(IN)COMPATIBLE TRANSNATIONAL LIVES AND NATIONAL LAWS: THE CASE OF GERMAN CITIZENS IN TURKEY

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*The interpretations and conclusions made in this report belong solely to the author and do not reflect IPC's offical position.

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EXECUTIVE SUMMARY

Turkey has long been characterized as a country of emigration due to the large-scale migration of Turkish workers to Western Europe beginning in the 1960s. However, Turkey has also increasingly become a country of immigration in recent years. In fact, migration to Turkey is not a new phenomenon: Migration movements had occurred during the Ottoman period and in the immediate years following the foundation of the Republic of Turkey. Yet, it must be stressed that these migratory movements differ both in terms of nature and scale. While former migration movements to Turkey consisted of migrants of Turkish ethnicity from neighboring countries, recent migration to Turkey has become much more diverse. At the crossroads of Asia, Africa, and the European Union (EU), Turkey now faces various migration flows such as transit migrants, clandestine immigrant workers, high-skilled personnel, asylum seekers, and refugees from different countries. Among these migrant groups are also German citizens who have settled in Turkey for various reasons. Because of these new migration flows into the country, as well as the EU harmonization process, Turkey, willingly or not, has been forced to adapt its migration legislation. In relation to this, Turkey has entered into a serious reform process in recent years, and many fundamental legal amendments have been made regarding the status of foreigners in Turkey. The Law on Work Permits for Foreigners (Law No. 4817) and Law on Foreigners and International Protection (Law No. 6458) are of significant importance concerning foreigners' legal participation possibilities in Turkey. Based on the empirical findings of my Mercator-IPC Fellowship, this report investigates the possibilities of German citizens' legal membership on the "Turkish side" of the transnational German-Turkish space from the migrant's perspective. In doing so, this report also reflects upon some general characteristics of the Turkish migration policy.

1. INTRODUCTION

Ludwig Wenzel[1] owns a German restaurant on the southern Turkish coast. In Germany he ran several canteens, but when his contracts expired he decided he had to reorganize his business life. On the one hand, he did not want to run canteens anymore. On the other hand, he was wary of opening his own restaurant in Germany because of the strict smoking regulations, which have pushed restaurant owners into a difficult situation. Thus, Mr. Wenzel instead sought to open a garden restaurant in a warm country abroad. He had two destinations in mind: Australia and Mallorca. However, he shied away from the distance to Australia and the competition of other German restaurants in Mallorca. It was at this time that his brother-in-law suggested he go to Turkey. As Mr. Wenzel was not inclined to go to Turkey and did not have any professional ties to Turkey before, he was not enthusiastic about this idea. However, he visited his brother-in-law's family in a small touristic town on the coast of Turkey in order to explore his business possibilities there. When he arrived, he first checked the legal situation with the help of professional consultants and then reviewed his possibilities:

> I was thinking, what I can offer here? Would there be a market for a restaurant that I can run? What should I offer? What would make my restaurant special? Why should people come to eat in my place?... I asked myself many many questions, because I did not come to Turkey for adventure. I want to make good money... In RTL [German TV-channel] there is a program on German emigrants and how they set up businesses abroad. I was not motivated by self-discovery trips like most of the guys in this program. I also do not plan to stay here for the rest of my life... I am here because I want to make money...[2]

After having evaluated the business conditions positively, Mr. Wenzel decided to open his restaurant in a well-known tourist destination in the south of Turkey. With the help of a professional consultant, he set up a limited company, received his license for his restaurant, and obtained a short-term residence permit. He also employed five Turkish citizens – a cook, a dishwasher, a bartender, and two waiters. Although Mr. Wenzel had wanted to start his restaurant small and enlarge it solely in order not to take any financial risks, the employment of these five Turkish citizens was of crucial importance for his own legal status. According to the so-called "one to five rule"[3] an employer can only hire one foreigner if he provides work places for at least five Turkish citizens. This rule is also valid for foreign company owners and is an important obstacle for foreign small business owners. However, Mr. Wenzel knew about this rule beforehand and calculated his profitability accordingly. At the end of the interview, he summed up his experience:

> To be honest, I didn't face any legal problems here. Bureaucracy is annoying everywhere... but here is worse than in other places. Everything [the bureaucratic procedures] lasts a bit longer than elsewhere and in particular now all the rules and regulations are changing day by day... This drives me and everybody else crazy, but as I said, I have never had any fundamental troubles here.

1 The names of all migrants and foreign investors have been changed. In some cases, I even changed further biographical information such as significant encounters or the specific field of economic activity for reasons of data protection. However, unless otherwise stated, I refer to the interviewed experts with their real names.

2 All interviews with Germans were conducted by the author in the German language. The cited quotations were translated by the author. Please see the Appendix for more details on those interviewed.

3 For more on this rule see section 3.2.

This statement is one of the most positive statements on labor market inclusion I heard throughout the course of my study. However, this positive evaluation is mainly related to Mr. Wenzel's professional approach and migration decision as well as to the cultural capital of his brother-in-law—who largely due to his help Mr. Wenzel was able to quickly find reliable and professional consulting. Contrary to many other migrants, Mr. Wenzel has had a clear migration goal. Additionally, he was able to profit from both reliable profession assistance due to his personal networks and seeing himself as only temporarily in Turkey for business reasons. This attitude largely corresponds to the ideas reflected in the Turkish state's policy on foreign business owners, which expects that foreign nationals should invest in Turkey and provide jobs for Turkish citizens but not settle long-term. Therefore, it is not surprising that Mr. Wenzel has adapted to the new Turkish migration regime with relative ease.

However, clearly structured lively discourses such as Mr. Wenzel's are rare among migration narratives. In general, the narratives of migrants are much more complex and change over time according to significant biographical, social, political, or legal changes. This is not surprising as migration is embedded in the overall course of life for many individuals, in which migration motivations, duration, and future plans often change over time according to biographical as well as general social, cultural, political, and economic developments.[4] Therefore, the understanding of migration as a process is not just important for our analysis here but also for the whole of migration studies as this idea has just recently and increasingly gained ground in the field. Since Turkish migration legislation is currently in flux and has changed from de facto laissez-faire migration policy to strictly regulated migration management in the last years, many migrants' problems in Turkey today are related to this official shift. Based on the observation that this policy shift has had a significant impact on the legal statuses of migrants in Turkey, the aim of this report is to elaborate on the modes of legal membership for German citizens on the Turkish side of the transnational German-Turkish space. In doing so, I will also answer the question of whether German migrant lives and German and/or Turkish migration laws are compatible (and if yes, under which circumstances). Although my empirical study was limited to German nationals in Turkey, it should be noted that my findings are not only relevant for this distinct group. As the overall shift in migration policy and the changes in foreigners' laws are applicable to all migrants in this country, many of the difficulties and strategies I will outline in this report are also characteristic of the difficulties and strategies of other migrant groups.

The report is structured as follows: For reasons of contextualization, in section 2, I will first shortly summarize some general migration trends from Germany to Turkey and point to the variety of German groups in Turkey. In section 3, I will provide insight into the main laws and regulations on foreigners in Turkey in general and German citizens in particular. These two sections are largely based on findings that have already been

4 A.M. Nohl et al., "Önsöz: Göç, Kültürel Sermaye ve İşgücü Piyasasına Statü Geçişleri," in *Göç ve Kültürel Sermaye*, ed. Nohl, A.M. et al. (Istanbul: Kitapyayınevi, 2011), 11-50.

published elsewhere.[5] In section 4, I will discuss and analyze the empirical data that I gathered during my Mercator-IPC Fellowship. After a brief overview about my research design and sample, I will raise the legal problems related to the work and residency of German citizens in Turkey, the strategies to overcome these difficulties, and the reasons why many migrants remain in precarious legal statuses. In doing so, I examine various aspects of Turkish-German migration policy and evaluate the question of legal membership from the German migrant's perspective. In section 5, the report will conclude that there is widespread incompatibility between German lives and Turkish-German laws.

5 B. Pusch and J. Splitt, "Binding the Almancı to the "Homeland" – Notes from Turkey," *Perceptions: Journal of Internationals Affairs* 18 no. 3 (2013): 129-166; B. Pusch, "Karşı İstikametten Göç: Türkiye'deki Yüksek Vasıflı Alman Kadınlar," *Sosyoloji Dergisi* 3 no. 27 (2013): 123-149; B. Pusch, "AB vatandaşı gözüyle yeni yabancı istihdam politikası," *T24,* March 3, 2015, accessed December 4, 2015, http://t24.com.tr/yazarlar/barbara-pusch/ab-vatandasi-gozuyle-yeni-yabanci-istihdam-politikasi,11397; B. Pusch, "German Retirement Tranquillity that the 'Law on Foreigners and International Protection' Cannot Protect," *Centre for Policy and Research on Turkey (Research Turkey)* 4 no. 10 (2015): 29-37, accessed December 4, 2015, http://researchturkey.org/9845; B. Pusch, "Turkey's new policy on the employment of foreigners and its impact on EU citizens," *Hürriyet Daily News,* March 23, 2015, accessed December 4, 2015, http://www.hurriyetdailynews.com/turkeys-new-policy-on-the-employment-of-foreigners-and-its-impact-on-eu-citizens.aspx?pageID=238&nID=80026&NewsCatID=396; B. Pusch, "Dual Citizenship in the Transnational German-Turkish Space," *IPC-Mercator Policy Brief* (Istanbul: Istanbul Policy Center, 2015), 1-14, accessed December 4, 2015, http://ipc.sabanciuniv.edu/wp-content/uploads/2015/02/Barbara-push-feb_son1.pdf; B. Pusch, "Zirkuläre Migration „out", temporäre Niederlassung „in": Deutsche StaatsbürgerInnen und türkische Gesetze," in *Zirkuläre Migration zwischen Deutschland und Türkei*, ed. Y. Aydın, forthcoming; B. Pusch, "Law and Order in the Transnational German-Turkish Space – Notes from Turkey," in *Turkish Migration Policy*, ed. B. Pusch and İ. Sirkeci (London: Transnational Press, forthcoming); B. Pusch and S. Kaşka, "Who can Work legally in Turkey? A sociological glance at the Turkish Foreigners' Employment Policy," in *Turkish Migration Policy*, ed. B. Pusch and İ. Sirkeci, (London: Transnational Press, forthcoming).

