boats to carry transit migrants to North Cyprus. Local collaborators take these migrants and travel throughout TRNC and help them crossing over the Green Line. The second main route is from Syria's Latakia to Famagusta coastline. In this route human traffickers use small boats or fishing boats to carry illegal migrants. Local collaborators take them who are landed by boats and then transfer them cross over North Cyprus. Third way is to carry illegal migrants in the trucks from Mersin and Taşucu ports to Girne and Gazimagusa ports. When we compare with other routes, this one is rarely utilized by human traffickers. The last one is that transit migrants use legal ways to enter the TRNC, usually as tourists. Usually they get lodged in one hotel and then enter to South Cyprus with the help of smugglers. In some cases they are taken from Ercan airport and directly transferred to cross over the Green Line.

In using the first two routes Karpaz peninsula came to the fore as a main geographical area where the most cases of detained illegal migrants happen. These migrants who tried to enter to TRNC have used sea routes and especially empty and long coastlines of Karpaz peninsula. These are not strictly controlled and so become the most suitable places for human smugglers and transit migrants.

Ferry Link between TRNC and Syria

Regarding the last route, the ferry link between North Cyprus and Syria achieved significance in recent times. In October 2007 Syria allowed a ferry link closed since the 1970s from Turkish Cypriot Gazimagusa to Latakia. It restarts twice weekly. As Gaziamgusa Port officials stated, "the ferry service was stopped during the winter time due to bad weather conditions, but it will be restarted when tourism season starts" (*Kıbrıs Gazetesi*, 2008). In the case of Syrians who came to TRNC *via* ferry in a legal way it is not easy to separate travellers from migrants. Some of them did not return in a time envisioned as a visa period. And those are estimated to pass to the south. Here, numbers of entries vs. exits help us to estimate transit migration. By early March 2008, 809 Syrians entered to TRNC in a legal way by 14 ferry services, but just only 200 of them went back to Syria (Ibid.,). It is estimated that majority of those legal entries went to the south in illegal ways, and some preferred to stay in the north and became part of illegal work force. According to Kivanc Aktuğ, director of UNHCR's

Human Relief Mission in the north, number of asylum seekers who applied to the Mission was 200 in 2006, but then in 2007 the number of asylum seekers increased to 731 since Gazimagusa-Latakia ferry link started. He said that those who came with ferry services paid 1600 US Dollars for five nights stay. They stayed at hotel for one or two nights and then, leaving their passport and belongings at hotel, they crossed to the south, but they do not have any idea about which ways they are using in crossing to the south (*Sözcü*, 2008.). The Greek Cypriot authorities accused the Turkish Cypriot administration and Syria on the ferry services as a responsible for increasing smuggling of illegal immigrants into the north.

Human Smugglers

According to *Crisis Group Europe Report* (2008) in smuggling of migrants, in the case of North Cyprus, it seems clear that there are various mafia-type structures which look like very organized in Turkey, Syria, the TRNC and the RoC. In these mafia-type organizations which are doing human trafficking, drugs and prostitution at the same time, human smugglers are made up of Turkish, Syrian, TRNC and RoC nationals. These human smugglers usually first procure the illegal entry of migrants into the TRNC from Turkey or Syria and then, with the help of their local collaborators, transport and transfer them throughout the TRNC and then assist them on the Green Line passing. Total money charged from each smuggled migrant as the

prices of smuggling and the usuries of travel costs, ranges from 1.500$ to 5.000$.

Case: Fake Passports

At the same time according to the police station; some refugees tried to enter to the TRNC with false stamp of their passports. 6 Georgian nationals were arrested with the false stamped passports, while entering to TRNC from Girne Port. These passports were prepared in Alanya, Antalya. These illegal migrants were sentenced for three days (Star Kıbrıs, 2007).

