

Local Responses to the Syrian Refugee Movement

The Case of District Municipalities of Istanbul, Turkey

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Abstract: More than two and a half million Syrian people in Turkey live in urban areas of metropolitan cities, particularly in Istanbul. The basic needs of the Syrian population are provided by central agencies authorized by national regulations. However as the number of the refugees increase in urban areas and as they spend more time in their neighborhoods, refugee movements have inevitably gained an urban character. Thus, municipalities in Turkey are more pushed to engage in the provision of services they have no legal responsibility to provide. How should municipalities respond to these challenges? This study focuses on the case of local governments within Istanbul, and their responses to the movements of Syrian refugees. For this purpose, our research team conducted semi-structured, in-depth interviews with representatives from five district municipalities in Istanbul. This was then followed up by a data analysis employing a comparative approach to grasp the peculiarities of municipal-level responses to the movements of refugee. It suggests that local governments in Turkey develop varied responses. However, all local governments have been pushed to find alternative ways to bypass or interpret the rules and regulations; in some cases, they also develop discourses opposing the central government.

Keywords: refugees, local governments, Syrian refugees in Turkey, migration policy, asylum seekers in Turkey

Since the outbreak of the war in Syria in 2011, over 5.6 million people have fled Syria to Lebanon, Turkey, and Jordan; almost 93% of these displaced people live outside camps, since the capacities of refugee shelters are extremely limited (UNHCR 2018). This means that almost 5.2 million Syrians are dispersed in various regions of the countries in which they live. For this reason, the total population living in camps has stayed more or less stable, although the urban, semi-urban, and rural population has been increasing regularly since the beginning of the refugee movement (ibid). The case of Turkey does not differ from other neighboring countries in that the number of Syrian refugees in Turkey exceeded 3.5 million in 2018; almost 96% — 3.4 million — have settled in 10 provinces of Turkey, living outside the 26 camps in border towns and in urban areas of metropolitan cities (DGMM 2018).

As the number of Syrian people has increased in urban areas, as they have begun to spend more time in their neighborhood, and for several other reasons, it has also become obvious that there are significant roles to be fulfilled by local governments. Indeed, since municipalities are the closest governmental unit in their neighborhood, Syrians have turned to them as the first contact point for their needs. Because of this, the refugee issue has turned out to be a local and an ›urban‹ issue for Turkey, just like in the other neighboring countries of Syria.

The increasing demand for urban and local tasks, such as social services, housing, transportation, etc. as well as being the closest and first contact point force municipalities to address Syrian refugee policies and practices. However, in Turkey, national legislation dictates that the basic needs of refugees, such as education and health-care services, are to be provided by national governmental agencies and the scope of local governments' authority related to the refugee issue is not clearly defined by law. Nevertheless, both policymakers and researchers are already aware that municipalities carry out important work and spend significant amounts of time and money on refugees, despite of the lack of authorization. This means that each municipality, however, develops unique policies and practices regarding the Syrian refugee phenomenon within their jurisdictions and within their limited scope of authority.

The goal of this article is to contribute to the literature on local approaches and responses to Syrian refugee movements by comparing and contrasting data collected from five municipalities (Bağcılar, Sultanbeyli, Kadıköy, Şişli, and Esenyurt) in Istanbul. We conclude that each municipality has developed varied approaches towards Syrian refugees and has applied practical solutions to face these challenges, based on their diverging political, administrative, and financial capacities.

This article consists of three parts. In the first part, we present a brief literature review on local approaches to the movement of refugees. In the second part, we review the legal-administrative dimensions of the refugee issue and conclude that the Turkish government jealously guards its authority on the issue and avoids delegating any power to local governments. We also show that, despite the fact that municipalities have no legal authority, they are nevertheless engaged in implementing migration policy in practice. In the third part of the article, we analyze the semi-structured in-depth interviews that we conducted and evaluate the *de facto* role of municipalities in dealing with refugees. We demonstrate that the five municipalities have all developed specific reflexes to engage in the process, differing according to their political affiliation and to their available capacities. Since there is no binding regulation that requires municipalities to do more in terms of refugees, their ability to cope with the current situation appears to depend solely on their own capacities and willingness. And it should be concluded that there is an urgent need for an amendment of the rules and

regulations on migration and the role of local governments, one which would involve local governments in refugee policy formulation and implementation.