2. GERMAN CITIZENS IN TURKEY AT A GLANCE

The bilateral agreement for the recruitment of Turkish workers, which was signed between Germany and Turkey in 1961, is generally regarded as the beginning of German-Turkish migration. There is no doubt that this agreement is a watershed moment in the German-Turkish migration movement in terms of numbers, policies, and dynamics; however, it would be overly simplistic to reduce the history of German-Turkish migration to this agreement given its much longer and highly multi-faceted history. Many years before the recruitment agreement, Ottoman subjects and Turkish citizens migrated for long or short periods of time to Germany and vice versa.[6]

Furthermore, the recruitment agreement is often regarded as a massive one-way migration of Turkish citizens to Germany. However, in the aftermath of the recruitment agreement, Turkish-German migration has never been a simple one-way movement. Despite the failure of the rotation principle of workers,[7] so-called return migration[8] has always been an integral part of the recruitment of Turkish workers sent to Germany.[9] Needless to say, the return patterns of migrants have changed over time according to different migration dynamics from Turkey to Germany. While until 1973 mainly individual workers chose to return to their families in Turkey on their own, return migration in the 1980s and 1990s was very much a decision made by and for the family.[10] Today, return migration from Germany to Turkey encompasses two different groups: (1) Turkish workers who decided to live their retirement days in Turkey or spend half of the year in Germany and half of the year in Turkey[11] and (2) mainly well-educated second or third generation German-Turks who come to Turkey for professional reasons.[12] The most important detail regarding the question of their legal inclusion and case of return is the fact that many German Turks are naturalized in Germany and thus are German and/or dual citizens. This trend has also been noted by the German Embassy in Ankara, which estimates the total number of people who have returned to Turkey after having stayed in Germany for a certain time to be around four million.[13]

In addition to migrants of Turkish origin, the number of German citizens settling in Turkey is also increasing. According to the typology by Suzan

6 C. Kubaseck and G. Seufert, *Deutsche Wissenschaftler im türkischen Exil. Die Wissenschaftsmigration in die Türkei, 1933–1945* (Würzburg: Ergon, 2008); A. Dietrich, "Deutsche Frauen in der Türkei. Arbeitsmigrantinnen, Heiratsmigrantinnen, Emigrantinnen," *Zeitschrift für Türkeistudien* 1 (1996): 99-112; A. Dietrich, *Deutschsein in Istanbul. Nationalisierung und Orientierung in der deutschsprachigen Community von 1843 bis 1956* (Opladen: Leske & Budrich, 1998); Pusch and Splitt, "Binding the Almancı," 129-166.

7 Neither Germany nor Turkey envisaged the recruitment agreement as the initial step towards de facto immigration to Germany. The initial plan was a rotation principle: a temporary stay (usually two to three years), followed by a return to their homeland. However, the rotation principle proved inefficient for industry, because experienced workers were constantly replaced by inexperienced ones. The companies asked for legislation to extend residence permits. As a result of this, many workers were accompanied by their families in the following period and stayed.

8 The terms return migration and re-migration, etc. characterize only the return of the first generation to their country of origin. As members of the second, third, or fourth generation are in general born and socialized in Germany, they know Turkey merely as a vacation destination. In the case that these subsequent generations move to Turkey, they are not returning to their country of origin but are rather migrating to the country of origin of their parents and/or grandparents.

9 Pusch and Splitt, "Binding the Almancı," 129-166.

10 Ibid.

11 A. Kaya and F. Adaman, "The Impact of Turkish-Origin Returnees/Transmigrants on Turkish Society," in *50 Jahre türkische Arbeitsmigration,* ed. Ş. Ozil, M. Hoffmann and Y. Dayıoğlu (Göttingen: V & R Unipress, 2011), 37-57.

12 H. Baykara-Krumme and B. Nauck, "Familienmigration und neue Migrationsformen. Die Mehrgenerationenstudie «LineUp»," in *Geteilte Heimat. 50 Jahre Migration aus der Türkei,* ed. A. Eryılmaz and C. Lissner (Essen: Klartext, 2011), 136-146; B. Pusch and Y. Aydın, "Migration of Highly-Qualified Turks from Germany to Turkey: Socio-political Factors and Personal View Points," *International Journal of Business & Globalisation, Special Issue: Exploring Careers of Skilled Immigrants in the Middle East* 8 no. 4 (2012): 471-490.

13 Pusch, "Karşı İstikametten Göç," 123-149.

Erbaş[14] as well as Bianca Kaiser's updated version,[15] which I have slightly modified, we can distinguish between various groups of German citizens in Turkey today. Among them are (1) employees sent to work in Turkey by international companies and their families,[16] (2) German investors, (3) German spouses of Turkish citizens,[17] (4) retired German citizens,[18] (5) so-called "lifestyle migrants,"[19] (6) an increasing number of Erasmus and other exchange students,[20] (7) descendants from the so-called "Bosporus Germans," who settled around 150 years ago in Constantinople,[21] and (8) German citizens of Turkish origin who or whose parents were naturalized in Germany.[22]

Furthermore, there is also a rising number of dual citizens with both Turkish and German citizenship. This group includes (1) children of German-Turkish couples who obtained this status at birth, (2) persons who achieved this status due to special permissions or legal loopholes, and (3) children born to Turkish parents in Germany after 2000.[23]

The total number of German citizens in Turkey is not known. According to official German statistics 74,450 German citizens moved from Germany to Turkey between 1961 and 2013.[24] However, it is estimated that around 90,000 to 120,000 German citizens live in Turkey today.[25] This number is primarily due to the lack of proper registration. Although both the statistical and estimated figures of German citizens in Turkey are low in comparison to the high number of migrants with Turkish backgrounds in Germany, as well the masses of Syrian refugees and labor migrants in Turkey, their population is still significant given that Germans make up the largest group of EU citizens in Turkey.

Last but not least it is important to note that my report will not focus on the legal inclusion of all German migrants mentioned above but on six groups in particular: (1) employees sent to work in Turkey by international companies, (2) German investors, (3) German spouses of Turkish citizens, (4) retired German citizens, (5) "lifestyle migrants" and (6) "Bosporus Germans."[26] As a comprehensive outline of all foreigners' laws would go beyond the scope of this report, I will therefore concentrate on the laws and regulations most relevant to my sample.

14 S. Erbaş, "EU-Bürger in der Türkei: Stand und Perspektiven. Unter besonderer Berücksichtigung der Situation der deutschen Staatsbürger," in *XII. Journalistenseminar - Probleme von Ausländern in Deutschland und in der Türkei und die Rolle der Medien*, ed. Konrad Adenauer Stiftung (Istanbul: KAS, 1997) 72-98.

15 B. Kaiser, "German Migrants in Turkey: The 'Other Side' of the Turkish-German Transnational Space," in *Transnational Social Spaces. Agents, Networks and Institutions*, ed. T. Faist & E. Özveren (Aldershot: Burlington, 2004), 91-110; B. Kaiser, "50 Years and Beyond: The "mirror" of Migration – German Citizens in Turkey," *Perceptions: Journal of International Affairs* 17 no. 2 (2012): 113-124.

16 B. Moser-Weithmann, "Alltagsleben von deutschen Entsandten in Istanbul und ihre Beziehungen zur türkischen Bevölkerung," *Zeitschrift für Türkeistudien* (Sondernummer: Deutsche in der Türkei, 2006), 15-31.

17 C. Spohn, "Reflexionen über Liebe und Migration," in *Informationen für binationale Paare. Türkei. Ein Ratgeber*, ed. Verband binationaler Familien und Partnerschaften (Frankfurt am Main: Brandes & Apsel, 2002); K. Kutter, *Die deutschsprachige Community in Istanbul: Transnationale Inkorporation am Beispiel der mit türkischen Staatsbürgern verheirateten Deutschen* (Unplublished diploma thesis, 2010).

18 İ. Südaş, *Türkiye'ye Yönelik Göçler ve Türkiye'de Yaşayan Yabancılar: Alanya Örneği* (Unplublished diploma thesis, 2005).

19 Kaiser, "German Migrants in Turkey," 91-110; Kaiser, "50 Years and Beyond," 113-124.

20 A. Baysan, "Heute Studium, morgen Abwanderung? Deutsch-türkische Austauschstudenten in Istanbul," in *Transnationale Migration am Beispiel Deutschland und Türkei*, ed. B. Pusch (Wiesbaden: Springer VS, 2013), 267-278.

21 Dietrich, *Deutschsein in Istanbul*; B. Radt, *Geschichte der Teutonia* (Istanbul: Orient-Institut der DMG, 2001).

22 I. Sievers et al., *Bildungserfolgreiche Transmigranten. Eine Studie über deutsch-türkische Migrationsbiographien* (Frankfurt am Main: Brandes & Apsel, 2010); Y. Aydın, *"Transnational" statt "nicht integriert"* (Konstanz: UVK, 2013); Pusch and Aydın, "Migration of Highly-Qualified Turks from Germany to Turkey," 471-490.

23 B. Pusch, "Dual Citizenship in the Transnational German-Turkish Space," 1-14.

24 This figure is calculated by the author according to the numbers provided in Statische Jahrbücher 1961-2012 and BAMF 2013.

25 Kaiser, "50 Years and Beyond," 113-124.

26 As I illustrate elsewhere (see Pusch, forthcoming) other groups of German citizens obtain a different status. For German citizens of Turkish origin see also section 3.3 in this report.

3. LAWS ON FOREIGNERS IN TURKEY AND GERMAN CITIZENSHIP LAWS

Turkey has long been characterized as a country of emigration due to the large-scale migration of workers to Western Europe, particularly in Germany, since the 1960s. Turkey, however, has increasingly become a country of immigration in recent years.[27] In fact, migration to Turkey is not a new phenomenon since migration movements occurred during the Ottoman period and in the immediate years following the foundation of the Republic of Turkey.[28] Yet, it should be stressed that these migratory movements differ both in terms of nature and scale. While former migration movements to Turkey by and large consisted of migrants of Turkish ethnicity from neighboring countries, migration to Turkey today has become much more diverse.[29] At the crossroads of Asia, Africa, and the European Union (EU), Turkey now faces various migration flows such as transit migrants, clandestine immigrant workers, high-skilled personnel, asylum seekers, and refugees from different countries. Due to all these new migration flows towards the country (and the EU harmonization process), Turkey, willingly or not, has had to adapt its migration legislation. In relation to this, the country has entered into a serious reform process into in recent years, and many fundamental legal amendments have been made.

The development of a new migration policy was necessary for two reasons. First, such a change was a requirement within the EU-harmonization process. Secondly, the new Turkish migration reality was not manageable and controllable within the old legislation. In this context, it should be stressed that most of the regulations had been in force since the reform period in the early Republican Era. It goes without saying that these laws from the 1930s had become more and more difficult to manage and control given changing migration movements in contemporary Turkey. These laws were implemented as a tool for the homogenization of the population within the nation-building process in which nearly one million migrants of Turkish descent settled in Turkey or were resettled in the country of origin of their ancestors.[30] It would go beyond the scope of this report to summarize the migration developments and policies of the early republican times. However, it is important to note that the laws of this time were a measure to foster the inclusion of migrants of Turkish descent who fit into the politics of population harmonization and the exclusion of those migrants who were of different origin and/or religion and, thus, an obstacle to the population homogenization project. Needless to say, this kind of legislation had become more and more unsuitable in times of increasing heterogenization of migration due to worldwide globalization. Such an outdated legal framework had encouraged migrants to bypass and circumvent the existing laws. Further, the authorities did not enforce the law adequately. This had meant that despite the rigid laws concerning non-Turkish migrants in Turkey, this practice had led to a de facto laissez-faire migration policy. Parallel to the legal reform process, which began in 2003 with the Law on Work Permits for

27 F. Düvell, "Turkey's Transition to an Immigration Country: A Paradigm Shift," *Insight* Turkey 16 no. 4 (2014): 87-103.

28 M. M. Erdoğan and A. Kaya (Eds.), *Türkiye'nin Göç Tarihi. 14 Yüzyıldan 21 Yüzyıla Türkiye'ye Göçler* (Istanbul: İstabul Bilgi Üniversitesi Yayınları, 2015).

29 A. İçduygu and K. Kirişçi, "Introduction: Turkey's International Migration in Transition," in *Land of Diverse Migrations, Challenges of Emigration and Immigration in Turkey*, ed. A. Icduygu & K. Kirisci (Istanbul: İstanbul Bilgi Ünversitesi Yayınları, 2009), 1-27.

30 A. İçduygu, "Türkiye'de Uluslararası Göçün Siyasal Arkaplanı: Küresel Dünyada Ulus Devleti İnşa Etmek ve Korumak," in *Türkiye'ye Uluslararası Göç. Toplumsal Koşullar – Bireysel Yaşamlar*, ed. B. Pusch and T. Wilkoszewski (Istanbul: Kitapyayınevi, 2010), 17-40; K. Kirişçi, "Second World War Immigration from Balkan Countries to Turkey," *New Pespectives on Turkey* 12 (1998): 61-77.