Case I: A Group of Syrian Migrants

17 Syrian illegal migrants were arrested by British bases police and Greek Cypriot police in March 26, 2008. They told that, as a group of 40 (illegal) migrants, they started their "journey to hope" from Latakia, Syria, in March 23 with a fishing boat. Later they were transferred to another boat. They landed on a sandy beach in Gazimagusa. They had to walk in the sea around 20 meters. Three men picked them up by a truck when they arrived in the north and took them to Duzce/Achna village where one of the men stayed to help them across. While crossing to the south, they were stopped and fired shots by Turkish border guards. Most of them entered the British bases, some the Greek government-controlled areas. There is no any information on other 23 migrants. Each Syrian migrant paid $2,600 to human traffickers (*Yenidüzen Gazetesi,* 2008 and *Cyprus Mail,* 2008).

Case II: Story of Osama Taha Hashim and his family

According to Bacheli (2008) Osama Taha Hashim and his family story start on September 27, 2007 in Istanbul airport with 7 family members including his wife, children, his dead brother's wife and her son. The plane was headed for Ercan airport in T.R.N.C. Earlier, Osama and his family had travelled from Iraq to Turkey using Iraqi travel documents. At this stage, according to the laws of Turkey and Iraq neither Osama nor his family, had done anything illegal but once on the plane, the family were in the hands of human traffickers, who for a fee supplied them with forged Turkish travel documents that would, if all went according to plan, enable them to enter northern Cyprus with a three-month holiday visa. Under instructions from the trafficker escorting them, Osama and his family were led through Turkish Cypriot immigration checks, where their documents were stamped by an allegedly "insider" immigration police official. Once in north Cyprus, the plan was for them to be smuggled to the south of the island, where they would be able to apply for political asylum – an application that would almost certainly have been granted. But things started to go wrong when the Turkish Cypriot authorities caught wind of the human trafficking ring that had helped smuggle them. In a matter of days, Osama and his seven family members, two suspected Turkish traffickers, a Turkish Cypriot go-between, and a Turkish Cypriot immigration policeman were all in custody. The children were placed in an orphanage in north

Nicosia, while Osama and his wife and sister-in-law were jailed, pending a trial for illegal entry into the north. The Turks and Turkish Cypriots were also jailed, pending their trial for membership of a human smuggling ring. Facing legal proceedings against themselves, Osama and his family had become key witnesses in a high-profile trial against the human traffickers.

Osama's lawyer Yusuf Tekinay, working with the UNHCR representative in north Cyprus Kivanc Aktug, recently managed, under condition of bail, to secure the release of Osama's wife and sister-in-law so that they can look after the children. However, under Turkish Cypriot law, they and Osama could face up to ten years in jail for entering the island with forged documents. Aktug says, "This is an exceptional case because Osama is the number one witness in the case, and the authorities are afraid he will go to the south if he is released." Aktug is confident, however, that once the case is concluded the judge will not hand down a custodial sentence, and that the UNHCR will eventually grant the family political asylum, either in the EU, the US or Canada. In fact, Aktug says that even though laws on illegal entry and forged documents are strict in the north, the authorities are usually lenient towards those whom the UNHCR say are genuine asylum seekers.

Osama and his family will also be helped by the fact that his case has triggered a report written by young Human Rights lawyer Öncel Polili on behalf of the Turkish Cypriot Human Rights Foundation (KTIHV) aimed at applying further pressure on

the Turkish Cypriot authorities. It also hopes to lead to an updating of the law that will end all imprisonment for asylum seeker captured in the north. The family's lawyer Yusuf Tekinay said that he had received reassurances from the judge presiding over the case that Osama's wife and sister-in-law's cases would not be taken to the high court. "This means that they are unlikely to spend more time in jail," Tekinay said. Osama, on the other hand, remains in jail with no such reassurances, a virtual hostage to the authorities and their ongoing but sometimes erratic mission to smash the smuggling rings.

A Case: Coming from Syria: Economic reason

In September 2007, 47 illegal migrants who were in a 11.5 meters fishing boat were arrested by TRNC coast guards in near to İskele, Karpaz. Together with them, the captain of the boat, Aftimous Dib (65), was arrasted too. The boat was coming from Latakia Harbour. Gazimagusa District Court sentenced the captain for 15 days of priosonment and 47 migrants just only for 2 days. The captain expressed that he agreed with Syranian national man and received 400 US dollars from each migrants to bring them to North Cyprus. Migrants said that they gave 2000 US dollars for per person t go to the RoC. They also expressed that the main reason pushing them coming to Cyprus illegally was economic; they are poor people and migrating with the hopes of finding better jobs and better life conditions (*Star Kıbrıs*,1997).

