

ILLEGAL MOBILIZATION OF LABOUR: THE EFFECTS OF ILLEGAL MIGRATION AND UNAUTHORIZED FOREIGN WORKERS ON THE TURKISH LABOUR MARKET*

Yrd. Doç. Dr. Sayım YORGUN**
Yrd. Doç. Dr. Abdülkadir ŞENKAL***

Özet

Küreselleşme süreciyle ülkeler arasında ekonomik farklılıkların büyük boyutlara ulaşması, bölgesel entegrasyonların artması ve az gelişmiş ülkelerde yaşanan ekonomik ve siyasi krizler yabancı kaçak işçiliğin artmasına neden olmuştur. Bundan dolayı yabancı kaçak işçilik günümüzde uluslararası sosyal politikanın en önemli sorunlarından biri olarak varlığını sürdürmektedir. Ancak yabancı kaçak işçilik sadece gelişmiş ülkelere yönelik olmayıp, Türkiye gibi ülkeleri de olumsuz yönde etkilemektedir. Özellikle Türkiye'nin Asya ve Avrupa arasında bir geçiş ülkesi olması, yabancı kaçak işçiliğe yol açmaktadır. Türkiye'ye yönelik yabancı kaçak işçilik transit geçiş konumundayken son yıllarda yerleşmeye yönelik bir konuma gelmiştir. Ancak işsizliğin yoğun olarak yaşandığı Türkiye'de yabancı kaçak işçiler iş piyasası üzerinde olumsuz etkilerde bulunmaktadır.

Abstract

For a regularly running labour market and optimization of both employer and employees' expectations, the realization of labour mobilization, at least theoretically, is a desired situation. Mobilization of labour enables both sides to maximize their benefits; for this, not only should it be realized within national boundaries but it is also expected to be recognized internationally. Yet, the practice does not comply with that theoretical assumption as illustrated by the

* This paper was presented at the IIRA 5th Asian Regional Congress, "Dynamics and Diversity: Employment Relations in the Asian-Pacific Region", which took place in Seoul, June 23-26, 2004.

** Kocaeli Üniversitesi, İİBF, Çalışma Ekonomisi ve Endüstri İlişkileri Bölümü

*** Kocaeli Üniversitesi, İİBF, Çalışma Ekonomisi ve Endüstri İlişkileri Bölümü

excessive labour migration from underdeveloped countries to the developed countries of Northern and Western Europe during the 1960s. It was initially assumed, that this movement of labour which was carried out under the supervision of governments, would satisfy the labour demands of the developed countries by tapping the excess available in developing countries. Furthermore, it was thought that developing countries could get rid of their unemployment problems that a labour excess would lead to, and accomplish a balance of payment in this way; even more, it would decrease the gap between developed and underdeveloped countries.

Since the 1980s, both the negative events that occurred in the world economy, and decisions for advancing the integration process among the European countries, have paved the way for a recession in labour mobilization. The failure in diminishing the gap between underdeveloped and developed countries, and the acute problems underdeveloped countries are confronted with, have resulted in a situation where those who were not able to find a place in their national labour market have begun to migrate to the developed countries through informal ways; so formal migrant employment has begun to be replaced by informal working methods. These have not only negatively influenced national labour markets but also created many socio-economic problems. The attempts to remove the obstacles in the way of the movement of capital, goods and services in the global environment have not been adopted for the free movement of labour. On the contrary, the mobilization of labour has been seriously restricted and sustained in every way. All these have deepened the welfare gap between developed and underdeveloped countries and increased the phenomenon of illegal migration.

Migration, and the informal forms of labour, are today among the most important problems which most countries are striving to resolve. In this study, the migration from countries of the Middle East, the Caucasus, the former Eastern Block, Africa and from other underdeveloped countries to Turkey is examined, and the effects, characteristics and causes of this migration on the Turkish labour market are looked at in detail.

1- GLOBALIZATION, REGIONALIZATION AND FOREIGN ILLEGAL LABOUR

With the globalization process, while countries are getting more and more dependable on each other, at the same time a trend of regionalization has also been experienced. After the 1980s, there was a world wide change in governing systems, consumption patterns, manners and effective institutions which closely resembled each other. Designation of ideologies disappeared, and the world tended towards prosperity and pleasure on the base of economy in arranging of a competition. There is no more a world with three-poled economically and single poled militarily.¹ Economic unions such as the European Union, the

¹ Kadir Koçdemir, (1998); "Küreselleşme ve Türkiye" *Türk İdare Dergisi*, Sayı: 418, p.58

North American Free Trade Area (NAFTA), the Asian Economic Community (APEC) and the South Common Market (*MERCOSUR*) have formed regionalization.² One of the main features of recent regionalization is found within a construction closed to outer the world especially from the point of labour. Another significant characteristic of regionalization appearing in the world is that the countries which are either around the European Union, or NAFTA or APEC are underdeveloped. For us, it is possible to call this situation an '*alliance of the rich*'. As such, these countries are continuously exposed to immigration by people from neighboring countries. As a matter of fact, similar situations can be observed in almost every period of history. That means, that advanced and prosperous countries have always been threatened by their poorer neighbors. This threat is not a direct threat towards the existence of developed societies, but it is a threat occurring in indirect ways. This threat over a long period of time upsets the business market, social order and culture, and leads to conflict. As a result, from the early 1990s right up to the present day, there has been academic interest in the causes and consequences of foreign illegal labour.

As is the case in the areas of economy and geography, an identity crisis and cultural conflicts have led to an increase in the number of such type of employments. International relations and the international economy are the examples for the studies beyond these. Since regionalization is a very popular subject, international labour emigration is also set to increase in the same direction.³ While this process is experienced and the capitalist countries follow more open policies regarding the free movement of capital, they do not show the same sensitivity towards the movement of labour. Moreover, they are rigidly opposed to the international movement of labour.⁴

Although, some significant measures have been taken against the international movement of labour, the phenomenon of globalization that has appeared over the last twenty years because of economic and social crises cause foreign illegal labour to increase and become a serious problem. The phenomenon of globalization has encouraged the foreign illegal labour force to grow rapidly in European Union countries and Turkey. On the other hand,

² Sayim Yorgun,(1998); *Küreselleşme Sürecinde Sendikalar ve Türkiye*, İstanbul, p.18

³ Manuela Spindler,(2002); "New Regionalism and the Construction of Global Order", *CSGR Working Paper*, No: 93/02, March 2002, p.1

⁴ Elsa Ramos,(2002); "Migration: Industrialized Countries are the main Winners", *Migration Worker*, Labor Education 2002/4, No:129, ILO Published, Geneva, p.12

increasing international competition has made labour cost a serious production concern. As a result of this, the number of illegal employees with lower costs has increased.

Different views exist against the free movement of a labour force in the areas where there are regionalization tendencies. The most significant of these are as follows:

- Free movement of labour, keeping wages under pressure, leads to wages going down.
- Foreign illegal labour, increasing supply of the existing labour force, leads to a rise in unemployment.
- Illegal foreign employees cause social conflicts in the countries they have immigrated to due to their cultural differences.
- Since a foreign labour force is attracted to regions where economic activities are intense, it further increases the existing socio-economic disparity.
- Since foreign employees transfer their savings to their home countries, they cause foreign exchange out flow. And this situation leads to disparity in the balance of payments.⁵

But, in spite of all the measures taken by the developed countries, flow of international labour is to go into a process being from less developed countries to developed countries. In the studies carried out by the ILO, it has been reported that illegal labour immigration is a threat to a great number of countries. Particularly with the liberalization of trade, there has been a serious labour immigration from less developed countries to developed countries. There are two fundamental reasons for this: The first is that the span of economical advancement is increasing, and the other is that in order to be successful in international competition there are efforts aimed at reducing the cost of the labour force. Notably since foreign illegal employees consist mostly of employees with poor qualifications, they are employed in developed countries.⁶

⁵ Yusuf Bayraktutan,(2003); *Global Ekonomide Bütünleşme Trendleri*, Nobel Yayın Dağıtım, Ankara, p.76

⁶ Chiswick, Barry R,(2001); "The Economics of Illegal Migration for the Host Economy" in M.A.B. Siddique, ed. *International Migration into the 21st Century*, London: Edward Elgar, p.14