Foreigners, the former laissez-faire policy was replaced by migration legislation based on the idea of a controllable and temporary exchange of people in a globalizing world.

Apart from these domestic developments in Turkey, we can argue with Pries[31] that migration is no longer simply a one-dimensional change of places. Migration has become more and more transnational, which means that migrants set up pluri-local and cross border practices, which are referred to as "transnational social spaces." As a result, transnational social spaces differ from national container-space-concepts, which are based on the assumption that social and territorial spaces overlap. Although transnational spaces are strongly determined by national structures, they are constructed by economic, political, and cultural actors.[32] In the significant literature this is referred to as "transnationalism from below."[33] In line with Faist,[34] we can also state that transnational spaces are not simply shaped by the national laws of one country but by the relevant laws of all countries involved. Thus, in this case the lives of people living primarily on one side of the German-Turkish transnational space are not only regulated by Turkish laws but also by some relevant German laws. In the scope of my empirical work on the legal membership possibilities of German citizens living on the Turkish side, I will point to the interplay of German and Turkish laws. In this context, the following five laws are of crucial importance: the Turkish Law on Work Permits for Foreigners,[35] the Turkish Law on Foreign Direct Investment,[36] the Turkish Law on Foreigners and International Protection,[37] and the Turkish and the German citizenship laws (the Turkish Citizenship Law No. 5901 and German Nationality Act (Federal Law Gazette 1386)).[38]

3.1. Residence Regulations

The Law on Foreigners and International Protection[39] was adopted in 2013 and is generally regarded as an important milestone in Turkish migration history.[40] Although critical voices regard the law as insufficient from the perspective of human rights and migration policy, the impact of this law on the overall Turkish migration regime is huge. On the one hand, the law establishes a legal framework for asylum seekers and refugees. On the other hand, it is the basis for the construction of a completely new migration management, which includes not only the establishment of a new state institution but also the setup of various boards in order to develop a constant and sufficient migration policy. Furthermore, the law regulates the residency of foreign

31 L. Pries, *Die Transnationalisierung der sozialen Welt* (Frankfurt am Main: Edition Suhrkamp, 2008).

32 Ibid.

33 M. P. Smith and L. E. Guarnizo (Eds.), *Transnationalism From Below* (New Brunswick & London: Transaction Publishers, 1998).

34 Th. Faist, "Transnationalization in International Migration: Implications for the Study on Citizenship and Culture," *Ethnic and Racial Studies* 23 no. 2 (2000): 189-222.

35 Law on Work Permits for Foreigners No. 4817 [4817 Sayılı Yabancıların Çalışma İzinleri Hakkında Kanun], February 27, 2003, accessed December 5, 2015, http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4817.pdf.

36 Law on Direct Foreign Investment No. 4875 [4875 Sayılı Doğrudan Yabancı Yatırımlar Kanunu], June 5, 2003, accessed December 5, 2015, http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4875.pdf.

37 Law on Foreigners and International Protection No. 6458 [6458 Sayılı Yabancılar ve Uluslararası Koruma Kanunu], April 11, 2013, accessed September 17, 2015, http://www.resmigazete.gov.tr/eskiler/2013/04/20130411-2.htm.

38 Citizenship Law no. 5901 [5901 Sayılı Türk Vatandaşlık Kanunu], May 29, 2009, accessed September 17, 2015, http://www.resmigazete.gov.tr/eskiler/2009/06/20090612-1.htm.

39 Law on Foreigners and International Protection No. 6458 [6458 Sayılı Yabancılar ve Uluslararası Koruma Kanunu].

40 Düvell, "Turkey's Transition to an Immigration Country," 87-103; A. İçduygu & D. Karcı Korfalı, "Türkiye'de Göçmenlerin Vatandaşolma Eğilimleri: Deneyimler ve Algılar," in *Farklılıkların Birlikteliği. Türkiye'de ve Avrupa'da Birarada Yaşama Tartışmaları*, ed. A. Kaya. (Istanbul, Hiperlink Yayınları, 2014), 95-119.

nationals within their own country. This section of the law came into force in April 2014 and is also highly relevant for German citizens in Turkey in general and for my study in particular. The law distinguishes between six types of residence permits: (1) short-term, (2) family, (3) long-term, (4) student,[41] (5) humanitarian[42] and (6) residence permits for victims of human trafficking.[43] The conditions being applied to the residence permits of German citizens are shaped by the provisions regulating short and long-term, as well as family, residence permits.[44]

Short-term residence permits can be granted for a maximum period of one year at a time. Applicants have to provide an address as well as proof of full health insurance and sufficient financial means to stay in the country. This financial evidence requires each applicant to provide a form of an exchange receipt or a statement from a Turkish bank that proves the applicant has between 300 and 500 USD per month or its equivalency in another currency. Residence permits are revoked if a foreigner stays outside the country more than 120 days per year. As we will see later, this legal provision is of significant importance for many German citizens in Turkey. Family residence permits are granted to foreign spouses or children of Turkish citizens, Blue Card[45] holders, and foreign nationals with a residence permit for a maximum period of two years. Along with the marriage certificate, the spouse of the applicant has to show proof of address, adequate financial resources, and health insurance coverage for the whole family. More than 180 days spent abroad invalidates family residence permits. The recent introduction of long-term residence permits grants foreign nationals a permanent residence status for the first time in Turkey and thus is an important legal development for foreigners.[46] Long-term residence permits are granted to foreigners who have been residing in Turkey and have held a residence permit continuously for at least eight years, who have not received social assistance in the past three years, and who have sufficient financial means and health insurance. Another crucial precondition of a long-term residence permit is proof that applicants have not been abroad more than 365 days in the last five years. Although the introduction of long-term residence permits is of crucial importance for the improvement of foreign nationals' long-term legal membership statuses, it is important to note that these permits only provide permanent residency statuses and no further significant rights such as free access to the labor market. Paragraph 44 states the following of such rights:

41 According to the new Law on Foreigners and International Protection, foreign students have the right to work up to 24 hours per week.

42 Without having to seek the fulfillment of the requirements of the normal residence permit, humanitarian residence permits can be provided by the Ministry with a maximum validity of one year.

43 In accordance with Article 48, "A residence permit valid for thirty days may be granted by governorates to foreigners where there is strong suspicion that the foreigner is, or in the future will be, a victim of human trafficking so that they can recover from the effects of their experiences and decide whether or not to cooperate with the competent authorities."

44 For a detailed overview on the necessary requirements see the webpage of the Directorate General of Migration Management: http://www.goc.gov.tr/icerik6/documents-required-for-residence-permit-applications_914_1017_3605_icerik.

45 The invention of the Blue Card (formally referred to as Pink Kart) in 1995 was a creative tool to bypass strict citizenship laws in immigration-receiving countries like Germany, which do not recognize dual citizenship. The Blue Card provides former Turkish citizens and their descents with a number of rights in Turkey such as residence, work, investment, and inheritance free from the various restrictions of Turkish laws on foreigners. Thus, Blue Cards provide former Turkish citizens with a legal status between formal citizens and "aliens." Therefore, Cağlar refers to this status as "citizenship light." The privileged status of Blue Card holders is also the reason why I did not include this group in my analysis for this report. For an overall analysis of the Blue Card within the Turkish migration regime see Cağlar 2004 and Pusch and Splitt 2013.

46 Refugees, conditional refugees, and subsidiary protection beneficiaries, as well as persons under temporary protection or humanitarian residence holders, are not entitled to the right of transfer to a long-term residence permit.

> ...foreigners holding a long-term residence permit shall benefit from the same rights as accorded to Turkish citizen with the exception of the provisions in laws regulating specific areas and of: (a) compulsory military service, (b) the right to vote and be elected, (c) entering public services (ç) exemption from customs duties when importing vehicles.[47]

Although the law states that foreigners holding a long-term residence permit shall benefit (with the exception of the provisions in laws regulating the four specific areas listed above) from the same rights as accorded to Turkish citizens, long-term residents are in no way equal to Turkish citizens. The reason for this is the fact that there are many additional laws that restrict foreigners' rights. As the rights of long-term residents seem to be explicit according to paragraph 44, the wording "shall benefit from the same rights as accorded to Turkish citizens" is in fact meaningless.

Two regulations of the Law on Foreigners and International Protection are of particular importance for the legal residence of German citizens in Turkey. First, work permits function as residence permits according to the new law, which is a considerable bureaucratic simplification for regularly working foreigners. Second, the Law on Foreigners and International Protection stipulates that foreigners need a residence permit in order to stay in Turkey for more than 90 days. The rule of "90 in 180 days" can be seen as a regulation to bar circular migration. In practice, the implication of this rule is as follows: A person who stays for 90 days in Turkey without having a residence permit should stay abroad for 90 days before reentering Turkey.[48]

47 Cited according to the English translation of the law. See: http://www.goc.gov.tr/icerik3/11-dilde-yukk_327_328_1174.

48 This rule was implemented first in 2012 after a reform of the Law on Residence and Travel of Foreigners in Turkey. Although the Law on Residence and Travel of Foreigners in Turkey was made invalid with the introduction of the Law on Foreigners and International Protection, the "90 in 180 days" rule was again adopted in the new law.

3.2. Laws and Regulations on Foreigners' Employment and Entrepreneurship

With the implementation of the Law on Work Permits for Foreigners (Law No. 4817)[49] in 2003, the Law on Activities and Professions in Turkey Reserved for Turkish Citizens (Law No. 2007),[50] which barred foreign nationals from working in 72 professions, was abolished. Therefore, it is certainly no exaggeration to state that the Law on Work Permits for Foreigners is a remarkable liberalization of work regulations in terms of legal possibilities.[51] However, as I will argue below this liberalization of the legal framework does not mean a de facto liberalization. In fact, according to some occupational laws the practice of various professions such as dental practitioner, lawyer, architect, and engineer are still prohibited for foreign nationals.[52]

It is important to note that the Law on Work Permits for Foreigners distinguishes between four types of work permits: definite, indefinite, and independent work permits, as well as work permits for so-called exceptional cases. Work permits for a definite period of time are provided selectively for certain jobs at certain workplaces or enterprises. These permits are generally granted after the first application for a maximum of one year, with multiple renewals for periods of two and then subsequently three years. However, the granting of these work permits depends on the situation of the business and developments in the labor market. Moreover, these work

49 Law on Work Permits for Foreigners No. 4817 [4817 Sayılı Yabancıların Çalışma İzinleri Hakkında Kanun].

50 Law on Activities and Professions in Turkey Reserved for Turkish Citizens No. 2007 [2007 Sayılı Türkiye'deki Türk Vatandaşlarına Tahsis Edilen Sanat ve Hizmetler Hakkında Kanun], June 11, 1932, accessed September 17, 2015, http://www.hukuki.net/kanun/2007.13.text.asp.

51 B. Pusch, "İstenen ve İstenmeyen Konuklar: Türkiye'deki Yabancıların İş Karşındaki Durum," in *Türkiye'ye Uluslararası Göç. Toplumsal Koşullar – Bireysel Yaşamlar*, ed. B. Pusch and T. Wilkoszewski (Istanbul: Kitap, 2010), 75-88.