THE LITERATURE ON LOCAL APPROACHES TO THE SYRIAN REFUGEE MOVEMENT

The role of local governments in the policies and practices of governing Syrian refugees has been emphasized in reports by global policymakers, and the challenges local governments face have been stated. In this context, the Center of Mediterranean Integration (CMI) held a workshop in Amman between May 30 and 31, 2016 on the topic »Municipalities at the Forefront of the Refugee Crisis« with the support of various international organizations, bringing together 140 participants, including 70 municipal representatives from Iraq, Jordan, Lebanon, Morocco, Palestine, and Europe. Participants strived to share knowledge and good practices about the role of municipalities acquired by host communities, and to strengthen the coordination network among them (CMI 2016). According to the CMI report, municipalities have been forced to expand the scope of their tasks and provide education, employment, and aid relief, as well as emergency shelter, healthcare services, etc. due to the presence of Syrian refugees. They all agreed that it was necessary to develop resilient approaches and strategies to face future shocks and crises (ibid).

Policy papers, as it is stated above, have focused on a highly significant question: how to make municipalities engage in the formulation and implementation of policies responding to the Syrian refugee movement (and other refugee situations) more effectively. Nevertheless, the case studies focusing on the role of municipalities and the challenges that they face are only now beginning to receive more attention among scholars from different parts of the world,¹ and this genre of literature shows that the approaches each municipality develops and the challenges they face widely vary.

The challenges stated above sometimes appear to point to a conflict between a more central government vis-à-vis a more decentralized one. And local approaches have only been addressed in a more theoretical approach within the debate on »sanctuary cities.« According to Bauder (2016), there are dozens of cities in the USA, in Canada, and in the UK which have attempted to protect »illegalized«² immigrants or refugees

1 | See Caponio/Borkert (2010); Betts/Ali/Memişoğlu (2017); Lidén/Nyhlén (2014).

2 | Bauder explains why he preferred this term by this means: »My use of the term ›illegalized‹ migrant — rather than undocumented, unauthorized, irregular, or non-status migrant — is

by way of legislation or local policies that are contrary to the desires of the respective central government:

»In the context of the USA, Canada, and the UK, four aspects define a sanctuary city (Bauder 2017): (1) legality, i.e. an official commitment by the municipal legislative body to support sanctuary policies and practices; (2) discourse, i.e. challenging exclusionary narratives that portray migrants and refugees as criminal and undeserving; (3) identity, i.e. the formation of collective identities expressing unified membership in an urban community; and (4) scale, i.e. rejecting national migration and refugee laws, and articulating policies and practices of belonging at the municipal scale. These four aspects combine in various ways in different contexts.« (Bauder/Gonzalez 2018: 125f.)

In addition to the cases in the USA, Canada, and the UK, a few cities from other countries have begun to apply similar policies without using the label of sanctuary cities. »Refuge city« (Barcelona, Spain), »Commune of Reception« (Quilicura, Chile) or »Solidarity City« (Freiburg, Germany) are examples of how cities develop policies and practices to protect »illegalized« immigrants and refugees and include them in the local community (Bauder/Gonzalez 2018). In fact, this new municipalist movement reflects tensions between national governments and local authorities as well as quests for new kinds of belonging.

What about the municipalities in Istanbul? Do they make use of sanctuary city policies and practices?

The number of studies on local approaches to Syrian refugees' in Turkey is rather limited. The literature which refers to the local aspects of the Turkish case often focuses on administrative aspects of migration. Scholars often start with a given categorization of the policies and practices between national and local governments: social integration with local inhabitants, provision of cultural services, social work, education, and vocational education including employment services, are considered »local« governmental issues, whereas the bureaucratic aspects of sovereignty such as entry into the country, implementation regarding visa and residence procedures, and managing work permits and citizenship processes are considered to be in the hands of the central administration (Daoudov 2015). In this framework, municipalities in Turkey are called upon to play a prominent role in the social integration of Syrian refugees (Kaypak/Bimay 2016). Within the scope of the roles attained by local

intended to draw attention to national laws, policies, and practices that deny migrants full status or legal residency« (Bauder 2016: 1).

governments, some scholars have also explored the challenges for central and local administrations and emphasized the legal and financial challenges that municipalities face (e.g. Demirhan/Aslan 2015). The studies mentioned here thus approach Syrian refugees from an administrative and legal perspective, making a few generalizations in an effort to engage local governments in policies and practices.