2- ILLEGAL IMMIGRATION AND FOREIGN ILLEGAL LABOUR

Migration can be defined as the movement of an individual or groups from one area to another for the purpose of settlement. Migration can be for both a temporary period or to permanently dwell⁷ in another area. Migration can also be defined as the movement of individuals from the place they have been permanently living, to a place which is of considerable distance from their native land.⁸ For this reason, migration is either of a temporary or permanent nature. This movement can be within the national boundaries of a country or it can also have an international characteristic. In another definition, migration is described as the movement of individuals owing to the effects of economic, social and political causes. The fact that there are differences of economical, social and political living standards between the countries, and that these differences are widening day by day, encourages the citizens of countries whose living standards are lower, to migrate to countries whose living standards are higher. The United Nations defines immigration as the movement of individuals from one place to another for a period of over one year. While some authors and international organizations keep place-changes not depending on the wills of individuals out of the concept of 'immigration'.⁹ The reason for not having a common shared definition results from the fact that immigration is a human phenomenon going as far back as beginning of history. Since migration could be seen in every epoch of history, the beginning of immigration cannot be clearly determined. Only the changes that have occurred in the conditions over time have made the reasons leading to immigration more complex.

The fact that states grow more dependent on each other makes up a vast knowledge-component of globalization. These components have less determined the effects oriented towards global labour force mobility. However, it has been observed in recent studies carried out by the ILO that the pressure of immigration has left negative effects in several parts of the world. The process of globalization is in a destructive density in the developed capitalist countries. The fact that traditional trade understanding has been left in many developing countries, and along with economic crises, growing economical and social

⁷ Ayhan Gençler,(2002); "Yabancı Kaçak İşçilik Gerçeği ve Türkiye Örneği", *TÜHİS İş Hukuku ve İktisat Dergisi*, C: 17, Şubat, p.3.

⁸ Gökdere, Y. Ahmet, (1978); *Yabancı Ülkelere İşgücü Akımı ve Türk Ekonomisi Üzerine Etkileri*, Ankara: Türkiye İş Bankası Yay., No:23, p.10.

⁹ Gökdere, *ibid.*, p.11

problems upset the socio-economical structure.¹⁰ Since it is seen as a profitable activity for the employers to employ a lot of immigrants and refugees in the countries where they arrive, foreign workers face xenophobia and discrimination in the host countries. Country-statistics in the ILO studies show that international immigration has reached a heartrending level. The obtained data now relies merely on estimations because there is no available statistical data on hand. The best estimations about persons and their families who are exposed to international labour immigration are from 1995. The ILO's data regarding immigration is presented below:

Table 1: Number of Immigrant Workers and Family Members by Region

Region	Number of Immigrant workers and Family Members
Africa	18-21.000.000
South and East Asia	5-7.000 000
Europe	26-30.000 000
North America	16-18.000 000
South Central America	7-12.000 000
West Asia (Arab States)	8-9.000 000
Total	80-97.000 000

Source: ILO, "Migration Workers", Geneva, 1999, Report III, (part 1B)

If we accept the data in Table 1 as basically correct, the total number of estimated immigrant workers, inclusive of their families, ranges between 80-90 million. According to the ILO's estimation, currently the total number of immigrant workers and their families stands at about 120 million.¹¹ According to the estimations of the International Migration Organization and the United Nations the number of immigrants world-wide is about 180 million. The ILO's guesstimation of the number of immigrant workers— these are not citizens of a country and are economically active persons, but asylum seekers and refugees are an exception- around the world at between 36 and 42 million. If dependants are to be added to this number, the total population of immigrant workers varies between 80 and 90 million. The number of foreign citizens in OECD countries

¹⁰ Patrick A.Taran, Eduardo Geronimi, (2003); *Globalization, Labour and Migration: Protection is Paramount, Perspectives on Labour Migration*, 3E, International Migration Programme, Geneva, p.2

¹¹ Patrick A.Taran, Eduardo Geronimi, *ibid.*, p.2

between 1988-1998 was 13 million, which has risen to approximately 57 million. This figure is equal to 7 percent of the total world population. Compared to Australia and Canada's 20 percent, and America's 10 percent ratios, Europe's nearly 5 percent in 1998 was fairly low.¹²

3- IMMIGRANTS AND FOREIGN ILLEGAL LABOUR IN TURKEY

The problem of foreign illegal labour in Turkey became an issue after 1963. Turkish workers first began moving to European countries, and then to countries like Libya, Saudi Arabia and Kuwait, and later to Australia and Russia. While Turkey was a country exporting labour from 1963 onwards, it became a country of "receiving labour migration" after the 1990s¹³. But nowadays it has taken a target/receiving country position.¹⁴ Likewise, within the last 20 years, the International Organization for Migration (IOM), upon an increase observed in illegal migration to Turkey, set up 4 offices in Turkey whose centre is located in Ankara. With the purpose of diagnosing the changes appearing in migration trends inclined towards Turkey, a comprehensive *Migration Study* titled '*Transit Migration in Turkey*' was carried out by the IOM in 1995. The study found that Turkey had passed from being a "sending country" to that of "a sending country, bridge-country and receiving country".¹⁵ Notably, following the collapse of the communist regimes in the Soviet Union and Central and Eastern Europe, a great number of people, in order to take advantage of the higher wages, came to Turkey and have been working for wages under minimum wage levels.¹⁶ Following the fall of communism, unemployment soared. Wages, salaries and pensions were sometimes not paid for several months at a time. Thousands of people from every profession came to Turkey, accepting work under unsuitable conditions.¹⁷ This influx of people

¹² Kahmann, Marcus,(2002); "Trade Unions and Migrant Workers:examples from the United States, South Africa and Spain", *DWP*, p.5

¹³ Yıldırım Koç,(1999); *Türkiye'de Yabancı Kaçak İşçilik*, Türk-İş Yayınları, Ankara, p. 2

¹⁴ "İnsan Ticareti Protokolü", İçişleri Bakanlığı ve İnsan Kaynağını Geliştirme Vakfı arasında 4 Eylül 2003 tarihinde imzalanan Protokol, p.1

¹⁵ Türkiye'de IOM, IOM, www.iom.int, 08.10.2003

¹⁶ Ahmet İcduygu,(1996);"*Migration from Turkey to Western Europe: Recent Trends and Prospects*," paper presented at the Mediterranean Conference on Population, Migration, and Development, Palme de Mallorca, Spain, 15-17 October, p.3

¹⁷ "İnsan Ticareti Protokolü", İçişleri Bakanlığı ve İnsan Kaynağını Geliştirme Vakfı arasında 4 Eylül 2003 tarihinde imzalanan Protokol, p.1

to Turkey from the old Eastern Block countries, brought with them many new problems. Turkey became a target/receiving country for the white slave trade. Most of the women coming from Eastern Europe went into prostitution. This in turn led to an increase in contagious diseases like AIDS, the bubonic plague of our times. Although most of those who are rounded up in regular police operations are deported, they return to Turkey, and continue to work as prostitutes. Some of them even marry Turkish citizens to avoid deportation.¹⁸

Table 2: Number of People who Migrated to Turkey By Regions Between 1923-1997

	1923-1939	1940-1945	1946-1997
Bulgaria	198,688	15,744	576,430
Greece	384,000	--	24,625
Romania	117,095	4,201	1,266
Yugoslavia	115,427	1,671	188,418
Turkistan	-	-	2,878
Others	7,998	1,005	8,631
Total	823,208	22,621	802,248 =1,648,077

Sources: Kemal Kirişçi, (2003), Justice and Home Affairs Issues in Turkish-EU Relations: Assessing Turkish Asylum, and Immigration Policy and Practice, Jean-Monnet Chair in European Integration, Center for European Studies, Boğaziçi University, Istanbul,