52 For a general overview of the laws and regulations in effect until 2007, see A. Güzel and F. Bayram 2007. The large majority of these laws are still valid. Therefore, see Kaşka and Pusch, forthcoming.

permits are not necessarily granted to any applicant or any job, but only if an employer can prove that the employment of a foreign national is of high importance for the positive development of the company or institution and that no Turkish citizen can fulfill the requirements of the particular position. The so-called "one to five rule" aforementioned is another obstacle for the employment of foreigners. According to this rule an employer has to employ at least five Turkish citizens for each foreigner employed. For all these reasons we may say that foreign nationals are highly disadvantaged in their access to the Turkish labor market. However, in contrast to definite work permits, work permits for an indefinite period of time do not restrict foreign nationals to certain enterprises and professions. Conditions in the business market and developments in working life are not taken into consideration, and thus, there is no precondition for holders of indefinite work permits. To put it differently, foreigners holding work permits for an indefinite period of time have much more freedom and participation possibilities in the Turkish employment market than holders of work permits for a definite period of time. Self-employed foreigners are eligible for independent work permits on the condition that they have resided in Turkey legally and uninterruptedly for at least five years. Exceptions are made for "key personnel," diplomats, athletes, etc. This group of people is not necessarily subjected to time limitations or other restrictions. Despite the fact that the Draft Law on the Employment of Foreigners that was submitted to the Turkish Parliament in February 2015 includes many modifications, it is safe to assume that the impact on migrants from Germany and other EU countries will remain small if this law is to be adopted.[53]

The Law on Foreign Direct Investment (Law No. 4875)[54] that came into force in 2003 had a profound impact on Germans (as well as other foreign nationals) in Turkey. Firstly, the law outlawed the Law on Encouragement of Foreign Capital (Law No. 6224),[55] according to which foreign investors were disadvantaged because they were—contrary to their Turkish counterparts—only allowed to set up limited companies with a capital stock of 50,000 USD.[56] Secondly, the general aim of the 2003 law was to encourage foreign direct investments in Turkey, to protect the rights of investors, to align investors and investments with international standards, and thus, to increase the volume of foreign investment through streamlined policies and procedures—all of which were of crucial importance to German (and other foreign) investors and business people. In saying this, let us not forget the impact of the Law on Foreign Direct Investment on the granting of work permits to expatriates, which also had a huge impact on the status of foreigners working in Turkey.[57] Therefore, the Law on Work Permits for Foreigners envisages various exceptional rules and a special (less bureaucratic) treatment for foreign investors and so-called key personnel to be employed in foreign direct investments in the future.[58]

3.3. Naturalization in Turkey

Parallel to the general consolidation of transnational spaces, the question of dual citizenship has gained significant importance in recent years as multiple legal statuses of membership provide actors with the necessary legal framework to operate in transnational spaces or in two countries simultaneously. According to Faist,[59] dual state membership is the "natural equivalent" to inclusion in transnational activities.

53 Pusch, "AB vatandaşı"; Pusch, "Turkey's new policy."

54 Law on Direct Foreign Investment No. 4875 [4875 Sayılı Doğrudan Yabancı Yatırımlar Kanunu].

55 Law on Encouragement of Foreign Capital No. 6224 [6224 Sayılı Yabancı Sermayeyi Teşvik Kanunu], January 18, 1954, accessed December 5, 2015, http://www.hukuki.net/kanun/6224.13.text.asp.

56 Pusch, "İstenen ve İstenmeyen Konuklar," 75-88.

57 Pusch, "AB vatandaşı"; Pusch, "Turkey's new policy."

58 Ibid.

59 Faist, "Transnationalization in International Migration," 209.

A glance at the German-Turkish context reveals that dual citizenship regulations are lagging behind the steadily increasing transnationalization process of these two countries. In this context it is worth noting that Turkish citizenship law meets the needs of the increasing migration between the two countries better than the German law. While maintaining dual citizenship has been possible in Turkey since the amendments of the Turkish Citizenship Law (Law No. 403)[60] in 1981, there is still no legal right to obtain dual citizenship in Germany today. However, against the backdrop of worldwide globalization, political pressure from migration movements to reform German citizenship policies has steadily increased. Therefore, Germany, willing or not, has begun to face the challenges of revising its citizenship policies. Germany's Nationality Act of 1999 was an important step in this direction as Germany's national citizenship policies have undergone considerable changes with the implementation of this act. However, neither the Nationality Act of 1999 nor its further amendments have led to the implementation of the legal right to obtain dual citizenship in Germany.[61] As it would go beyond the scope of this report to elaborate upon German and Turkish citizenship policy in detail, I will only point to two provisions that are relevant for autochthonous German citizens living on the Turkish side of the transnational German-Turkish space.[62]

According to the Turkish Citizenship Law (Law No. 5901)[63] there are several mechanisms through which naturalization can take place: *ex lege*, i.e. by a decision of the authorities, and through various options provided to foreigners.[64] Most important for autochthonous German citizens living in Turkey is the regular naturalization mechanism through the decisions of authorities. The current legislation stipulates that the applicant has to fulfill several conditions such as being over the legal age of adulthood; verifying his/her determination to settle down in Turkey by acquiring real estate, setting up a business, and/or being married to a Turkish citizen; proving that she/he has the financial means and/or professional means to support his/her livelihood, as well for those for whom she/he is responsible for; having no disease constituting an obstacle in respect to public health; being of good moral character; being able to speak sufficient Turkish; presenting no threat to national security or the public order. Similar to provisions in other countries, foreign nationals are only allowed to apply for naturalization after having lived in Turkey for a particular period of time. According to the Turkish law, this is, in general, five years of uninterrupted residence. A crucial point regarding the calculation of residence is the fact that an applicant is only allowed to stay abroad for a total of six months within this five-year period. In addition, it should be mentioned that foreign nationals married to a Turkish citizen are subject to other provisions.

60 Citizenship Law No. 403 [403 Sayılı Türk Vatandaşlık Kanunu], February 11, 1964, accessed September 17, 2015, http://www.nvi.gov.tr/Files/File/Mevzuat/Yururlukten_Kaldirilanlar/Kanun/pdf/turk_vatandasligi_kanunu.pdf.

61 The last reform of the so-called "option model," according to which children born to foreign parents in Germany were granted two citizenships by birth but were obliged to decide whether to chose German citizenship or the citizenship of their parents by the time they were 23 years old, has not changed this. Although the majority of children born to foreign parents in Germany no longer have to choose either German citizenship or the citizenship of the parents at the age of 23, such citizens are only granted life-long dual citizenship under certain preconditions. Because of this and many other reasons, I argue elsewhere (see Pusch, "AB vatandaşı") that Germany's citizenship reforms since 2000 have prepared the ground for more so-called "exceptional cases" that are creating a hotbed for new origin-related, intergenerational, and spatial inequalities.

62 For a comprehensive analysis of the Turkish citizenship law, see Aybay 2008 and Kadırbeyoğlu 2009 and 2012. A good overview of the German citizenship law is given by Heilbronner 2012.

63 Citizenship Law no. 5901 [5901 Sayılı Türk Vatandaşlık Kanunu].

64 There is a three-year waiting period after which foreign spouses have the option to acquire Turkish citizenship. Furthermore, children who wish to re-acquire their Turkish citizenship after their parents have renounced it can choose to reacquire their Turkish citizenship status three years after reaching a certain age.

Spouses are allowed to apply for Turkish citizenship three years after marriage if their marriage is still intact. The preconditions for naturalization through marriage are living together in the same household, not being engaged in any activity that is incompatible with marriage, and not posing a threat to national security and public order.[65] However, despite the preconditions naturalization is a discretionary process. Thus, an applicant who has fulfilled all the conditions and has submitted all documents can be arbitrarily refused by the authorities.

For German citizens who do not want to lose their German citizenship while naturalizing in Turkey, the introduction of the so-called *Beibehaltungsgenehmigung* (the permit to retain German citizenship) is of huge significance. This permit was introduced with the Nationality Act, which came into force in 2000. Before this, German citizens were only able to naturalize in Turkey by giving up their German citizenship. As the German passport is more convenient in terms of freedom of travel and allows German migrants to return to Germany, etc., the acquisition of Turkish citizenship had not been an attractive alternative for German citizens in bypassing the strict Turkish foreigners' legislation and obtaining full legal membership in Turkey. However, this has changed since the reform of the German citizenship regulations mentioned above. Since this reform, German citizens who want to retain their German citizenship while naturalizing in Turkey or another country have to apply for this permission before naturalizing abroad.[66] For this application, German citizens must prove that they have sufficient ties to Germany such as close relatives or property and that their status as a foreigner would lead to fundamental disadvantages in that citizen's country of residence. However, there is no automatic right to dual citizenship under German law. German state authorities make discretionary decisions based on the particular circumstances of each case. Thus, as there is no legal right to obtain dual citizenship, applicants who wish to keep their German citizenship must justify their request by filling out the aforementioned application form. An applicant cannot justify his or her wish to retain German citizenship by pointing to their identity, etc. Another striking aspect of this regulation is that German citizens of Turkish origin who are nationalized in Germany are in general not granted dual citizenship in the case of remigration to Turkey. According to an expert of the Consulate General of Germany in Istanbul who I interviewed, only two German citizens of Turkish[67] origin were granted dual citizenship due to the *Beibehaltungsgenehmigung* regulation in 2014. This is largely due, however, to the Blue Card, which guarantees German citizens of Turkish origin an advantaged status among foreign nationals in Turkey.

65 Until 2003 foreign women married to a Turkish citizen were able to achieve Turkish citizenship upon marriage. In order to prevent fake marriages, this was changed. However, according to the current law there is a simplified naturalization process for foreign women and men married to a Turkish citizen.

66 If German citizens acquire another nationality abroad without first applying for a permit to retain their German citizenship in advance, they lose their German nationality.

67 In using the term Turkish, I do not refer to ethnicity but to the territory and citizens of the Republic of Turkey.

4. (IN)COMPATIBILITY OF LIVES AND LAWS – RESEARCH FINDINGS

In this section, I will outline some of my empirical research findings. By doing so I will examine various aspects of the Turkish-German migration policy and evaluate the question of legal membership from the migrants' perspective. Before doing so, I will first briefly describe the design and the sample of my study.

4.1. Some General Remarks: Project Design and Sample

I conceptualized my Mercator-IPC project entitled "Dual Citizenship and Other Modes of Legal Membership in the Transnational German-Turkish Space" as a comparative study on various forms of multiple legal memberships in the transnational German-Turkish space. More specifically, the aim of my academic study was to investigate the differences regarding the granting of dual German-Turkish citizenship and the multiple memberships of German citizens of Turkish and non-Turkish origin in Turkey. By doing so, I analyzed the current legal framework and the practice within the wider context of German-Turkish relations, transnationalization, (dual) citizenship, and multiple memberships from three perspectives: the legal, the socio-political, and the perspective of German citizens in Turkey. Since the regulations regarding dual citizenship and other forms of multiple membership are still in flux today, another aim of the project was to analyze the implementation of the Law on Foreigners and International Protection in Turkey.

In order to meet this goal I reviewed the significant literature, analyzed the relevant laws, and interviewed 21 experts. Among those interviewed, there were official representatives of the Turkish Ministry of Labor and Social Security, the Directorate General of Migration Management, and German equivalents in Turkey, as well as lawyers, legal advisers, and NGOs. Furthermore, I conducted 36 semi-structured interviews with autochthone German citizens[68] who were selected from a snowball sample. The interviews were conducted in Istanbul, Ankara, and the Antalya-Alanya region, and lasted between 20 minutes and one and a half hours. Most of the interviews were completely transcribed.[69] The semi-structured interviews were conducted in two rounds. After the transcription of the interviews and a preliminary analysis, a second round of interviews was conducted according to "Theoretical Sampling," a tool within "Grounded Theory," in order to fill identified gaps in the research process.[70] I interpreted the relevant parts of the interviews according to the "Documentary Method,"[71] which provides an excellent analytical tool for comparison and typification. However, the analysis of legal sources, literature, and expert interviews, as well as the overall integration of all data collected, was done according to the analysis mode of "Grounded Theory," which keeps the research process open and permits on-site adjustment.