Case: Crossing to the UK Base

In 2001 and 2003 some migrants entered to North Cyprus with illegal ways and later they passed to the UK Base where they applied for asylum with a goal to go to England. They made several attempts to have English pasport, but they were refused in every time and they continued to be kept in the Base. (www.pratikhaber.com/new/haberdetay.asp).

Case: Wushu - Teak Wondo Team

Iraqi Marti Alarts Wushu team, including 15 people, came to North Cyprus as the guest of TRNC national team on 9 January, 2008. They remained in the Kaşkar Court Hotel, and in the following day, after the launch, they never came back to the hotel again. As reported by South Cyprus daily Filelefteros, Greek Cypriot police captured 7 man, 4 women and 4 children. And then they applied for asylum. These illegal migrants started their journey from Northern Iraq and then they came to Damascus with overland journey and from there they went to Mersin. They then entered to TRNC from Girne by a regular maritime line from Mersin. The TRNC Taekwondo Wushu chairman Mustafa Aktuğ said that these people engaging in sport previously joined to the international competition TRNC federation organized on October 2007, but later they applied again to come to TRNC and they paid their expenses (www.urlax.net/index.php?option=com_content&task=view&id=79090&Itemid_100)

Case: In the truck carried by the ship

A group of Syrian illegal migrants are captured in the foreign ship, called Nancy, in Gazimagusa. It brought cigarettes to North Cyprus. And later it left from Gazimagusa Port and sailed around North Cyprus water. After that it again entered to the Port. Upon that, TRNC coast guards suspected from it and searched in this ship. They found 14 illegal migrants whose ages were between 20 and 52. The captain of the ship, having both Syrian and TRNC nationalities, was arrested (www.medyatext.com/print/ID/56350).

The Role of TRNC Government and NGOs

TRNC immigration policy is only about labour migrants according to which any company may bring and sign contract with foreign nationals as guest workers. The number of legally resident foreign nationals is around 30,000. The significant majority is of the Turks from Turkey as "quest workers". There are also some illegal workers from Turkey and other countries, especially African countries. In the TRNC there is no any special domestic legislation on transit migrants and refugees or efficient protection of asylum seekers or refugees. Although the 1951 Geneva Contract was accepted by the RoC in 1961, it can not be implemented in the north, first and foremost because of the international unrecognized, isolated position of the TRNC. At that point, the reasons highlighted by TRNC officials are that the

TRNC government can not establish any direct international relations with other countries and not have enough financial sources to feed and provide accommodation for refugees (*Star Kıbrıs,* 2008). Thus, it is obvious that these make TRNC more fragile in the flows of (irregular) transit migration.

The procedure about transit migrants the TRNC government mainly has followed is that, after transit migrants are arrested while entering or leaving the country in illegal ways, they are brought to the court and detained usually for three days and in some rare occasion for one to three months. If there are Iraqis and Palestinians among them or those who want to apply for asylum, the TRNC police inform UNHCR office about them. Usually after three days they are deported and sent to their original country *via* Turkey. The TRNC police usually take illegal migrants to Mersin Port or Adana International Airport and deliver them to the Turkish police. They also pay all their expenditures in this process. In most cases this is done without considering their request for asylum.

Thus, detained illegal migrants can not apply for asylum officially in TRNC. But, with the efforts of UNHCR's office called Human Relief Mission in TRNC, Iraqi and Palestinian transit migrants began to be considered as having a refugee position. It is because that, in accordance with the principle of *non-refoulement*, those Iraqi and Palestinian seeking asylum should not be forcibly returned to their countries where they risked serious human rights abuses. The Mission provides

accommodation and financial support to those asylum seekers / transit migrants who are accepted as refugee in North Cyprus. And also it tries to find a suitable country, usually Australia and New Zealand, to send them. Kıvanç Aktuğ, the Mission's director, explained how it works in a following way: "Those migrants, before coming, do not have any idea about the UNHCR office in the north. We are informed by TRNC-PD or TRNC Migration Office about illegal migrants. And then we get involved. We help to those who want to apply for asylum, especially Iraqis and Palestinians. Unfortunately, later, most of them cross to the Greek side" (*Sözcü,* 2008). By February 2008, he said, the Mission was taking care of 16 refugees.