After the collapse of the Ottoman Empire and the establishment of the Republic of Turkey, the Turks living outside modern Turkey's borders began immigrating to Turkey under population-exchange agreements, and as asylum seekers from regions of the old Ottoman Empire where anti-Turkish sentiments led to ethnic cleansing. Between 1923 and 1939, Turkey received its highest number of immigrants from Greece and Bulgaria. (See Table 2) Table 2 also shows the total migrant population moving to Turkey between 1946 and 1997, which was 1.648.077. But this data remains insufficient as it does not show the migration to Turkey, because Turkey, after 1980, was exposed to a very intensive foreign citizen immigrant movement apart from ethnic Turks moving from Bulgaria to Turkey. The indications are that this wave of immigrants move to Turkey is permanent, and the trend is getting higher and higher. The economical burden, political risk, the threat of cultural identity, and so on, which immigrant or asylum seeker receiving countries face, arise for each

¹⁸ Jandarma Okullar Komutanlığı, (2002); *Çıkar Amaçlı Suç Örgütleriyle Mücadele ve Kaçakçılık Kurs Kitabı*, p.60

immigrant group in different dimensions in Turkey. For example, Turkey is a reliable country for asylum seekers to whom it opens its doors, experienced political risk because of Iraqi asylum seekers. In spite of adverse comments and reports from some Western countries and organisations, Turkey successfully handled the settlement of nearly 1.5 million Iraqi asylum seekers. Even though the arrival of these asylum seekers was for a temporary period, Turkey managed to meet their basic needs and take care of the problems within the settlement region.

The economic burden brought by immigrant groups in every country, and the difficulties emerging from use of restricted resources are today lightened with the support of various international institutions, their economical aid, and the active participation of civil society organizations in the solution of the problems. Turkey has achieved a different position from many other neighbouring countries receiving immigrants because it very often hosted the immigrant groups with whom it shares a common race and cultural heredity. While significant trouble was not experienced in the integration of Turkish origin immigrants who move to Turkey with the society, foreign citizen immigrants coming into the country illegally pose serious problems. After being sheltered by criminal organizations for a while, they are then smuggled out of the country. Such immigrants, in general, consider Turkey as a stepping stone. As for some immigrants, by working for lower wages, they cause new unemployment, adding to the already millions of unemployed in Turkey. The fact that significant arrests and controls are not carried out, and the difficulties experienced during deportation of those who are caught daunt the security forces, and as the struggle against illegal immigrants is weakened, the number entering the country illegally increases.

The Turkish economy has been faced with the foreign workforce problem after adopting free market policies in the mid-1980s. At the end of the 1980s, instability due to the political and economical disintegration taking place in neighbouring countries led Turkey to be exposed to foreign immigration and foreign illegal employment. In Iran, as Khomeni came to power, Turkey had to deal with the inflow of hundreds of thousand of Iranian refugees. Today, although there is no clear accurate figure, it is estimated that the number of Iranians who have been living, working legally or illegally in Turkey is anything between 600 thousands and 1.5 million. In addition, in recent years those who enter Turkey illegally from Afghanistan, Pakistan, Iraq and some

African countries have a crucial role.¹⁹ A significant number of these foreigners work in the industrial sector, mostly in Istanbul and in other large cities, while others are involved in criminal activities. The ethnic Turks from Bulgaria, Greece, the Crimea and the Caucasus who entered Turkey for refuge but later decided not to return to their own countries, legalised their status by applying for residence in Turkey. At present, it is not possible to even guess at the number of illegal residents in Turkey, or their countries of origin. This situation has highlighted the inadequacies of Turkey's immigration laws, and exposed the need of restructuring in legislation and organization.

3.1. DIMENSIONS OF ILLEGAL LABOUR IN TURKEY

Over the last few years, there has been a noticeable increase in illegal entries to Turkey. The reasons for this are the political situations in some Middle Eastern and Asian countries, and the poor economic situation in the countries these people come from. Whether in order to work in or to go on to other European countries where living standards are higher, foreign nationals, particularly from Iraq, Iran, Afghanistan, Pakistan and Bangladesh, who legally enter Turkey via airports with their passports, or those who enter illegally across the eastern and southeastern borders of Turkey, usually depart from Turkey illegally by land or sea from the Marmara, Aegean and Mediterranean regions.

A sharp increase has been seen in the number of foreigner nationals who come to Turkey in order to participate in the "suitcase-trade", to work without having any residence or work permit, and to be prostitutes. This fact was one of the consequences of fundamental changes, seen in that the capital has executed in world-scale as well as in Turkey in frame of neoliberal policies on the one hand. And on the other hand, it was a set of progresses rising as a result of important political, social and economic transformations taking place in the former Soviet Union, and in the Central and South European countries from 1990 onwards. For example, while the number of tourists coming from Bulgaria to Turkey was 33 thousand in 1989, this figure rose to 819 thousand in 1992. In

¹⁹ Nilüfer Narlı, *Illegal Forms Of Human Mobility And Security: Human Smuggling And Migration Of Illegal Labour To Turkey: Preliminary Findings From The Field Work*, 7th International Workshop On Defence And Security Policy: Challenges Of The New Millenium, Organised By G.S Rakovski Defence And Staff College, 24-26 September; Boyana Residence, Sofia, p.3

1989, 12 thousand Romanian tourists entered Turkey, in 1992 this number had risen to 567 thousand. One of the biggest rises was in the number of visitors from the Soviet Union who entered Turkey legally as tourists. In 1989 Turkey received 37 thousands visitors from the Soviet Union, in 1992 the figure had soared to 1 million 245 thousand. Political upheaval and conflict in the Middle East led to more refugees fleeing to Turkey, most of these persons entered the country illegally. Following the fall of the Shah of Iran, and the establishment of a religious government, many Iranians moved to Turkey. The Iraq-Iran war created a further wave of refugees, following the Iraqi governments Kurdish policies, more people entered Turkey as refugees. While some of these people tried to go on to other countries through Turkey, others decided to lead their lives in this country. Today, no precise numbers exist of: (a) those who entered Turkey legally, then went on to legalise their residence and ability to work in Turkey, (b) those who entered legally, but did not renew their visas or legalise their status in Turkey, and now live and work illegally in the country. When talking about foreign illegal labour these categories are understood in general. In a field study carried out by Nilüfer Narlı between 1994 and 1995 on foreign illegal workers in Turkey, it was determined that there are between 3.5 to 4 million foreign illegal workers in Turkey, inclusive of Iranians.²⁰ Again, according to the estimates of Türk-İş (the Turkish Labour Trade Union) in 2001 there were 4.5 million foreign illegal workers in Turkey. However, Yaşar Okuyan, the former Minister of Labour, said in a statement that he thought the figure was 1 million. Foreign illegal labour in Turkey is not a natural result of an inadequate labour force, and of a gap in the labour force.

When events in neighbouring countries compel people to leave their countries, Turkey, for various reasons, has become the country of choice for them to move to. Those who came particularly from Iran and Iraq, and had to leave their countries due to political reasons; had to work in Turkey which most of them entered illegally. They continued to work in Turkey until they were offered refuge by other states. Illegal workers from Russia, Romania and other eastern European countries are attracted to Turkey because work is available, and because of the wages they can earn here. The use of illegal workers is widespread in Turkey and successive governments have shown a general indifference, and even tolerance, of the problem. The fact that Turkey has

²⁰ See Nilufer Narli.(1995); *Migration of Labor and Capital to Turkey*", a research report submitted to Center for Turkish Studies at Essen University, Germany

traditionally been a labour-exporting country, and that the state and governments were unprepared for the sudden influx of illegal workers, also made Turkey attractive to foreign workers. In Turkey, there are significant prohibitions under current legislation regarding the working of foreigners for a wage, who legally arrive.²¹ Those workers who enter the country illegally, and particularly those foreigners who come illegally and work, violate current legislation. The phenomenon of foreign illegal labour, whose impact was restricted in the 1980s, has spread rapidly following the increase in labour costs, particularly after 1989 and 1990, and following the transformation of the former Soviet Union, and of other countries in Central and Southern Europe. In Turkey, illegal entries are made by concealing oneself on heavy goods vehicles like TIR lorries, and so on, and by walking and using riding-animals to cross the land frontiers, or at manned border crossings by means of false and altered documents.