I have summarized some general information according to my samples' residence and their work

68 In the course of my study I also interviewed German citizens of Turkish origin. Some of them have held formal dual citizenship status since birth; others obtained this status due to loopholes in place before 1999. The majority of these German citizens of Turkish origin held a Blue Card. However, as outlined in more detail in section 3.3 of this report, I did not include the analysis of this group in this report.

69 In this context I would like to express gratitude to the interns at the Orient-Institut Istanbul, who did most of this difficult job, and the Director of the Orient-Institut Istanbul, Prof. Dr. Motika, who gave me the possibility to profit from their work.

70 B. G. Glaser and A. L. Strauss, *The Discovery of Grounded Theory* (Chicago: University of Chicago Press, 1969).

71 Arnd Michael Nohl, *Interview und dokumentarische Methode –Anleitungen für die Forschungspraxis* (Wiesbaden: Springer VS, 2008).

statuses in two tables (see appendix). A glance at Table 1 indicates that nineteen out of my thirty-six interviewees have been living in Turkey with a short-term residence permit despite their rather long-term residence. Only a total of ten interviewees received (or were in the process of applying for) a long-term residence permit. Another seven interviewees had been naturalized in Turkey or were in the process of naturalization. The overall length of stay of my sample varied between four and forty years. Only one interviewee has been living in Turkey short-term. My sample's average duration of stay in Turkey is sixteen years. Thus, we can say that the sample consists of predominantly long-term residents. At the time of the interview, the majority of the sample was still living with one-year resident permits. This is telling of the legal inclusion problems foreign residents face. For example, Marianne Güleryüz, who has been living in Turkey for 39 years but has only been able to extend her residence permit for one year recently, is without doubt the most striking case in this respect. A glance at the overall sample indicates further noteworthy aspects of life in Turkey for long-term foreign residents.

First, it must be mentioned that all of my interviewees who have already received a long-term residence permit were retired German citizens who either receive a German or a Turkish pension. Those who were still in the application process were all of working age. Although I am aware that qualitative research results are not of any statistical value and are inadequate for numerical generalizations, the composition of my sample is not purely random. In this context, I must stress that I have not met any European citizens of working age who have received a long-term residence permit and that none of my informants knew of any non-retired long-term residence permit holders either.[72] Thus, I believe that the composition of my sample is not a shortcoming of my sample but an indicator for the practical implication of the Law on Foreigners and International Protection. As applicants for long-term residence permits must prove that they have the financial means to live without receiving any social welfare, long-term residence permits are more likely to be granted to retired long-term residents because their pensioner status guarantees them a life-long income.

Secondly, I would Iike to point out that apart from one exception, my sample was balanced in terms of gender. In the course of my fieldwork I interviewed a total of nineteen German women and seventeen German men. However, I was only able to carry out an interview with one man who was naturalized in Turkey. As I will show later, this is not just a simple research defect but is in line with some gender-related attitudes towards naturalization.

Last but not least, it is important to note that the rather high number of German citizens interviewed with short-term residence statuses is the result of snowball sampling in which I recruited my interview partners according to their residence and work statuses. As table 2 indicates, twenty-six of my interviewees had participated in the Turkish labor market. Six of them hold dual citizenship and thus are not subject to the Law on Work Permits for Foreigners. However, it is striking to see that among the twenty interviewees who participated as foreigners in the Turkish labor market that only a total of ten had a regular work permit. The other half occupied gray areas in which they were either working irregularly or by circumventing the laws so that it was not really clear whether their work status was irregular or not. Given the fact that the Law on Work Permits for Foreigners envisages also indefinite and independent work permits, it was striking to see that I was not able to find a single person with one of these rather privileged working statuses. However, taking into consideration the low rate of

72 I am the only person I know within working age who holds a long-term residence permit.

granted indefinite and independent work permits in general, this is not surprising (see 4.2/3).

This brief description of the sample points to the significant discrepancy in the migration biographies and legal statuses between those interviewed. In the following three sections, I will illuminate the three areas that proved to be most problematic for my sample: the arduous process of obtaining a residence permit (section 4.2), the difficulties of legal work (section 4.3), and the problem of naturalization as a tool of legal inclusion (4.4.).

4.2. The Arduous Process of Obtaining a Residence Permit

At the time of the interviews, all interviewees had attained a legal residency status. In particular, those who did not regard themselves as permanent residents in Turkey faced less problems with their residence permits. Similar to Mr. Wenzel, whose case I described in the introduction, this group either applied for short-term residence permits or for work permits, which substitute for residence permits according to the new law. Furthermore, this group often paid for professional help and thus did not have to go through the bureaucratic procedure by themselves. Nonetheless, the issue around residence permits was one of the most discussed subjects in the course of my research. These complaints surrounding residence permits were and are multidimensional and cannot be reduced to the implementation of the new Law on Foreigners and International Protection, which has lead to a rather chaotic transition phase due to a lack of information, various technical problems, and untrained personnel. Yet, the main aim of this report is not to touch upon the endless complaints of German citizens with regard to the new legislation but to focus on some fundamental problems and their consequences from the perspective of long-term residents. However, in order to provide insight into the chaotic practice of issuing residence permits, I will briefly summarize the experiences of Mr. Lange at the Istanbul branch of the Directorate General of Migration Management (DGMM).

Mr. Lange has been living in Turkey with his Turkish wife for 17 years without interruption. Since his purse, in which he also kept his residence permit, was stolen in August 2014, he has been facing various bureaucratic problems. He declared the theft at the local police station and then requested to apply for a new copy of his residence permit because the stolen one was still valid until 2018. However, he was told that he has to go to the Istanbul branch of the DGMM. The next day he went to the DGMM in Istanbul, but there he was told that he has to apply online for an appointment. Thus, he immediately applied online for an appointment and received an appointment for December, which was four months later. In December 2014, Mr. Lange appeared with his theft report at the DGMM only to be told that he cannot apply for a new copy of his residence permit but has to apply for a new residence permit altogether. He was handed an application form for a short-term one-year residence permit. Mr. Lange, who knew about the recent legal reforms, told the official that he does not want to have a one-year residence permit because he has been living in the country with a regular residence permit for fourteen years. However, the official said that this is very complicated procedure and that he first has to apply for a so-called *gün sayımı* (the official counting of days which have been spent abroad). Mr. Lange then went to the *Gün Sayımı* Department and made his application, where he was told to pick up his record one month later. One month later he received his positive *gün sayımı* report, which allowed him to apply for a long-term residence permit. With this report he went again to the official who was in charge of his case. The official looked at the report and then gave Mr. Lange a list of additional documents to submit. As soon as Mr. Lange had collected these documents he went again to the relevant authority who maintained that his

proof of assets is not valid because the bank account is a joint account with his wife. The argument that the money would be shared in case of divorce according to the Turkish civil law does not apply to foreigners. Thus, Mr. Lange had to open a new account in his own name and transfer the money into this account. However, when he returned to the DGMM the official told him that he had exceeded the time for submitting the missing documents and that he has to apply for a new appointment via the online registration system. As the system was completely overloaded, he received an appointment for three months later. When he turned up to the DGMM three months later, the official told him that the calculation of days he was staying abroad is not valid anymore. As Mr. Lange argued his case, he could see that his efforts were fruitless, and he applied once again for a new calculation of days. He was told that he could pick up this document in four weeks. However, the document was not ready after four weeks, so he was told to come again in two weeks. When he finally got the required documents two weeks later he immediately went to the relevant official in order to apply for his long-term residence permit. The official looked at his files and then again told Mr. Lange that the period for submitting documents had expired. Mr. Lange refused to apply for another new appointment. After long discussions, the official was convinced that transgression of the period of time was not his fault and went with him to the neighboring room where another official completed his application and promised to send his application to Ankara as a special file. When I last spoke to Mr. Lange, another six weeks had passed, and he was still waiting for a response from Ankara.

This case clearly illustrates some fundamental problems with the new migration management in Turkey. The fact that Mr. Lange was not able to receive a new residence permit within 14 months clearly shows that the new migration management did not meet its goal to be more effective than the old system. The analysis of my empirical data shows that Mr. Lange's problems are just one particular representation of the difficulties of long-term residents who want to apply for long-term residence permits. Furthermore, it should be stressed that not all problems are related to the chaotic implementation of the laws in the transition phase from the old to the new migration management system. The reasons for such a failure are also representative of further logistical and multidimensional problems within the system regulating foreign residence in Turkey. The following are some of the most significant problems related to the system severely affecting foreigners residing in Turkey: (1) Officials provide foreigners, despite their marital status and the length of residence in Turkey, only with information on the one-year short-term residence permit. Most foreigners neither receive information on the two-year family residence permit nor the long-term residence permit. (2) The system is completely overloaded. This not only leads to long waiting times for a personal appointment at the foreigners' department but also to the fact that applications cannot be finished and sent to Ankara because of inherent problems in the system. (3) Detailed information on the required documents (such as the period of validity) are not communicated, which leads to further waiting periods. (4) Various internal operational processes are not coordinated and thus cause additional problems. (5) Various required documents contradict other laws. For instance, why was Mr. Lange not able to prove his assets with the joint bank account he holds with his wife? (6) The rules for various particular cases are illogical: why did Mr. Lange apply for a new residence permit although his permit was still valid for three years and the official saw this in his computer?

Long-term residents also face a variety of difficulties because of the new provisions and the fact that these provisions are incompatible with their migratory lives. One huge problem is related to the official definition of "uninterrupted residence," which means that there is not a single gap of one

day between the various residence permits and their extensions in the last eight years. As this kind of uninterrupted residence has only gained importance with the introduction of the *Law on Foreigners and International Protection*, these rules had been an unpleasant surprise for many long-term residents in Turkey. In this context, Ms. Winkelbauer explained that her application for a long-term residence permit was rejected because "a few years ago I stayed for three months with my daughter in Germany. In this time my residence permit expired. I did my application for extension when I returned, because at that time, nobody knew that uninterrupted residence will be important one day." While some long-term residents in my sample accepted these new rules with grace and argued that they will apply again as soon as they fulfill the rules, others were upset because of the subsequent changes. In this context, one interviewee who has been living in Turkey for 28 years and invested all her money in her Turkey-based business argued the following:

> I think these new rules are not fair. First of all we did not know about these rules in advance, and secondly, I had to stay in Germany for a certain period of time because my uncle died. He had no children so I had to sell his house. This took some time... But if the officials would listen to me and really prove my case, then they would see that I have invested all the money in Turkey... They would see that this stay was also an investment in the Turkish economy. They would see that I was abroad and then brought money to Turkey.

Apart from the requirement of "uninterrupted residence," the preconditions of the long-term residence permits also require that a foreigner is only allowed to have stayed abroad for a maximum of 364 days in the last five years. For those who have to travel a lot for business reasons and who have family duties abroad, this limit is impossible to fulfill. One of my interviewees was outraged by this rule:

> Tell me, how shall I fulfill this rule. It is impossible for me. First, it is not possible because of my job. I have to travel a lot. Once a month I am abroad for approximately five days because of my job. Second, my mother is 84 and had a stroke. For that reason I visit her more often than before and check several things for her... And finally, I love to travel. I have traveled a lot in Turkey, and I have seen more places than most of the Turks. But now, I also want to see other places in the world. So I have spent my holidays very often abroad.... But please tell me how I can manage all this with a 364-day limit in 5 years. 364 days in five years means 73 days a year... Calculate for yourself: 5 x 12. This means I spend already 60 days abroad because of my job!