Beside the Mission, other non-governmental organization which is active in the matters of refugee is the Turkish Cypriot Human Rights Foundation (*Kıbrıs Türk İnsan Hakları Vakfı*, KTHIV). KTHIV helps and mediates between those having a refugee position and the UNHCR located in the buffer zone. It puts a strong emphasis on the rights of refugees and highlights the obstacles they face to in TRNC such as they are immediately deported without any investigation. In this regard, its officials argue that TRNC laws must be redesigned to get in harmony with EU laws (www.kthiv.org).

Transit migrants use TRNC as a kind of a buffer zone to enter the EU. To stop the flow, the TRNC government has tightened border

control, but failed to control 180-km buffer zone and 300-km coastline. Regarding to the Green Line, the buffer zone, this is mainly because that the RoC government does not willing to make any co-operation with TRNC government to take measures against illegal transit migrants. Several times, Turkish Cypriot authorities offered co-operation with the Greek Cypriots on illegal crossing of the buffer zone; these have not found any echo from the South. The last call for co-operation from the north came in January 2008. Hasan Ercakica, the spokesman for Turkish Cypriot leader Mehmet Ali Talat, said that "this is a problem threatening both the north and the south of the island… The Greek Cypriot side has to understand that they can not free themselves of the responsibility by refraining from adopting effective measures along the Green Line and refusing to co-operate with the Turkish Cypriot authorities or by putting the blame of their negligence over the issue of human trafficking on the shoulders of others and making use of it as a means of political exploitation… The Turkish Cypriot side is ready to co-operate with the Greek Cypriot authorities (for the prevention of illegal immigration) and demands the assistance of the UNFICYP on the issue" (Christou, 2008). It is clearly mentioned in the recent Crisis Group Europe Report that:

> "(D)iplomats believe the Talat government is sincerely trying to combat illegal immigration, but due to recognition sensitivities, Greek and Turkish Cypriot police do not cooperate… The former Turkish Cypriot negotiator, Raşit Pertev, said, 'the Greek Cypriots won't cooperate …especially not with the Turkish Cypriot police. But bi-communal mafias are much organised, doing human

> trafficking, drugs and prostitution'" (*Crisis Group Europe Report, 2008*, p. 16).

The Crisis Group Report condemns the Greek Cypriot government not wishing to establish "a hard frontier on the Green Line, which it believes would be contrary to its goal of full reunification, but it detained 5,191 illegal immigrants in 2005 and 3,796 in 2006, most from Turkey" (Ibid., p. 20). But, the EU Commission Report (2007) finds it "worryingly high numbers of illegal immigrants" and recommends that "the authorities of the Republic of Cyprus take concrete steps without delay in order to comply with their obligation under the Green Line Regulation… While the Green Line does not constitute an external border, the surveillance obligations of the Republic of Cyprus on the government-controlled side of the Green Line should be met effectively." For the Greek Cypriot authorities, in 2007 the government received 6790 application by asylum seekers who come across North Cyprus (Christou, 2008). In this increase, Sofokleus, minister of RoC's Justice and Public Order, blamed on the north authorities as willingly allowing these illegal migrants to cross over the Green Line; they use the coastline, ports and airports of Turkey and the North to enter to the South. To prevent such flow, he said, the Greek Cypriot government started to take important measures for controlling of the Green Line crossings (*Kıbrısılı Gazetesi*, 2007).

Conclusion

This is clearly observed in the context of Cyprus Question that transit migration being itself at the centre of political debates gains outmost significance. Both sides blame each other not reinforcing enough border control. No further progress has been reported in bringing the two sides together on the issues of illegal immigration, human trafficking, refugees or asylum seekers and also on the security aspects of migration control (borders, asylum, expulsion of illegal migrants). Just only the Turkish Cypriot government, Ozan said, is cooperating with the British bases on these illegal crossing. Also it improved security at the crossing point at Pergamos where a lot of illegal crossing happened. It is obvious that both sides have weak migration control in different vein. TRNC immigration policy seems to fail regarding immigration control on illegal migration and political asylum or refugees[1].