The most comprehensive research on the role of municipalities in the management of Syrian refugees was released in January 2017 (Erdoğan 2017). A research team at Hacettepe University's Migration Research Center conducted in-depth interviews with representatives of all the district municipalities in Istanbul. The report contained valuable statistical data on the role of municipalities and makes policy recommendations to incorporate municipalities into the management process. The report also examined the similar legal, administrative, and financial obstacles municipalities face in the management of this process. However, like the studies mentioned above, Erdoğan also employed a holistic approach and made generalizations about the municipalities' responses.

As we indicated earlier, municipalities' responses concerning the lack of legal authorization for their involvement in migration policies and practices differ from each other. We argue that these varied responses can only be captured by a comparative analysis of the municipal approaches by employing qualitative field data. In one recently published work, Yeseren Eliçin (2018) focused on the varied local approaches to Syrian refugee movement. Her field research dealt with three district municipalities of Istanbul — Zeytinburnu, Sultanbeyli, and Şişli. Using the data she obtained, she analyzed challenges that municipalities face, as well as what types of services are delivered to refugees, and how they are organized. According to her, »the solutions which the mayors find are also proportional to their creativity, financial and human resources they can deploy, and their institutional capacity« (Eliçin 2018: 94). Along with Eliçin's study, but not limited to its scope, we aim to contribute to the literature on the cases of municipal approaches and responses in Turkey to Syrian refugee movements.

By employing a comparative analysis of the qualitative field data on municipal approaches to Syrian refugee movements, we aim to analyze the distinctive elements of approaches and responses of municipalities in Turkey to the refugee movement within the conceptual framework of Bauder's conceptualization of sanctuary cities.

TURKEY'S SYRIAN REFUGEE POLICY: LEGAL AND ADMINISTRATIVE ASPECTS

The main pillar of the policy on Syrian refugees in Turkey is the granting of ›asylum seeker‹ status rather than ›refugee‹ status, in that displaced people are considered ›guests‹ who have temporarily fled to Turkey to return to their country when the emergency situation ends or to move to another country. According to this logic, it is enough to focus on meeting the basic needs of these displaced people, particularly those living in shelters. These basic services such as education, healthcare, and social support are provided by national governmental agencies to Syrian refugees within the shelters according to national rules and regulations. Moreover, since the Syrian refugees' movement is temporary, there is no need for long-term social integration services and local / urban authorization, so local governments can be ignored.

Syrians as ›Asylum Seekers‹ under Temporary Protection

The main international document that regulates the legal status of refugees is the 1951 Refugee Convention Relating to the Status of Refugees, agreed on in Geneva on 28 July 1951. The Convention defines the term ›refugee‹ and outlines the rights related to this legal status. With the 1967 Protocol, the Convention was amended; geographical and temporal limitations of the definition were removed, and universal coverage was enacted. Turkey approved the Convention in 1961 by Law No. 359, and the Protocol by a Decision of the Council of Ministers (1968). However, Turkey kept the geographical reservation of the refugee definition and preferred to apply the Convention ›only to persons who have become refugees as a result of events occurring in Europe‹ (Protocol Relating to the Status of Refugees 1967). With this addition, Turkey became the only member of the Council of Europe that kept a geographical reservation to the Refugee Convention (Amnesty International 2016: 6).