Not only do mobile professionals suffer from this rule but also many retired German citizens who have mainly settled in the South of Turkey suffer from such restrictions. In this context, one interviewee stated that he has created an excel table in order to calculate his days abroad. Another woman exclaimed, "Although I have been living in Turkey for more than 15 years, I have been in Germany quite often. For that reason they rejected my application for a long-term residence permit. But now I will be very careful and count my days in Germany. So I think I should be able to get the long-term residence permit in two years." However, most retired German citizens are not entirely flexible for various reasons. While some of them argue that they still have family and property in Germany and thus have to go to Germany frequently, others point to their high age and financial state, which requires them to have medical treatments in Germany rather than in Turkey. Contrary to this, some simply argue that they settled in Turkey under different preconditions and thus should not be subject to the new law. Thus, many regard the new legislation as "chicane" or harassment and claim that the law deteriorated their quality life in Turkey and made it impossible to lead the life they once lived.

A glance at the new Law on Foreigners and International Protection is not sufficient for understanding the problems that German (or any other EU nationals) pensioners have regarding the legal regulations. Furthermore, their problem with the

new law is not restricted to long-term residence permits. Pensioners' main problem with the law is the fact that several details in the law contradict the pensioners' ongoing ways of life. This sometimes even leads to troubles with short-term permits. Many German pensioners have been settled in Turkey for more than twenty years, but they do not spend all their time in Turkey. As mentioned above, many pensioners frequently go to Germany to visit their family members such as their children and grandchildren who live there. Apart from these vacations and visits, they often arrange two-month-long overseas trips to avoid the hot weather in July and August, as well as frequent visits to Germany for health-related reasons. Therefore, it appears that most pensioners stay in Turkey for approximately eight to nine months a year. Pensioners' average time of stay in Turkey thus conflicts with several aspects of the new law. According to the new "90 in 180 days" rule, an eight to nine month stay is too long to live in Turkey without having a residence permit; however, this eight to nine month stay is also too long for many pensioners who have spent more than 365 days out of Turkey in the last five years. Consequently, pensioners can now solely apply for the short-term residence permit, which covers a maximum of one year. As pensioners were previously able to obtain five-year residence permits, they now claim that their right to legal residence has deteriorated with the implementation of the one-year rule. Further, there is another important obstacle with regard to the new regulation: short-term residence permits are cancelled in the event of staying abroad for more than 120 days per year. Additionally, it is not clear whether or not applicants are eligible to reapply after having their permits cancelled, since the relevant article of the law is vague and subject to controversial interpretations by different jurists. Apart from these problems with regard to the law, pensioners also complain of several practical issues. Most concerning is their problem with the new digital application system. In order to overcome this problem many pensioners do their applications with costly professional help.

Yet, despite the difficulties that many pensioners face, it must be pointed out that some of my retired interviewees who have been living in Turkey long-term were able to obtain a long-term residence permit. The predominant characteristics of these few lucky interviewees are their rather immobile lifestyle and the fact that they receive either a Turkish or a German pension. As I did not meet anybody of working age who has received a long-term residence permit during my fieldwork, I assume that the Turkish authorities give preference to applicants with a guaranteed income in order not to deal with any non-Turkish social cases in the future. Although this small group enjoys their permanent residence status and feels relived that they do not have to deal with residence permits anymore, it would be an exaggeration to describe their residence status as trouble-free. Firstly, the long-lasting bureaucratic procedure is still vivid in their memories. Secondly, many are confused about the aforementioned paragraph 44 of the Law on Foreigners and International Protection stating, "foreigners holding a long-term residence permit shall benefit from the same rights as accorded to Turkish citizen with the exception of the provisions in laws regulating specific areas and of: (a) compulsory military service, (b) the right to vote and be elected, (c) entering public services (ç) exemption from customs duties when importing vehicles."[73] As these exceptional provisions are rather broad and encompass all regulations regarding foreigners in Turkey, one of my interviewees asked ironically, "Do they [the Turkish authorities] want to fool us? Why do they say that I can benefit from the same rights as Turkish citizens when I still need a work permit or when I am still not allowed to buy some property in a village?" Thus, we may conclude

73 Cited according to the English translation of the law. See: http://www.goc.gov.tr/icerik3/11-dilde-yukk_327_328_1174.

that even those who were lucky enough to obtain a long-term residence permit still struggle with some incompatibilities of life and laws.

4.3. Working in Turkey: A Surmountable Challenge?

Despite the implementation of the Law on Work Permits for Foreigners, which outlawed the restrictive 2007 law, Turkish regulations on foreigners' employment are still very strict. A look at the official statistics based on the number of work permits granted does not just simply prove that this legislation is highly restrictive but also that it is rigidly implemented. Most of the work permits granted are so-called definite work permits, which mean that they are only valid for definite periods of times and for a particular job at a particular work place. Work permits that guarantee more freedom within the Turkish labor market are issued rarely. For instance, in 2013 only four German citizens out of a total of 94 foreigners in Turkey obtained an indefinite work permit. In regard to independent work permits the situation was even worse because only a total of nine foreign nationals in Turkey were able to get this type of permit – there were no German citizens among them.[74] These numbers alone indicate that although German citizens are among the privileged foreigners in terms of socio-economic status in Turkey, they also face huge problems in working life.

However, the main challenge of German citizens who want to participate legally in the Turkish labor market is obtaining a regular work permit. In this context it is worthwhile to note that many of my interviewees were deeply disillusioned. Interestingly, their negative estimation of Turkey's foreigner employment policy is not related to the professions prohibited to foreign nationals but rather to the implementation of the Law on Work Permits for Foreigners. Marion Kahraman, who is living in a tourist destination the south of Turkey, describes the working situation of foreigners in the region:

> Most of the foreigners don't have a work permit here. I would say it is impossible to obtain a regular work permit here... Of course there are some exceptions, but these are the managers of hotels or big companies... The normal foreigners who are living here, they don't even apply for work permits, because everybody knows that they would not get one anyway.

Hugo Nolte, a German businessman in Istanbul, summarizes his experiences with work permits:

> A few years ago we wanted to hire a German technician, but it was very difficult. We applied first ourselves. But it did not work. We were told that we have to prove why we need this man. We were not able to do this by ourselves. Thus, we made the application the second time via a consulting firm...

These two interviews indicate that obtaining a work permit is regarded as a difficult feat across regional and sectoral lines. For this reason, it is not surprising that some of my interviewees participated irregularly in the Turkish labor market.

Others, however, have tried to circumvent the laws and work in a legal gray area. Eugen Schwert, who has been working in the tourist sector for several years, is a good example in this context. He has been working for a Turkish company, which is based in Germany and in Turkey. Although he is officially a free-lancer, he receives a regular payment from this company that is paid into his account in Germany. Due to his official free-lance status, he is able to profit from a particular type of social insurance in Germany, which he regards as "cheap and good." In Turkey, however, he has no regular working status. Hence, he does not obtain a work permit but only a residence permit. Although the company for which Mr. Schwert has been working has several branches in Turkey, both the company owner and Mr. Schwert prefer the arrangement outlined above because "it is easier like that... you know the bureau-

74 ÇSGM, 4.

cracy here... And in particular with work permits it is very difficult." In the course of the interview, Mr. Schwert reflected upon his working status:

> My situation is insofar illegal because I do not have a work permit in Turkey. However, I am not sure whether I would really need one, but I think so... In fact I could do this job everywhere in the world. The only thing I need is Internet access and a computer. However, I do this job here because of some private reasons. On the other hand, my situation is not completely illegal, because I am still registered in Germany. I pay my taxes in Germany, and I have my insurance there. One reason for this is the fact that it is cheaper in Germany – and of course I prefer to receive a German pension one day... And for my employer it is also easier like this; he also saves a lot of time and money because I have found this solution.

This interview indicates that legally working in Turkey is a deterrent for multiple reasons. It is for these reasons that some interviewees like Eugen Schwert prefer to bypass the legal regulations and do not even try to get a work permit. Others, however, would like to have a solid working status in accordance with the law but are not able to obtain one because of their particular work situation. Ludwig Eberding, who has been working as a representative for a Germany company in Turkey for several years, describes his legal situation as follows:

> My problem is that I am working for a German company, which is based in Germany. So they cannot apply for a work permit from Germany in Turkey. In fact, they set up a kind of subsidiary in Turkey, but first my work is slightly different, so I do not have so much to do with them. Nevertheless, it would make sense to get my work permit through this company, but unfortunately, there are only two people employed there. Due to the "one to five rule" they cannot apply for my work permit... So this is my problem. I have a good job, the business is going well, but I don't know how to legalize my status because I am posted from a German company that is not based in Turkey.

This interview is highly significant for my analysis because it not only cuts across a variety of work settings but also touches upon the related legal problems and the impossibility in overcoming these. The "one to five rule" is of the upmost importance in this context. Because of this rule, we can say that the Turkish law definitely disadvantages foreign nationals working in small businesses.

Further, the "one to five rule" is not only a disadvantage for foreign employees but also for foreign entrepreneurs. One interviewee who has her own company describes her situation as follows:

> I employ five Turkish citizens. On this basis, I was able to get my own work permit. However, for my business, it would be much better to have two or three foreigners. More foreigners would not change the quality of our work, but it would be very good for our prestige... and thus for our profit. But because of this rule I cannot employ them... Just recently, one of my employees left. I placed a job advertisement and got very good job applications. Among them there were also Germans, but I was not able to take them because of this rule.

Another interviewee who runs a restaurant bypasses this rule by not applying for a work permit for himself. According to his lawyer, this is not illegal as long as he does not work in the restaurant but only owns it. According to him, "This is the reason why I always sit here in this chair and do not run around. By sitting here and looking around, I do not work, do I?" Thus, being well aware of legal restrictions is the key to developing creative solutions for bypassing legislation. Here, one can evoke the proverb "necessity is the mother of invention."

As I indicate above, not all of my interviewees have had to circumvent the laws and regulations. In particular, those of my interviewees who are employed in large-scale international businesses and/or institutions as well as journalists and university lecturers were able to receive legal work permits. Nevertheless, it is important to note that those interviewees who have been able to obtain a work permit complain about the relevant laws and practices. Their main concern is related to the difficulty in obtaining work permits that are not limited to a short period of time and to a particular job.

The fact that none of my interviewees was granted an independent or indefinite work permit clearly indicates the problem of free and long-term access to the Turkish labor market. To be more precise, although some of my interviewees have been living in Turkey for up to 40 years they are still not equal to Turkish citizens in the Turkish labor market because they have to apply for work permits every or every other year. Only one woman in my sample was lucky enough to receive a three-year work permit. During the interview she explained how she was able to acquire her permit:

> Our company works together with a legal advisor, we have been working with him for many years, and he is really very experienced and reliable... He told us what is most important in these applications. He gave us the key words such as 'because of me we do have project a and b; because of project a we are able to employ x Turkish citizens. This means because of my work in this company we guarantee x work places for Turkish citizens.' He also told us that we have to prove all these statements with documents, etc. We organized the application for my work permit accordingly, and thus, we were successful . However, I applied for five years, but they granted three. Nevertheless, three years are better than one year... and one year is better than nothing... I know so many people who have applied for work permits too but never received any... So I think I am really lucky that I work in this company where we can prove all these things and that we have an advisor like this... However, without our advisor I would have applied for the same job, but I am sure that I would not have been granted three years, because I would not have stressed these points like that...