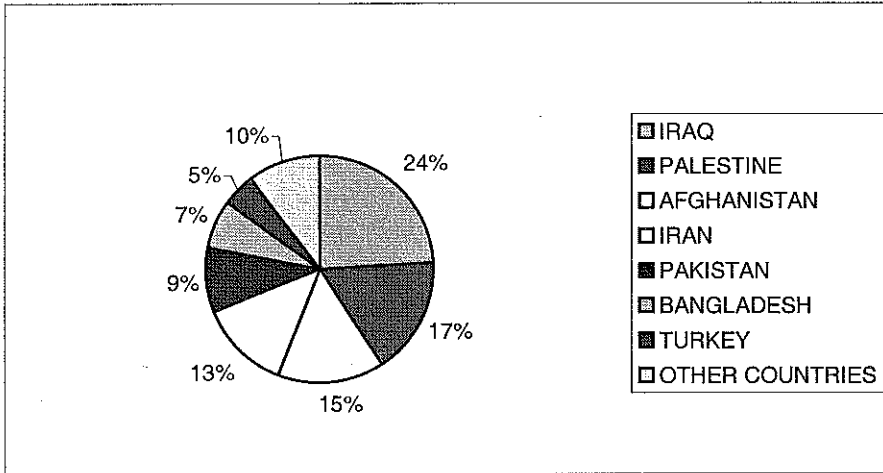
Illegal exits are made by taking the people by buses to provinces and districts that have a coastline, from there they are taken by ships waiting off shore to a Greek island. From these islands in the Aegean and Mediterranean seas, they are then, again, taken by ship to mainland Greece or the Italian coast. They are either ferried ashore on small boats, or have to swim ashore. Another method and route used is by boat across the Meric river that forms the border between Turkey and Greece. Some leave Turkey as they entered; concealed on TIR trucks, by walking, using riding-animals, or at manned border crossing by using false, forged documents. Because countries like Bosnia / Herzegovina do not require entry visas, some fly into the country, arrange for false passports and documents, and then move on to another European country. People who are faced with the difficulties of not finding a job and residence in Turkey, look to going to European countries which offer many social benefits and work. However, European countries apply a very strict visa requirement policy. To get around this, people use the land border between Greece and Turkey in the Edirne region to enter Greece, and from there to the shore line of another European country. Such foreigners, who enter Turkey on their passports or illegally, use Turkey as a base to move on to other European countries.²² The trade in human-smuggling is concentrated particularly in intensively populated provinces. Those who desire to go abroad have to deal with commission agents

²¹ Yıldırım Koç, *ibid.*, p.5

²² Jandarma Dergisi, Ekim 2000, Sayı 91, p.42

in these cities, who then arrange for them to be smuggled out of the country. It is also known that some of the managers and workers of transportation companies are also involved in the human-smuggling business.

Table 3: Percentage of Fugitives Apprehended in Turkey by country



Source: Jandarma Dergisi, Ekim 2000, sayı:91, p.42

In 2000, a total of 29875 suspects were arrested while trying to enter or exit Turkey illegally. Below is a breakdown of their countries of origin:

Iraq	7224
Palestine	4970
Afghanistan	4466
Iran	3903
Pakistan	2739
Bangladesh	2063
Turkey	1476
Other countries	3034 ²³

In July and August of 2002 an increase was observed in the number of refugees who illegally enter and exit from Turkey.

²³ Jandarma Kaçakçılık ve Organize Suçlarla Mücadele Ders Notları, 2000, p.4

With decreasing in the number of news connected with the issues referred to in the press, over a two month period around 2.500 people described as "kaçak" (fugitive) were caught. According to a report issued on the 8th July 2002 by the General Directorate of Security, Unit of Foreigners, Refugees Department in the period from 1995 to June 2002, of the refugees who left their countries, legally or illegally entering Turkey, owing to wars, civil wars, economic hardship, starvation, famine, epidemics, the wish for a better life and human rights violations, 11.867 were permitted to move to a third country. According to the same report, the number for 1995 11.362, for 1996 18.804, for 1997 28.439, for 1998 29.426, for 1999 47.529, for 2000 94.514, and for 2001 92.364. The report also stated, that in a five-months of period of 2002 32.932 foreign nationals were apprehended while attempting to enter illegally to Turkey.²⁴ When border records for 2000 are examined, compared to 1999 there has been an increase of 22 per cent in the number of the events and 4 per cent in suspect cases arose.²⁵

Table 4: Number of illegal migrants detained by year

1995	11,362,
1996	18,804
1997	28,439
1998	29,426
1999	47,529
2000	94,514.
2001	92,362
2002	82,825 ²⁶
2003 (by March)	13 716
Total	418, 977

Source: Report 2002 by the General Directorate on Security, Unit of Foreigners, Refugees Department (Emniyet Genel Müdürlüğü, Yabancılar Şubesi İltica Dairesi Başkanlığı).

²⁴ http://www.tihv.org.tr/rapor/2002_07_08/tem_agumulteci.html

²⁵ Jandarma Kaçakçılık ve Organize Suçlarla Mücadele Ders Notları, 2000, p.4

²⁶ For example, security forces in south-western Turkey detained about 400 would-be illegal immigrants based on a word to the paramilitary police in the province of Muğla. Asian and African illegal migrants hoping to reach Europe are apprehended daily in Turkey. "Turkey Stops Some 400 Would-Be Immigrants", *Agence France Presse*, quoting the *Anatolia News Agency*, February 3, 2002. In August (2002) the Coast Guards in the province of İzmir's Cesme district detained 1300 would-be illegal immigrants and nine human smugglers (two of whom are Turkish citizens) in the ship carrying Moroccan flag. The captain was Ukrainian, who indicated taking the illegal immigrants to Italy. See "1300 Kişiyi Kacıracaklardı" (They were near to Smuggle 1,300 persons"), in *Milliyet*, August 15, 2002, p.13.

3.2. THE REASONS FOR THE PREFERENCE FOR TURKEY

There are a number of reasons for the preference of Turkey as regard to the foreign illegal labour issue. In particular, it is Turkey's geographical location; it is like a bridge between Asia and Europe, and it is the sole gate opening into Europe, and this is one of the most important reasons why Turkey is preferred. Another factor is that Turkey enjoys a long land border between itself and its neighbours. The terrain along this border is precipitous and mountainous, making it difficult to patrol and monitor. This allows terrorist organizations active in the region to provide facilities for crossings in return for material benefits or political interests, or to lead them personally to organise these crossings.

A significant reason for immigration to Turkey originates from Turkey's geographic location. In particular, the fact that Turkey is situated between the Asian and European continents in a bridge position makes it an important junction in respect of immigration. The developed European countries are situated to the west of Turkey, and the underdeveloped countries to its east and south. Therefore, people from the Middle East and some Asian countries which are economically underdeveloped, politically unstable and under fear of war try to move illegally to other countries, especially the economically developed European countries with a hope of living in prosperity. In this context, those people coming from these countries, while trying to cross over to European countries, use Turkey as a transitional highway. Another important factor in this regard is that Turkey has common land and sea borders with Greece and Bulgaria, used as transit countries after leaving Turkey. In addition, the Aegean and the Mediterranean shores are long and possess natural features convenient for illegal passage from one country to another.

There are also such factors as for those people living in East Anatolia and Southeast Anatolia who have tribal and family cross-border ties.

Some Turks living along the coast have chosen smuggling as a source of living, particularly in the winter months when there is very little tourism activity. The formation of a belief in Turkey regarding the United Nations Refugees High Commissariat provides easy acceptance to refugee status is another cause

of Turkey's preference as a transit country in illegal immigration, particularly in travelling on to European countries illegally.²⁷

In general we can examine the reasons of foreign illegal immigration under three headings:

a) Economical Reasons

One of the main reasons seen in illegal labour immigration to Turkey is the economical reason. In particular, the economic crises experienced in countries neighbouring Turkey and they being underdeveloped make foreign illegal labour directed to Turkey attractive. The fact that smugglers get a high amount of money from foreign nationals in return for illegal passage is a major reason behind the rise in offences. From the Iranian border, for example, to Van is \$ 150-200 per person, and from Van to Istanbul it is \$ 75-100 per person. Smuggling is seen as an easy way of making money with no danger attached and not requiring any capital.²⁸

If one of the economical reasons is the negative economic conditions in the originating countries, the other is the positive economic progress Turkey is making. Economic provisions in Turkey too become effective as much as propulsive provisions in the source countries are. Compared to the surrounding countries, Turkey, which has relatively better economic conditions, is in the position of being an appealing country. When we consider TISK's (Turkish Employers Trade Unions Confederation) data, due to an average rise in labour costs, employing illegal foreign labourers is becoming attractive for employers, at the same time it has become a significant source of income for foreign labourers. With 1985 taken as the base, the average real labour costs increased 153.9 % in 1990 and 228.1 % in 1993.²⁹ The fact that some Turkish nationals living in the areas where illegal entries and exits occur prefer to smuggle and act as guides in return for material benefit stands out as another important factor from this perspective.