The Convention and the Protocol (with the reservation) remained the basic and sole regulation regarding migration policies in Turkey for almost 30 years. The first national regulation, called the Regulation on Asylum, was adopted in 1994 (Regulation on Asylum 1994). Its aim was to establish the basic principles and procedures of regulating migration and to authorize the relevant institutions to address this task. By keeping the geographical limitation in the Regulation, Turkey declared that it would only accept European asylum seekers fleeing persecution as ›refugees‹.³ The Regu-

3 | The 1994 Regulation created the new category of ›asylum seekers‹ for refugees from outside Europe. The Regulation can be considered to be a response to the refugee movements

lation of 1994 was revised in 2006. However, the refugee definition was maintained as it was. In this revised version, there were some amendments concerning migrants considered to be of Turkish origin, but there is nothing new for the others.

Therefore, when the displacement of Syrians reached its peak in the beginning of 2012, they did not qualify as refugees in the eyes of Turkish authorities according to this legal framework. The government preferred to refer to Syrian refugees as ›guests‹ who would soon return to their country, as they expected the war to end before long. However, this prediction did not come true, and it became necessary to make legal arrangements to effectively address this humanitarian crisis. For this reason, the Turkish government granted Syrians the status of ›asylum seekers‹ in April 2012 with a ›Circular on Syrian Refugees‹ by the Prime Minister’s Office (Prime Minister’s Office 2012).

As a party to the Protocol and to the 1951 Refugee Convention, Turkey permits fleeing Syrians to reside for a ›reasonable‹ period of time and thus provides a ›temporary asylum‹ right until they are accepted as refugees by a third country — on the condition that these people fall under the refugee category as laid out in the 1967 Protocol and the 1994 Regulation (Ertuğrul 2017: 157). However, with the increasing number of Syrians who fled to Turkey, this legal framework became conspicuously insufficient. Thus, Turkey adopted its first asylum law, Law No. 6458 on Foreigners and International Protection, in 2013.⁴ First, the Law defines three types of international protection: ›refugees‹ (art. 61),⁵ ›conditional refugees‹ (art. 62),⁶ and ›subsidiary protection‹ (art. 63).⁷ In addition to these types of international protection, the last section refers to the category of ›temporary protection‹. According to art. 91(1), ›Temporary protection may be provided to foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection‹ (Law No. 6458). The second paragraph of art.

coming from Iraq and Iran at the beginning of the 1990s (Regulation on Asylum 1994, quoted according to Altunok 2017: 302).

4 | It is necessary to emphasize that this law had also been prepared according to the *acquis communautaire* within the framework of membership negotiations with the EU.

5 | Those who are fleeing from events in a European country are accepted as ›refugees‹.

6 | Those who are fleeing from events outside Europe and who must await resettlement to a third country are classified as ›conditional refugees‹.

7 | Those who are not suitable for the previous categories but who require protection because of mortal danger in their country of origin are provided with ›subsidiary protection‹.

91 links the implementation to a Directive to be issued by the Council of Ministers.⁸ The Temporary Protection Regulation (TPR) was prepared accordingly, and entered into force in 2014 (TPR 2014). It has constituted the framework for the procedures and principles related to those under temporary protection. According to the TPR, »foreigners under this Regulation can be provided with health, education, access to labor market, social assistance, interpretation and similar services« (ibid.: art. 26). By way of interim provisions, the TPR grants temporary protection status to Syrians who crossed Turkey's borders due to events that have taken place in Syria since April 28, 2011. It means that »health, education, access to labor market, social assistance, interpretation and similar services« are legally guaranteed to them (ibid.: provisional art. 1).

Although this new legal framework is more encouraging than the previous one, it still contains at least two major problems. First, while under temporary protection, Syrians cannot individually apply for international protection (ibid.: art. 16). According to Öztürk, this situation represents a conflict with the 1951 Convention, since it restricts their right to apply for international protection (Öztürk 2017: 248–249). Secondly, the TPR does not provide any time limit for temporary protection status. This is very problematic, since the temporary protection identification document is not equivalent to a residence permit, and therefore »its duration shall not be taken into consideration when calculating the total term of residence permit durations and shall not entitle its holder to apply for Turkish citizenship« (TPR 2014: art. 25). However, as the case of Syrians shows us, this ›temporary‹ situation can persist for years and create a roadblock to developing more specific integration policies.