This interview clearly indicates the importance of consultants in this procedure. However, as reliable and experienced consultants are not only hard to find but also rather expensive, we can also say that working in accordance to the law requires a great deal of social and economic capital.

As previously mentioned, self-employment is one strategy for overcoming the difficulties of participating in the Turkish labor market as a non-citizen.[75] However, the step into self-employment does not necessarily imply a trouble-free working life. First, it should be mentioned that the foundation of a company is in general a complicated issue. Further, foreigners do not only have to go through a new bureaucratic procedure but also have to adapt to regulations in a new country. This is often a highly complicated process, because only few migrants plan their lives in Turkey according to the existing provisions. In most cases, the move into self-employment and the foundation of companies is much more complex. Contrary to Mr. Wenzel's story, which I briefly summarized in the introduction, the other migrants interviewed did not come to Turkey to establish their own business but had been living in the country and then decided to run their own business. In most cases, foreign entrepreneurs first had a business idea and then tried to adopt this business idea to the existing legal framework in a second step. Perspective entrepreneurs must not only realize their business but also must first consult with a legal specialist. In this process, they are often confronted with practices and/or implementation of regulations contradictory to the law. In this context Ms. Zimmermann explains her experience:

> Oh, this was a difficult time. When I had the idea to open up my business, I went to a lawyer. He told me that foreigners can open up this type of business... So I set up the company, renovated a building, hired staff, etc. And then I wanted to apply for my work permit. However, then one guy from the relevant authority said: 'Yes, you are allowed to own this business, but you are not allowed to run it.' I mean this is weird. In order to solve this problem I hired a Turkish citizen to run the business officially. And then we found another construction. I set up another company that runs this business. As I am allowed to run this company, I can indirectly also run this business.

75 Pusch, "İstenen ve İstenmeyen Konuklar: Türkiye'deki Yabancıların İş Karşındaki Durum," 75-88; B. Pusch, "Yabancı Ülkede Edinmiş Bilgi ve Beçerilerin Türkiye İşgüçü Piyasasında Değerlendirilmesi," in *Göç ve Kültürel Sermaye*, ed. A.M. Nohl et al. (Istanbul: Kitapyayınevi, 2011), 118-133.

This interview sequence is another indicator of the importance of clever ideas in overcoming the legal obstacles that foreigners encounter in Turkey. Ms. Zimmermann pointed out that it was very important for her to set up everything correctly because she did not want to run into legal troubles and lose her investments as many other German business people already had. In this context another interviewee put forward that many Germans act as if Turkey would be a "banana republic" without German businesses and workers and reports various cases that ended in the loss of capital, fines, and the return to Germany. A former economic consultant confirms this widespread attitude and notes, "Most of the German entrepreneurs are resistant to advice. The newcomers often have completely unrealistic business ideas and think that everything is like Germany... Contrary to this, long-term residents often ignore the legal framework." However, in the scope of this report it is important to underline that also those who do have realistic ideas and do want to stick to the laws face a variety of difficulties.

4.4. Naturalization: A Tool of Inclusion?

As I have shown above, most of the interviewees have had several troubles with residence and work permits during their stay in Turkey. Thus, we many assume that naturalization is an attractive option for German citizens to overcome their legal problems on the Turkish side of the transnational German-Turkish space. However, until the year 2000 naturalization was not an alternative for bypassing these difficulties because German citizens were only able to naturalize abroad if they gave up their German passport. As the German passport guarantees more freedom of travel and applying for a German visa as a Turkish citizen is riddled with all sorts of other problems, naturalization was not an attractive alternative for German citizens. Those who naturalized generally used loopholes in order to achieve dual citizenship status on an irregular basis. However, this led to the total loss of German citizenship as soon as the German authorities were notified. Thus, until the introduction of the *Beibehaltungsgenehmigung* (the permit to retain German citizenship while naturalizing abroad), naturalization in Turkey was not attractive for most German citizens. Marianne Güleryüz, the aforementioned interviewee who has been living in Turkey for 39 years, explained in light of this, "Of course I did not want to give up my German citizenship. This would be absurd. Should I have to apply for a visa to visit my parents in Germany at my age? This would be nonsense!"

As outlined in section 3.3, dual citizenship has been possible since the reform of the German Nationality Act in the year 2000 but only in exceptional cases. Due to the troubles related to residence and work, one may assume that naturalization has become very popular since the introduction of the German citizenship reform. Interestingly, this is not the case. In practice, many of those interviewed stated that they did not apply for a *Beibehaltungsgenehmigung* in order to overcome their legal difficulties as foreign long-term residents in Turkey. While some feared that they would not be able to get Turkish citizenship because they travel too much and thus would not be able to fulfill citizenship criteria due to the precondition of maximum days to be spent abroad, others did not even attempt to apply for dual citizenship because of their belief that they would not be granted Turkish citizenship due to what they perceive to be the real policy of natur alization. In this context one of my interviewees stated the following:

> I don't think I would be able to get the Turkish citizenship. Of course, the Turkish Citizenship Law provides several rules for naturalization, but I have the feeling that in practice only German women who are married to a Turkish man are granted Turkish citizenship. I have not heard of any other German citizens who were able to obtain Turkish citizenship... I have the impression that according to the practice only marriage migrants and people of Turkish descent or Muslim religion can naturalize in Turkey... I have not heard of anybody else.

This interview is highly interesting because it indicates a kind of self-censorship among foreign residents in Turkey. The feeling that one does not belong to a group that can naturalize in Turkey prevents some migrants from even trying to achieve dual citizenship status.

Additionally, some of those interviewed claimed that they did not apply for Turkish citizenship because they feared they would have to change their names. This was for them not only a question of identity but also related to many practical follow-up problems. As one of my interview partners put it, "I have heard so many problems about the names... I know so many people who had to change their names... But I cannot change my name. I have my own business and all my documents are in my current name. It would be a disaster to change all these documents..." The fear of changing one's name is not entirely unjustified. Two of my interviewees received Turkish names with their naturalization in Turkey and then got their former names back only after a court order, which was a long-lasting and expensive process. Another interviewee was only able to convince the Turkish official not to change his name by putting forward an argument that hurt his Turkish national pride:

> The official asked me two or three times which Turkish name I would like to have, but I insisted, 'I don't want a Turkish name.' He asked why and then I said: 'Look I want the Turkish citizenship; I don't want to change my identity or whatever... Or haven't you ever heard about the Turk who naturalized in Germany and is now not called Ahmet or Mehmet anymore but Hans?

Others claimed that Turkish citizenship would lead to financial disadvantages. In this context one of my interviewees who was lecturing at a Turkish state university argued that he was thinking of naturalizing in Turkey in order to get an unlimited work contract. However, he discarded the idea because of financial considerations:

> Foreigners can only work on the basis of one-year contracts at Turkish state universities. However, they get a better salary than their Turkish counterparts. If I would accept the Turkish citizenship, I would have the chance but not the guarantee to get a long-term contract, and I would earn less. So, it is better for me to remain a foreigner...

The fear of financial loss is also an important reason for long-term residents who have been posted by foreign companies to Turkey not to naturalize. An interviewee who was thinking to apply for dual citizenship for various reasons such as better residence and work status, advantages in the case of divorce, property purchase, etc. also spoke about his fear of financial loss:

> I am a so-called posted personnel. This means that I have German insurance and that I receive a salary in Euro because I am German. However, if I would become a Turkish citizen, my company would treat me as a Turk... This is logical from their perspective but would be a disadvantage for me.

Some interviewees referred to the current political problems as one reason not to apply for Turkish citizenship. By referring to this issue, they not only pointed to a possible return but also to their political fear and decreasing identification with the country. As the following interview sequence indicates, some Germans do not want to become dual citizens because they do not want to risk losing their protection under the German state:

> I guess I would be able to get Turkish citizenship, but I don't want this anymore because of the political situation in the country. Turkey is not developing for the better but is getting more and more authoritarian and dictatorial... Under these circumstances, I prefer the protection of the German state, because if I would be a dual citizen Germany would say in the case that I run into trouble with the law, 'We are not responsible for you because you are also Turkish'... This is because of the general rule that dual citizens are regarded as full citizens in the country of residence...

Apart from these security considerations, decreasing identification with Turkey was also brought up as one reason for not naturalizing in Turkey. One of my interviewees put it as follows:

> I was thinking of naturalizing and thus started to collect the necessary information about the legal process. But then there was Gezi. And then I thought, 'Do I want that? Do I want to become a citizen in this country?' I have not answered these questions yet. I am still thinking about that... and I think it will take awhile until I have answered these questions for myself.

Some of my interviewees also claimed a general fear of taking on new duties as a Turkish citizen. While in this context women refer to very general worries, men point to a very tangible fear. One interviewee describes these fears:

> There is a very trivial reason why I do not apply for the *Beibehaltungsgenehmigung* and Turkish citizenship – the military service. I don't want to go to the military. Of course there is an age criteria, according to which men are able to get a medical certificate that states you are too old to do the military service at a certain age. Firstly, I do not want to deal with that. I would be afraid that it does not apply. Secondly, I am a university graduate and according to Turkish practice the military could say, 'We need this guy in our bureau in Ankara for a qualified bureau job.' I am not sure that a medical certificate would help me in this context, because they could argue that I am still of working age and that I do a similar job working as a civilian. I did not do the military service in Germany either. I am against armies and wars, and I really would not like to deal with any problem related to this...

Last but not least, it should be underlined that some of my interviewees are deterred by the long-lasting bureaucratic process of approximately three years to obtain citizenship and argued that this is a waste of time because neither the German nor the Turkish law guarantees applicants that they would receive dual citizenship if they go through this bureaucratic marathon. Those German citizens who successfully went through the process of naturalization and are now dual citizens often referred to the excruciating pains of going through this extended bureaucratic process. In their interviews, they often described the procedure in detail. Interestingly, while they described the process of applying for the *Beibehaltungsgenehmigung* as simple but costly, they often complained about the sluggish procedure in Turkey and the difficulty in submitting all of the relevant documents, for which they had to visit many public offices. However, as they went through this procedure successfully they predominantly highlighted the advantages of being a dual citizen during the interviews. In this context, they first referred to the advantage of having equal access to the labor market. In doing so they expressed not only the relief that they do not have to apply for work permits anymore but also the advantage of other aspects related to their professional lives. While a businessman was happy that he no longer will face problems with his foreigner identity number (*yabancı kimlik numarası*) at the notary anymore, others were relieved to overcome the foreigner employment ban. As a trained German lawyer stated, "And with the Turkish citizenship I was happy to be able to work as a lawyer again. Of course I had to go through some exams and also learn the Turkish law, but I was able to work in my profession again..."

Overall, a glance at my empirical data reveals that those who naturalized in Turkey were not only happy to be dual citizens because of work-related reasons but also because of various aspects of life in which they felt disadvantaged with their previous foreigner status: the purchase of property, registering telephones, collecting premiums in private retirement insurance, etc. Apart from this, some women married to Turkish men also indicated that they were glad they obtained Turkish citizenship because they now feel more independent from their Turkish husbands. Conny Ehrenfeld expressed this feeling as follows:

> I never liked the chaos at the foreigners' office. I hated the chaos there, but I was most annoyed that I always

> had to prove what my husband earns, that I am still married... I always had the feeling that I am only allowed to stay here because of my husband. At this office I was not an individual anymore. I was only the wife of my husband. I was always very much annoyed about this.