²⁷ *Jandarma Dergisi*, Haziran 2002, Sayı 98

²⁸ *Jandarma Dergisi*, Mart 2002, Sayı 97, p.23

²⁹ TİSK, (2002); Yılı Çalışma İstatistikleri ve İşgücü Maliyeti, 2002 Yılı Çalışma İstatistikleri ve İşgücü Maliyeti'nin Tisk Araştırma Servisince Değerlendirilmesi, p.3

b) Legal Reasons

The fact that smugglers do not face any deterrent and there are not sufficient relevant regulations in Turkish legislation makes smuggling attractive from the point of those persons involved. Dealers in contraband drugs, and criminal organizations which are self-interested have tended to direct their previous connections towards this business by preferring illegal smuggling because of loop-holes in the legal system. But, with "adaptation laws" that were adopted for the purpose of joining the European Union there was a change in the clause arranging the offence of "human smuggling" with rearrangement of offences given to the smuggling. A response has also been given to the expectations of Europe regarding this matter. It is impossible to say that the public authorities perform their duties sufficiently in this scope in spite of the continuous violation of the law in force related to foreign illegal labour.³⁰ The Ministry of Labour and Social Security, the Turkish Institute for Labour, the Institute of Social Insurances, the General Directorate of Security and Directorate of Security in Istanbul where foreign illegal labour is most widespread do not even keep bulk data in hand. In this case, the researches on foreign illegal labour are restricted to news in various newspapers and journals, and observations.

c) Socio-Cultural Reasons

There are three socio-cultural reasons of immigration to Turkey. Firstly, Turkey possesses a more democratic political structure than surrounding countries and has taken further steps forward in the area of human rights. Secondly, Turkey is an attractive centre owing to its historical past. After the collapse of the Ottoman Empire which extended over three continents, people of Turkish origin who have been living outside modern Turkey's borders, now desire to move to Turkey. And thirdly, social-cultural conflicts are intensively experienced in the geographic territory where Turkey is situated.

In particular, since 1923, the Pomaks, Albanians, Bosnians, Circassians, Greeks, Turks and Crimeans who are of Turkish origin and Turkish culture, have been classified under the heading of "refugee", who were provided the rights of local settlement and citizenship in 1989. For example, 245.000 out of 310.000 Bulgarian Turks who moved to Turkey in 1989 gained Turkish

³⁰ Yıldırım Koç, *ibid.*, p.14

citizenship, and only a small portion of them went back. The population structure which Turkey took over from the Ottomans was further diversified as a natural result of immigration to Anatolia from the beginning of the 1850s, and was enriched with the different colour of different cultures. High immigration from neighbouring countries have lasted for long durations and the immigrants in previous years as if they committed the role of hosts for the new comers. Tatars from Crimea, Ahiska Turks from Georgia and Azerbaijanis from Azerbaijan and Rumeli immigrants found support and safety among the immigrant groups who had preceded them.³¹

Developments like civil and external wars, regime pressures, etc. also form the reasons for illegal migration. As a consequence of an attack on Iraq by the United States of America and in order to shelter those refugees who would move to Turkey, and in case of Turkey probably joining the European Union, the establishment of centres for refugees and asylum seekers for their reception and return became an issue. In case of the likelihood of the fact that the geographic risk Turkey put into the United Nation Geneva Agreement dated 1951 would disappear with joining the European Union and direct refugee flow would start, plans were developed to set up such centres in 12 provinces under the General Directorate of Security, Unit of Foreigners, Refugees Department.

4- EFFECTS OF FOREIGN ILLEGAL LABOUR ON THE TURKISH LABOUR MARKET

The principal feature of the labour market distinguishing it from other markets is that unlike other markets, wages and working conditions are not determined by supply and demand in the market. The main principle of a labour market relying on the thought that benefit is not deemed an asset and that benefit cannot be purchased and sold by people, have in recent years been under serious discussion, both theoretically and practically. Notably those foreign illegal labourers who do not have the power of bargaining are at the centre of these discussions.

Those foreigners are considered in the position of foreign illegal labourers while those who are already present in Turkey, but do not hold any certificate of occupancy and work permit under the current legislation in force, without getting any service agreement having found working opportunities in

³¹ Jandarın Okullar Komutanlığı,(2002); *Çıkar Amaçlı Suç Örgütleriyle Mücadele ve Kaçakçılık Kurs Kitabı*, p.59.

recorded or unrecorded sectors. No doubt there are also foreigners who are legally present in Turkey and legally work there. However, this group is known to consist of much more qualified personnel. Foreigners in Turkey, although they have official documents (passport) having entered the country legally since they do not enjoy any certificate of occupancy and work permit are deemed illegal labourers in the event that they work.

The Turkish labour market, owing to both internal and external conditions in the country, has market conditions running against labour. In 2003, Turkey had a labour force of 24.739.000. According to current statistics total employment is 22.411.000 labour force in Turkey. As understood from these numbers 2.328.000 unemployed is present. In respect of 2003 incomplete employment rate was 4.6 per cent. These figures do not reflect reality because the unrecorded economy is widespread in Turkey. It is estimated that in Turkey the actual number of unemployed is round about 5 million. Especially in the agriculture and public sectors the invisible unemployment rate is high. Since Turkey has not been able to complete its industrialization yet, the greater portion of the population remains in the agricultural sector. Data of 2002, shows that 36.3 per cent of Turkey's total population lives in rural areas.³² Therefore, the Turkish labour market is to a great extent under the effect of agricultural conditions, and when this effect is combined with the informal sector, the real picture of the labour market emerges. In addition, according to Bulutay's (1992) findings, "the informal sector in cities forms 33 per cent of total employment".³³ The existing conditions in the Turkish labour market are set to further deteriorate especially together with foreign illegal labour.

Lack of legislative protections and institutions in the labour market and with the effect of foreign illegal labour, minimum standards are rapidly lost, and there emerges miserable pictures as in the commencement of the century, and foreign illegal labourers shake up the fundamental principles of the labour market. Though the thinking that the labour market cannot be left to the equilibrium of supply and demand, owing to the rapid growth in illegal labour in previous years, employers by themselves determine the working conditions. Because the foreign illegal labourers cannot demand adequate work and wages as to their qualifications required in labour market, they are to a great degree to suffer. The foreign illegal workers are employed in Turkish labour market both in the formal and informal sectors. They are employed under market conditions,

³² Devlet İstatistik Enstitüsü, Hanchalkı İşgücü Anketi Göstergeleri, (3.dönem), Ankara 2003, p.
³³ Lordoğlu, Özkaplan, Törüner; (1999); Kuvvet, Nurcan, Mete, *Çalışma İktisadi*, Beta 3. Baskı, İstanbul, p.82

this situation threatens the formal sector employees, and weakens the power of bargaining. As for the foreign illegal workers who work in the informal sector, just like Turkish workers work under the same conditions, they rival each other. Therefore, the effect of a deepening imbalance of foreign illegal labour in the labour market are becoming more evident each day.