References

Angenendt S. and Edward O. H.. 2002. *Asian Migration to Europe and European Migration&Refugee Policies*, German Council on Foreign Relations.

Baldwin-Edwards Martin. 2005. "Migration into Southern Europe: Non-Legality and Labour Markets in the Region." *MMO Working Paper.* No. 6.

Bahceli,S. 2008. Behind the scenes of human trafficking.

[1] For analysis of immigration policy and immigration control see Terri Givens and Adam Luedtke, "European Immigration Policies in Comparative Perspective: Issue Salience, Partisanship and Immigrant Rights", *Comparative European Politics*, 3 (2005): 1-22, p. 3.

www.pratikhaber.com/new/haberdetay.asp.

BMMYK. 2001. *Dünya Mültecilerinin Durumu, İnsani Yardımın Elli Yılı,* Ankara.

BMMYK. 1997. *Dünya Mültecilerinin Durumu, Bir İnsanlık Sorunu,* Ankara.

Castles Stephen. 2003. "Towards a Sociology of Forced Migration and Social Transformation", *Sociology, A Journal of the British Sociological Association*, Vol. 37, No:1.

"Catch-22 on immigration." *Cyprus Mail*, 15 March 2008.

Christou Jean. 2008. "North authorities offer co-operation on illegal crossings." *Cyprus Mail*.

Christou Jean. 2008. "France says Cyprus needs EU help on immigration." *Cyprus Mail*.

"Communication from the Commission: Annual Report on the implementation of Council Regulation (EC) 866/2004", Brussels, 20 September 2007.

"Cyprus: Reversing the Drift to Partition", *Crisis Group Europe Report N°190, 10 January 2008*, p. 16.

Cyprus Mail 27 March 2008.

Frantz, D. 2002. "Cyprus: No Man's Land Cuts a Long, Sad Scar." *NYT on the web*.

Givens Terri and Luedtke Adam. 2005. "European Immigration Policies in Comparative Perspective: Issue Salience, Partisanship and Immigrant Rights." *Comparative European Politics*, 3.

Hacket Nied Beatrice. 1996. *Pray God And Keep Walking Storıes of Women Refgees,* McFarland & Company, Inc.,Publishers, North Carolina.

Hein Jeremy. 1993. "Refugees, Immigrants, And The State", *Annual Review Sociology*.

İçduygu, Ahmet. 2005. "Transit Migration in Turkey: Trends, Patterns, and Issues." CARIM-RR.

Kıbrısılı Gazetesi, 15 October 2007.

Kushner Tony & Knox K. 2001. *Refugees in an Age of Genocide Global, National and Local Perspective During the Twentieth Century*. Frank Cass, London, Portland.

Star Kıbrıs, 29 February 2008.

Sözcü, 29 February 2008.

Turton David. 2003. *Conceptualizing Forced Migration*. A lecture given at the Oxford RSC's International Summer School in Forced Migration.

Tumarabalar.com/araba/son-dakika-haberleri/92942-kibritsa-mülteci sorunu-buyuyorhaberi.

Venturini Alessandra. 2009. *Irregular Migration: Incentives and Institutional and Social Enforcement*, CARIM Analytic and Synthetic Notes, No.3 Irregular Migration Series Background paper.

Williams Holy Ann. 1993. "Self-Settled Refugees in North-Western Zambia: Shifting Norms of Social Networks", *Selected Papers on Refugee Issues: II*, M. C. Hopkin & N. D.Donnel (eds.), American Anthropological Association.

www.unhcr.org.tr/MEP/FTPROOT/Dosyalar/Turkiyedebmmyk/ProtectionNGOs.

www.starkibris.net/index.asp. Interview with the chief of TRNC Police Department in March 2008.

Yenidüzen Gazetesi 27 March 2008.

View publication stats