Another marriage migrant maintained that she felt like a second-class wife before she was naturalized in Turkey because Turkish law differentiates between Turkish and non-Turkish wives in terms of legal rights. She summarized this as follows:

> I had the feeling that I was a second-class wife before I was naturalized. For instance, as a foreign wife you cannot inherit everything from your husband in case of his death. I would not be able to inherit the small property he has received from his parents in a little village because foreigners are not allowed to own property in villages according to the law... This indirectly means that Turkish and foreign wives are not treated equally. So why should I stay a second-class wife?

All in all it was striking to see that none of my interview partners naturalized because they felt close to Turkey and/or identified with Turkey. They perceived themselves as Germans and took up Turkish citizenship for purely strategic and pragmatic considerations. With this attitude, they differentiate from the majority of foreigners naturalizing abroad. According to an empirical study by İçduygu and Karcı Korfalı,[76] most foreign nationals living in Turkey would like to naturalize in Turkey regardless of their legal status and their ethnic background: 75% of irregular and 60% of the regular non-Turkish migrants and 74% of the migrants of Turkish descent.[77] Although the study states that European migrants attach less importance and meaning to Turkish citizenship and only a small percentage, approximately 25%, of the interviewees were actually naturalized at the time of the interview,[78] the research findings of this study are highly relevant for the contextualization of my work. In this context, two points are most striking. On the one hand, the reasons against naturalization mentioned by the interviewees in İçduygu and Karcı Korfalı's study were the same reasons mentioned by the interviewees in my own study. The fear of losing one's rights in his or her own country of origin, the fear of having to take up new duties as Turkish citizens, and the lack of identification with Turkey were the most significant arguments against naturalization. On the other hand, however, the statistical reasons for naturalization differed enormously. In İçduygu and Karcı Korfalı's study, 60% of the interviewees who wanted to naturalize or are already naturalized in Turkey maintained that their identification with Turkey was highly relevant for their decision. Although 43% of the German sample in my study also pointed out that the access to new rights was also relevant for their positive attitude towards naturalization in Turkey, this huge discrepancy is impossible to ignore. As indicated above, all Germans interviews in my sample who had obtained or were in the process of applying for Turkish citizenship did so for strategic and pragmatic reasons.

76 This project was conducted under the supervision of Prof. Dr. Ahmet İçduygu between 2012 and 2014. In total 1,041 foreigners were interviewed in AusländerInnen, die in den Provinzen, Istanbul, Edirne, Konya, Antalya, and Van. Due to this widespread sampling a large variety of migrants in different regions and with different migratory experiences were interviewed. See İçduygu & Korfalı, "Türkiye'de Göçmenlerin Vatandaşolma Eğilimleri," 95-119.

77 Ibid., 110.

78 Ibid., 109.

5. CONCLUSION

As the initial example of Mr. Wenzel indicates, foreigners' lives in general and German lives in particular in Turkey can be compatible with the Turkish laws regarding foreigners' residency. However, most of the cases outlined in section 4 show that many long-term residents have significant problems in shaping their own lives according to the new laws. In this context the empirical data indicates the difficulty of long-term residents in overcoming their precarious foreigner status within the (changing) legal system. However, as the previous migration management provided more possibilities for flexible solutions in practice, many migrants regard the former system (despite several rigid restrictions) as more convenient than the new migration management. In my analysis, I focused on these issues from the migrants' perspective. Apart from listing complaints regarding organizational and technical problems in the transition period, I have highlighted that many migrants have settled in Turkey under different conditions and thus have organized their lives according to the previous preconditions, which were based a rigid but largely not enforced legislation.

Needless to say, the implementation of the new migration management has not only led to a change in the legal framework but also to the degree and intensity of how these laws are currently put into force. Thus, such a change is not surprising given that migrants' (Germans') perception of the Turkish migration regime has changed as well. According to the old practice, migrants not only had the possibility to apply for a residence permit in order to ensure themselves a legal residency status but also were able to leave and re-enter the country every three months. Since uninterrupted residence was not previously of any importance, many migrants often did not extend their residence permit immediately when they expired but, for instance, after a more extended stay abroad. According to the new migration legislation, this is interpreted as an interrupted stay. These interruptions have several consequences for their current residence status. To be more precise, migrants with interrupted residencies are treated like newcomers despite the length of their real settlement in Turkey according to the new law. In this context, I brought about the example of Marieanne Güleryüz, who is the most striking example in my sample, as she has been living in Turkey 39 years but was only granted a one-year short-term residence permit recently because of the interruptions in her stay and the fact that she has been abroad more than 365 days in the last five years. Many others have had to reorganize their stay in Turkey according to the new regulations. As most of long-term residents settled in Turkey under different preconditions, which had allowed more flexibility in practice, many migrants regard the new residence regulations as "chicane." By solely pointing to the problems related to the new law, most residents overlook the positive sides of it such as the introduction of the long-term residence permit, which is in fact a permanent residence permit.

Regarding labor regulations for foreigners, it must be pointed out that the implementation of the new Law on Work Permits for Foreigners overturned an old law from the 1930s that barred foreign nationals from entering 72 professions. However, a glance at current particular working regulations indicates that many professions such as that of pharmacist, dentist, lawyer, and architect are still reserved for Turkish citizens. Furthermore, the way in which the Law on Work Permits for Foreigners is implemented in practice shows that it is also difficult to obtain a work permit for those professions that can

be practiced by Turkish citizens. I was not only able to show this through official figures but also through the analysis of my empirical data. In this context, it was most striking to see that even those who were able to obtain work permits had to struggle to do so. I therefore highlighted the importance of using the right wording and argumentation in the application for work permits, as well as the difficulty in receiving a permit that guarantees long-term access to the Turkish labor market without professional limitations, which would ensure an equal status to local participants in the Turkish labor market. Apart from this, I pointed out that a Draft Law on Foreigners' Employment was submitted to the Turkish Parliament in February 2015. This draft clearly indicates that lawmakers recognize the need to continue reforming the provisions on foreigners' employment. However, as outlined elsewhere[79] these reforms will not change the situation of German migrants fundamentally as many regulations that prevent foreigners' equal access to the labor market will remain in force. Several improvements are only envisaged for some particular groups such as financially significant foreign investors and Syrian refugees.

For several years the German and the Turkish Citizenship Law provided the possibility but not the right for German citizens to naturalize in Turkey without giving up one's German citizenship. As German citizens, as well as other foreign nationals, face various troubles regarding residence and work permits, one may assume that many or all would try to overcome their legal difficulties by applying for dual German-Turkish citizenship. However, as I have shown in my analysis this is not the case. Many German citizens do not want to naturalize in Turkey although several reforms in Germany and Turkey have made dual citizenship possible for German-born adults living on the Turkish side of the German-Turkish transnational space. The reasons for this are multifaceted and cannot only be explained according to the deficits in the legal system or in practice respectively. Thus, we can also say that despite all legal problems faced by German (and other foreign) nationals in Turkey the acquisition of Turkish citizenship is for many Germans—even under the precondition of not losing German citizenship—less attractive than a (precarious) foreigner status. For this reason, we must understand the title of this report, "(In)compatible Transnational Lives and National Laws," in two ways: Not only are many national laws incompatible with many transnational lives but so also are many transnational ways of lives resistant to the legal possibility of becoming an equal member on both sides of this transnational space. The parentheses around (in)compatible indicate that it is only in exceptional cases that these transnational lives are able to adjust to the legal framework on both sides.

79 Pusch, "AB vatandaşı"; Pusch, "Turkey's new policy."

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APPENDIX:

Table 1: Sample according to residence status

No.	Nickname*	Years in Turkey	Age	Sex
German Citizens with short-term residence status despite their long-term settlement in Turkey				
(1)	Sabine Zimmermann	14	48	F
(2)	Ralf Lampmair	16	57	M
(3)	Eugen Schwert	19	52	M
(4)	Alois Köhbach	18	44	M
(5)	Sebastian Peters	10	35	M
(6)	Marianne Güleryüz	39	69	F
(7)	Ursula Ergin	7	33	F
(8)	Ludwig Eberhardt	10	34	M
(9)	Elisabetta Reggatin	1	51	F
(10)	Alexander Wenzel	4	46	M
(11)	Sabina Riedel	4	48	F
(12)	Brigitte Duft	14	71	F
(13)	Catharina Scheidelbauer	8	40	F
(14)	Sepp Lindenbaum Willi	25	59	M
(15)	Gabi Schwarz	8	67	F
(16)	Jutta Schulz Leherin	6	66	F
(17)	Helmut Heer	12	57	M
(18)	Gustav Herzog	8	57	M
(19)	Helmut Kimbacher	7	55	M
German Citizens with long-term residence status				
(20)	Hans Gruber	18	51	M
(21)	Christoph Lange	17	51	M
(22)	Uta Schaefer	28	?	M
(23)	Andrea Winkelbauer	19	48	F
(24)	Ingeborg Rossmann	13	48	F
(25)	Roswitha Hiss	25	48	F
(26)	Horst Knolle	11	72	M
(27)	Helga Knolle	11	62	F
(28)	Fritz Luther	12	48	M
(29)	Kurt Bauer	40	66	M
German Citizens naturalizing/naturalized in Turkey				
(30)	Hugo Nolte	48	48	M
(31)	Conny Ehrenfeld	22	48	F
(32)	Ulrike Wolf	16	52	F
(33)	Irene Yazici	14	48	F
(34)	Maria Schmidt	28	47	F
(35)	Marion Kahraman	15	48	F
(36)	Rita Kunz	25	51	F

* The real names of interviewees have been changed.

Table 2: Sample according to working status

No.	Nickname	Sector	Age	Sex
Work permits for a definite period of time - employed				
(1)	Sebastian Peters	German NGO	35	M
(2)	Ursula Ergin	German company	33	F
(3)	Ralf Lampmair	Turkish University	57	M
(4)	Alois Köhbach	Turkish University	44	M
(5)	Hans Gruber	Journalist, freelance	51	M
(6)	Rita Kunz	Turkish University	51	F
Work permits for a definite period of time – self-employed				
(7)	Sabine Zimmermann	Education sector	48	F
(8)	Elisabetta Reggatin	Gastronomy sector	51	F
(9)	Alexander Wenzel	Gastronomy sector	46	M
(10)	Uta Schaefer	Tourism sector	51	M
Residence permit & individual constructions				
(11)	Christoph Lange	Artist, freelance	51	M
(12)	Marianne Güleryüz	Production section	69	F
(13)	Eugen Schwert	Tourism, freelance	52	M
(14)	Ludwig Eberhardt	German company	34	M
(15)	Sabina Riedel	Gastronomy	47	F
(16)	Catharina Scheidelbauer	Education & Consulting, freelance	40	F
(17)	Sepp Lindenbaum	Gastronomy sector	59	M
Residence permit & part-time work				
(18)	Andrea Winkelbauer	Consulting	48	F
(19)	Gustav Herzog	Tourism & Entertainment sector	57	M
(20)	Helmut Kimbacher	Entertainment sector	57	M
Dual citizenship				
(21)	Hugo Nolte	Trade Company/self-employed	48	M
(22)	Conny Ehrenfeld	Consulting/self-employed	48	F
(23)	Ulrike Wolf	German NGO	52	F
(24)	Irene Yazici	Consulting/self-employed	48	F
(25)	Maria Schmidt	Trade Company/self-employed	47	F
(26)	Marion Kahraman	Journalism & Consulting/self-employed	48	F

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