With the number of illegal workers coming to Turkey rising, and the labour market experiencing some negative developments, various statutory arrangements have been made in this regard. According to the regulations, they may be granted limited, and permanent and independent working permits. The Enforcement Regulations of the Act on Foreigners' Working Permits published in the Official Gazette set the procedures and the principles related to all kind of working permits to be given to foreigners to work in the eyes of Law No. 4817 of Foreigners' Working Permits in Turkey, their restrictions, their cancellation. The ministries, the public institutions and establishments may employ foreigners whom they will recruit via an agreement with a permit they will take from the Ministry of Labour and Social Security. Temporary working permits related to a given organization and profession shall be given at most for one year. And the permit would be extended by 3 years at expiry, and later it may be extended by 6 months so as to give the person the right of working in the same profession but for any employer whom he wishes. Those foreigners who have been staying in Turkey for 8 years or enjoying a work permit for total six months, will be given "a permanent working permit" without any restriction. And those foreigners who work independently will be granted this right on condition that they have been staying in Turkey for 5 years continuously.

The foreign illegal workers, since they work illegally and without permission, continuously live under fear of the police and deportation, they also face the threat of not even being able to meet their travel expenses. Because they work illegally, they are not considered labourers as required by law, and cannot obtain the advantages of the decrees protecting labourers under the legislation in force. They encounter great difficulties in obtaining the wages they have earned and agreed on. In case of having work-related-accidents or getting sick they have no social security. Due to this and like reasons, the foreign illegal workers agree to work under the worst working conditions, at lower wages as compared to legal labourers, and at a much harder tempo like slaves. Because foreign illegal workers work under these conditions, the situation is getting more and more difficult for the Turkish national salaried being workers, having trade unions in order to achieve humane working and living conditions, and benefits from even the labour protecting decrees which form part of the legislation in force.

a- Effects on Employment

The economical crises, along with the enforcement of neoliberal outward looking policies and privatization practices in Turkey after the 1990s, have been leading causes for the increase in unemployment. It is suggested, that the distortions in the labour market, which are claimed to have originated from the trade unions in Turkey, and from minimum wage practices along with the growth seen in foreign illegal labour, will create serious unemployment problems.³⁴ In the studies carried out on foreign illegal labour it is seen that illegal workers' qualification levels are low, and they are employed in the heavy and informal sector. Notably some employers in small and middle scale businesses, in order to benefit from costs against their competitors, prefer to use illegal workers. Although the total number of workers is low, the fact that this source is a potential threat, effects to a great degree attitudes and relations of employers and employees in the private sector as well as in the unrecorded sector. As the unemployment rate rises in terms of absolute figure and labour force rate, the foreign illegal labour issue in Turkey in respect to the proletariat and the trade union movement are sources of serious anxiety. The use of foreign illegal labour is spreading, and the practice is already expansive, and this in turn leads to the working conditions of employees to further deteriorate. In addition, it has been noted that these workers affect the productivity of other workers negatively, and it has also been recently observed work-related accidents are increasing.³⁵

In the work places where foreign and Turkish employees work together even in the circumstances in which they are acted apparent and very unjustly, common action and reaction by them have not been observed. In other words, foreign illegal labour has not contributed to the solidarity and cooperation between the two countries' proletariat at all. On the contrary, because of the slavish conditions foreign labourers have acquiesced to, there can be talked about of Turkish workers reaction against this, as well as foreign illegal labour reaction. Foreign illegal workers do not form an integral part of the proletariat in Turkey, and they are added to "*the bottommost*" (the lowest class). In the last era of the Ottoman Empire, and in the earlier period of the Republic of Turkey, the foreign labourers who came with permission constituted a labour aristocracy, they did not fuse with Turkish labourers, and they joined "*the top*"

³⁴ Özlem Onaran, (2003); Türkiye'de İhracat Yönelimli Büyüme Politikalarının İstihdam Üzerindeki Etkileri, *İktisadi Kalkınma, Kriz ve İstikrar*, (edit: A.H.Köes, F. Şenses, E.Yeldan) İletişim Yayınları, İstanbul, p.578

³⁵ Nusret Ekin (1995); *Kayıtdışı Ekonomi, Enformel İstihdam*, İstanbul İTO Yayınları, İstanbul, p.44

of the class. The stratification of the Turkish working class has been increasing because of foreign illegal labourers. This situation leads to segmentation in respect of the Turkish proletariat. A common conscience and manner has not emerged among foreign and Turkish employees, due to the reasons of their acquisition and features.

Foreign illegal workers are particularly employed in such areas as construction, car washing, car park attendants, gardening, baby sitting, workers in furniture plants, cleaners, sellers, workers in small workshops, peddling, painting, labourers in the textile and tourism sectors, prostitution, nursing and doctoring. It is also possible to tell what employment areas are made up of specific nationalities. While Russians and Poles, for example, work in the construction sector, Bulgarians in the chemical sector, Iraqis, Pakistanis and Afghans are usually found in leather factories.

b- Effects On Wage Structure

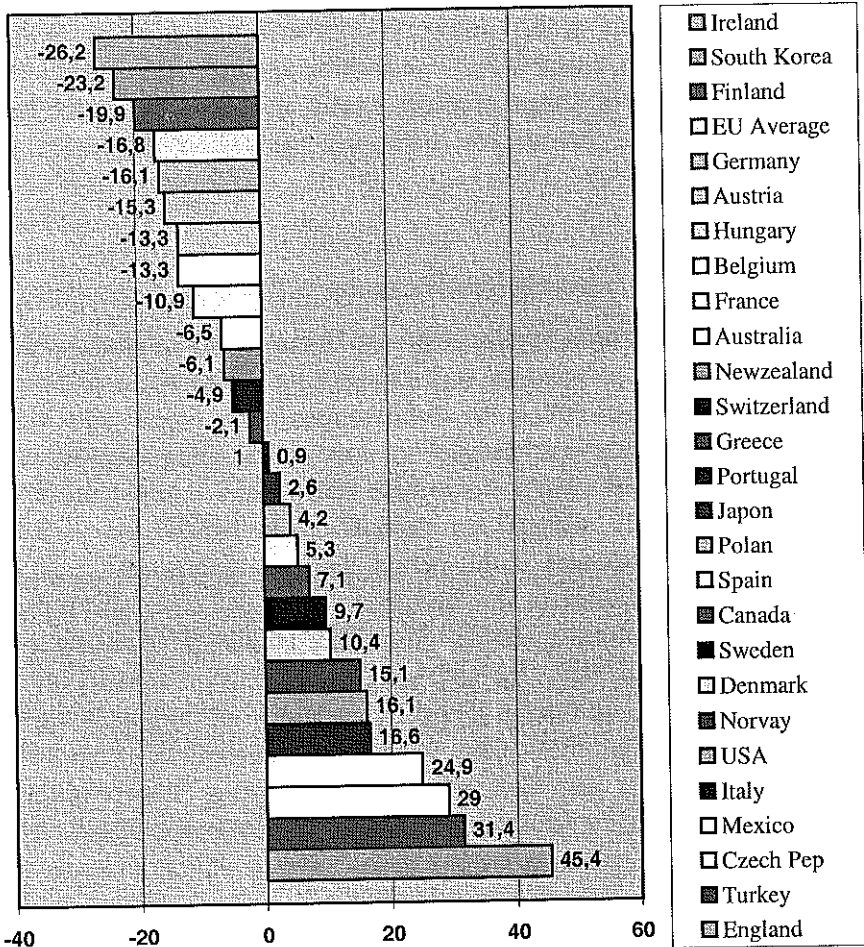
Wages and labour costs in Turkey, showed a rapid rise beginning from 1989. The reasons of this are that trade unions' activities which were previously prohibited 1980, were free after 1983, and owing to the issues in which employees faced, interest in trade unions has increased, trade unions' movements had an important experience of understanding and to some extent structural change, and unity and solidarity promoted among the employees, political differentials were left behind, widespread strikes and out of-strike activities were done, supports provided by people, and general elections of 1991 affected political attitude.

Foreign illegal labour is also described as unrecorded or informal employment. The fact that high taxation related to labour activities in formal employment conditions causes excessive cost augmentation, point employers towards informal employment. In this employment manner, along with native employees foreign ones are also found.³⁶ It intensifies the employers demand for foreign labour in order to employ foreign workers who do not have any work permit since they can be employed for relatively lower wages as compared to the local labourers. The most significant effect of foreign illegal labour is seen

³⁶ Lordođlu, Kuvvet, (1998); "Türkiye'de Enformel İstihdam ve Bir Boyut", Cumhuriyetin 75. Yılında Endüstri İlişkilerinde ve Emek Piyasalarının Düzenlenmesinde Devletin Rolü ve İşlevleri, *Türk Endüstri İlişkileri Derneği III. Uluslararası Endüstri İlişkileri Kongresi* 14-16 Ekim, p.243

on wages, by affecting wage rates negatively while making lower wages a current issue; it leads, the wages to decrease by approximately one third. In some cases, it is seen that these workers are employed in return for providing only their requirements of food and shelter. As such practices cause miserable pictures to come on the scene, they also diminish Turkish labourers' powers of bargaining.

Figure 1: Change in Unit Labor Cost in 2000 Respect to 1995(%)



An important information source related to labour cost is the results of the polls applied every year to the member employers by the Turkish Employers Trade Unions Confederation. As shown in Figure 1, labour costs in Turkey -as opposed to developed countries- are at quite high levels. When these results are evaluated, labour costs after the 1990s are seen to have increased by a significant ratio. This data is exceedingly crucial from the employers' perceptions related to the issue, who are very effective on the political decisions in Turkey, and from the viewpoint of change in the labour costs over the years. That unrecorded employment and illegal labour have been made an issue by employers indicates the seriousness of the issue. The employers have two fundamental complaints in this matter. One of them is that those rivals who employ illegal workers create unjust competition against them, and the other is that the employment of illegal workers causes a gap in the social security system, and eventually because of such gaps, the cost of employing formal workers is rising.

c- Effects on Organizing Trade Unions in Turkey

The liberal economic applications' and the privatization policies adopted after 1980, negatively affected the union movement. While the economic crisis of 2001 deepened this effect, the trade unions were faced with a fall in membership, and power, and parallel to these, unrecorded employment and illegal labour has grown swiftly due to both internal and external reasons. This situation has primarily affected the workplaces in which trade unions are organized, and the employees. In this period, the trade unions lost a great part of their members. The increase of foreign illegal labour in Turkey seems a crucial reason affecting the unions negatively. Therefore, Turkish trade unions are quite sensitive about foreign illegal labour. Since social behaviour based on race is not valid in Turkey about foreign illegal labour unlike the unions in the world, the Turkish trade unions look at the issue for only economic reasons. In this period, it was thought that the employment of foreign illegal workers had negative effects on trade unions' member losses, and not being organized, began to gain acceptance. Nevertheless, there doesn't appear any attitude by Turkish trade unions in favour of, or against migration.

Today, as is the case in many countries, deunionizing methods are often applied. One of the deunionizing policies most used is to resort to employing foreign illegal workers. Foreign illegal labour constitutes one of the most

important components of the employers' attempts in order to deunionize, legalise foreign illegal labour and make it widespread, introduce poor working conditions, get rid of the rights gained under law and decrease wages.³⁷ 90 per cent of Turkish enterprises consist of small and medium scale businesses, and this fact results in the increase of the employment of foreign illegal labour as it is these businesses that employ most of the illegal work force.³⁸

Foreign illegal workers' effects on the trade unions are of two dimensions. First, it has a negative effect on organization, and second, it has effects on collective bargaining. It is possible to categorise the effects of foreign illegal labour on organization as the effects which obstruct the organization pertaining to union, weaken it, delay it, and make deunionization easy. Its impact on collective bargaining, because there are employees who agree to work in return of lower wages, the employers are reluctant to sit near to the collective bargaining table and come to an agreement. As for those employers who participate in collective bargaining, they force the trade unions to agree to lower wages by proposing the unjust competition agenda. Foreign illegal workers, since they are in the expectation of returning to their countries by saving the most money in the shortest period of time, accept the hardest working conditions. Since they are prohibited from working, it is impossible for them to join any trade union. When we evaluate these points in general, the effects of foreign illegal labour on union policies reflect a reaction to foreign illegal labour. Rather than having to cope with the problems of foreign illegal labour, what is required are policies and strategies which obstruct such labour. First and foremost, TURK-İŞ, must put pressure on governments to take the necessary steps to drastically cut, and eventually eliminate the problem of an illegal labour force working in Turkey.

d- Effects on the Social Security System

Foreign illegal labour leads to the social security system being insufficient within the economic and social structure.³⁹ This brings about a crisis in the social security system of Turkey. In Turkey, the most crucial problem

³⁷ Abdulkadir Şenkal,(1999); *Sendikasıız Endüstri İlişkileri*, Kamu-İş Yayınları, Ankara 1999, p.286

³⁸ See Nusret Ekin,(1993); *Küçük İşyerleri ve Sosyal Koruma*, İTO Yayınları, İstanbul, p.40

³⁹ Murat Özveri, (2000);*Yargı Kararları Işığında 506 Sayılı Yasa ve Sosyal Güvenlik*, Seltuloz-İş Sendikası, Eğitim Yayınları:10, İzmit, p.108

facing the social security system, is that premiums which must be paid by employers cannot be collected as required.⁴⁰ Especially, spoiling of income distribution puts the meeting of future risks into danger. The case of foreign illegal labour who occupy a very vital place in Turkey before the Social Insurance Laws need to be separately evaluated according to whether there is a social security agreement between Turkey and their countries or not, and according to types of employment and regulations in social security laws.

According to Turkish law currently in force, no foreign national can become a government employee, neither can they personally establish any independent business enterprise without obtaining prior permission. In Article number 506 of the Turkish Insurance Law, the definition of insured has been made as one who works with a labour contract, and in this definition there is no room for the insured's nationality at all, and as to whether he is employed legally or illegally. Nevertheless, whichever country's citizen he is, or if he is stateless, anyone who works as under the terms of a contract is deemed to be insured. In addition, anyone who is employed by way of a contract and is to be considered insured must get the necessary approvals for employment. Then this person, whatever his country of origin, whether he is stateless or a migrant, or if he is someone who has permission or no permission, is considered as insured, like any Turkish citizen, the country's Social Insurance Law. And any employer who employs such a person, is obliged to arrange an employment report prior to employment and to forward it to the institution.

In Turkey, unrecorded employment is an issue on which a serious approach is needed not only from the perspective of the social security institution' losses of insurance premiums, but also from the perspective of the lost insurance premiums loaded on employees, because an increase in foreign illegal labour is a crucial loss from point of social insurance premiums. And, this causes social security premiums to rise. In Turkey, for example, in 2000, the social security premium burden increased by 178.2 per cent compared to the preceding year. In addition, while the premium burden in 1999 made up 22.8 per cent of the net price, this rate rose up to 40.7 per cent in 2000.⁴¹ This implies that the employer had to give the Social Insurances Institution approximately half of what he paid to the employees. The solution of unrecorded employment

⁴⁰ Abdulhalim Çelik,(2000); *Sosyal Güvenlik Sistemlerinin Dönüşümü ve Türkiye*, Kamu İş Yayınları, Ankara, p.159

⁴¹ *İşveren Dergisi*, Cilt:XXXIX, Sayı:12, Eylül 2001, p.22

will lead to social security institutions getting better, and consequently will see income levels increase. Foreign illegal labour and there with instigated local illegal labour have serious objections from point of the Social Insurances Institution and public finance as well, because the transfers done from the budget to social security institutions also make up a significant burden. For example, the ratio of transfers done in 1999 to the social security institutions came to 2.8 per cent of GNP.⁴² However, whether a social security contract exists between Turkey –where a foreign worker is employed- and his country of origin or not, since those who are sent to Turkey for a business in the name of, and for the account of, any foreign firm set up in any foreign country and who is reported to be insured are not considered insured, he is not a subject of discussion to be informed to the institution. For example, any foreign firm in any foreign country which has invested in Turkey or has an agent, if it has sent its worker who is ensured in a country he is present to our country, that person will not be considered insured, providing that this is documented. In a period when public sector deficits are increased because of illegal labour, the state has a lot of losses tax revenue. And the Social Insurance Institution, where because of lack of sufficient sources some delays are realized in the most basic payments, is deprived of significant amount of its social insurance premium incomes.

CONCLUSION

Migration and foreign illegal labour is a fact has been for a long known and seen everywhere. And it first became a problem of the developed western countries. However, the fact of globalization has appeared in the last twenty years has led to an increase in migration and foreign illegal labour. The fact that economically the world has divided into three major parts and in spite of this, there is significant economic development differentials among them and other countries of the world have caused the course of migration to be turned to these countries. As long as there are prosperity differences among countries and societies, migration and illegal labour, especially among adjoining countries having different prosperity levels, will always be a significant problem.

The progresse appearing with the process of globalization, as in several countries of the world, has made illegal labour towards Turkey increase. As a

⁴² M.Özveri, *ibid.*, p.106

matter of fact, that foreign illegal labour experienced towards Turkey is rather than that Turkey is a developed country it originates from its geographical location, because civil wars, ethnic conflicts and political instabilities, in addition to economic crises are going on in most of the countries surrounding Turkey. For these reasons a crucial number of illegal immigrant flows from the Middle-East, former east block countries, Caucasus and North Africa to Turkey has emerged.

On the other hand, both high unemployment and foreign illegal labour could be seen in a country at the same time. Theoretically, illegal labour is expected to bring about in an economic circumstance in which full employment is realized. However, foreign illegal labour in real life originates in the countries where high unemployment is experienced. When it is evaluated from this point, there is both unemployment and foreign illegal labour in Turkey. Although definite number of foreign illegal employees in Turkey is not known, it is estimated to be 1.5 million. It is also known that foreign illegal labourers are not only from the former East Block countries, but also from African countries who are specially brought in and employed. That is, a demand for foreign illegal labour is in question. One of the reasons that employers prefer foreign illegal labour is that when compared to the Middle and East European countries, labour wages are relatively higher, and that the wages paid as USA dollar to foreign illegal workers are lower. On the other hand, following the recent economic crisis undergone in Turkey, the wages paid to foreign illegal labour who get their wages as dollar, or whose wages are accounted over dollar, have relatively raised, and this has begun to cause these labour to be dismissed.

In the studies carried out on foreign illegal labour and in the interpretations on it, it is estimated that foreign illegal labour would further rise in the coming years and would form a crucial issue from point of social policies. Also, all detective precautions related to foreign illegal labour are not a problem to be solved through only one country's efforts. As long as economic differences among the countries, political crises, and breach of human rights are increased, due to this, foreign illegal labour is increased. This problem can only be solved with international cooperation and an effective international aid policy.

REFERENCES

- Bayraktutan, Yusuf, (2003); *Global Ekonomide Bütünleşme Trendleri*, Nobel Yayın Dağıtım, Ankara.
- Castles, S, (1990); *Labour Migration and the Trade Unions in Western Europe*, Occasional Paper No.18, Centre for Multicultural Studies, University of Wollongong.
- Chiswick, Barry R, (2001); "The Economics of Illegal Migration for the Host Economy" in M.A.B. Siddique, ed. *International Migration into the 21st Century*, London: Edward Elgar.
- Çelik, Abdulhalim, (2000); *Sosyal Güvenlik Sistemlerinin Dönüşümü ve Türkiye*, Kamu İş Yayınları, Ankara.
- Devlet İstatistik Enstitüsü, Hanehalkı İşgücü Anketi Göstergeleri, (3.dönem), Ankara 2003
- Ekin, Nusret, (1993); *Küçük İşyerleri ve Sosyal Koruma*, İTO Yayınları, İstanbul
- Ekin, Nusret, (1995); *Kayıdışı Ekonomi, Enformel İstihdam*, İstanbul İTO Yayınları, İstanbul.
- Gençler, Ayhan, (2002); "Yabancı Kaçak İşçilik Gerçeği ve Türkiye Örneği", *TÜHİS İş Hukuku ve İktisat Dergisi*, C: 17, Şubat.
- Gökdere, Y. Ahmet, (1978); *Yabancı Ülkelere İşgücü Akımı ve Türk Ekonomisi Üzerine Etkileri*. Ankara: Türkiye İş Bankası Yay., No:23.
- http://www.tihv.org.tr/rapor/2002_07_08/tem_agumulteci.html
- Icdıygu, Ahmet; "*Migration from Turkey to Western Europe: Recent Trends and Prospects*," paper presented at the Mediterranean Conference on Population, Migration, and Development, Palme de Mallorca, Spain, 15-17 October 1996.
- ILO, *Migration Workers*, Geneva, 1999, Report III
- IOM, Türkiye'de IOM, www.iom.int, 08.10.2003
- İşveren Dergisi*, Cilt:XXXIX, Sayı:12, Eylül 2001.
- Jandarma Dergisi*, Ekim 2000, Sayı 91.
- Jandarma Dergisi*, Haziran 2002, Sayı 98
- Jandarma Dergisi*, Mart 2002, Sayı 97.
- Jandarma Kaçakçılık ve Organize Suçlarla Mücadele Ders Notları*, 2000.
- Jandarma Okullar Komutanlığı, (2002); *Çıkar Amaçlı Suç Örgütleriyle Mücadele ve Kaçakçılık Kurs Kitabı*.
- Kahmann, Marcus, (2002); "Trade Unions and Migrant Workers:examples from the United States, South Africa and Spain", *DWP*.
- Kirişçi, Kemal, (2003); *Justice and Home Affairs Issues in Turkish-EU Relations: Assessing Turkish Asylum, and Immigration Policy and Practice*, Jean-Monnet Chair in European Integration, Center for European Studies, Boğaziçi University, İstanbul.
- Koç, Yıldırım, (1999); *Türkiye'de Yabancı Kaçak İşçilik*, Türk-İş Yayınları, Ankara.
- Koçdemir, Kadir, (1998); "Küreselleşme ve Türkiye" *Türk İdare Dergisi*, Sayı: 418, 1998.

- Lordođlu, Kuvvet, (1998); "Türkiye'de Enformel İstihdam ve Bir Boyut", *Cumhuriyetin 75. Yılında Endüstri İlişkilerinde ve Emek Piyasalarının Düzenlenmesinde Devletin Rolü ve İşlevleri*, Türk Endüstri İlişkileri Derneđi III. Uluslararası Endüstri İlişkileri Kongresi 14-16 Ekim.
- Lordođlu, K/Özkaplan, N, Törtüner, M, (1999); *Çalışma İktisadı*, Beta 3. Baskı, İstanbul.
- Narli, Nilüfer, (1995); *Migration of Labor and Capital to Turkey*", a research report submitted to Center for Turkish Studies at Essen University, Germany
- Narli, Nilüfer, *Illegal Forms Of Human Mobility And Security: Human Smuggling And Migration Of Illegal Labour To Turkey: Preliminary Findings From The Field Work, 7th International Workshop On Defence And Security Policy: Challenges Of The New Millenium*, Organised By G.S Rakovski Defence And Staff College, 24-26 September; Boyana Residence, Sofia.
- Onaran, Özlem, (2003); Türkiye'de İhracat Yönelimli Büyüme Politikalarının İstihdam Üzerindeki Etkileri, *İktisadi Kalkınma, Kriz ve İstikrar*, (edit: A.H.Köes, F. Şenses, E.Yeldan) İletişim Yayınları, İstanbul.
- Özveri, Murat, (2000); *Yargı Kararları Işığında 506 Sayılı Yasa ve Sosyal Güvenlik*, Selüloz-İş Sendikası, Eğitim Yayınları:10, İzmit.
- Patrick, A. Taran/Eduardo Geronimi, (2003); *Globalization, Labour and Migration: Protection is Paramount, Perspectives on Labour Migration*, 3E, International Migration Programme, Geneva.
- Ramos, Elsa, (2002); "Migration: Industrialized Countries are the main Winners", *Migration Worker*, Labor Education 2002/4, No:129, ILO Published, Geneva.
- Report 2002 by the General Directorate on Security, Unit of Foreigners, Refugees Department
- Spindler, Manuela, (2002); "New Regionalism and the Construction of Global Order", *CSGR Working Paper* No. 93/02, March.
- Şenkal, Abdulkadir, (1999); *Sendikasıız Endüstri İlişkileri*, Kamu-İş Yayınları, Ankara.
- Yorgun, Sayim, (1998); *Küreselleşme Sürecinde Sendikalar ve Türkiye*, İstanbul.