The Central Administration as the Sole Actor

The administrative organization of Turkish migration policy should be analyzed in two separate periods: before and after 2013 — that is, before and after the establishment of the Directorate General of Migration Management (DGMM).

In the first phase of the Syrian refugee movement, before 2013, the administrative organization of the migration policy was fragmented among various public institutions. The National Police as well as governors were authorized to coordinate the

⁸ | For the development of the concept of »temporary protection« within the EU and UNHCR, see Council Directive 2011/55/EC; UNHCR (2014). However, the temporary protection regime can be also interpreted as a deviation from the refugee regime. For a detailed analysis of temporary protection and a critical point of view, see Öztürk (2017) and Baban/Ilcan/Rygiel (2017).

population in their respective areas. However, the task of coordinating the ›refugee crisis‹ was given to the Disaster and Emergency Management Authority (AFAD) under the Prime Ministry in the first few years of the displacement of Syrians. The authorization of AFAD was not a coincidence, since the Syrian ›influx‹ (or other mass migration cases) was considered to be a state of emergency, similar to earthquakes, floods, storms, etc., as it was defined in the Disaster and Emergency Management Centers Regulation (2011). This ›emergency-oriented‹ perspective clearly dominated the Circular issued by AFAD (2014b) on the Management of Services Provided for Foreigners under Temporary Protection numbered 2014/4 in December 2014.

With the rapid increase in the number of Syrian refugees, and as it became obvious that the conflict in Syria would not be temporary, a civilian agency was established in 2013 to manage migration policy: the Directorate General of Migration Management (DGMM). Its purpose was to execute the international protection of refugees as stated by Law No. 6458 on Foreigners and International Protection. As a civilian agency, the DGMM was authorized to register migrants and decide on their right to movement within the country. The DGMM registers Syrians and directs them to temporary accommodation centers or approves their stay in a given province (Law No. 6458: art. 24).

Syrians living in temporary accommodation centers are provided with healthcare, education, social assistance, and other related services by the DGMM and other ministries and their field units. Nevertheless, Syrian refugees need more than what the refugee camps can provide, and they flee to the cities. So, how can the needs of the Syrian refugees living in these metropolitan areas be satisfied?

The daily humanitarian needs and health services of Syrian citizens who live outside the camps in Turkey have also been met by related ministries (Ertuğrul 2017: 163). Syrians registered by the DGMM are provided with an ID card that gives them access to medical and other material assistance services (see *ibid.*). According to Law No. 6458 and to the Regulation of 2014, health services are under the responsibility of the Ministry of Health, and Syrian refugees are entitled to receive treatment at public hospitals in each province. Educational services are the duty of the Ministry of Education, and children of Syrian citizens are obliged to register their children in public schools.⁹ Issues concerning employment fall under the duties of the Ministry

⁹ | The integration of Syrian pupils into the formal education system is a crucial problem for the development of a culture of living together, but it is outside of the ambit of this research paper. For more detailed analyses of this subject, see HRW (2015), Emin (2016) and Heysen (2016).

of Labor and Social Security. Integration and social services are duties of the Ministry of Women and Family.

Concerning the aforementioned services, the TPR and the Circular 2014/4 (AFAD 2014b) called for cooperation among public institutions, international organizations, and other relevant institutions. It is striking that all the legal documents mentioned make only one reference to local governments — a single article in Law No. 6458, which called on local governments alongside other public institutions, universities, international organizations, and civil society organizations to provide suggestions and contributions for integration activities to be carried out by the DGMM (art. 96).

In addition to national legislation on migration and Syrian refugees, regulations dealing with local governments — Law No. 5393 regarding the role and function of urban local governments, and Law No. 442 regarding governments of rural villages — also make no mention of migration whatsoever.¹⁰ As such, national rules and regulations have remained silent regarding local governments' role in taking care of the urban / local needs under international or temporary protection.

Indeed, there are legal barriers that even prevent municipalities from providing services to Syrian refugees:

1. Law No. 5393 on Municipalities limits the municipal service provision to ›citizens‹, meaning that Syrian refugees are not able to benefit from any municipal services.

2. Law No. 5779 on the Allocations to be Transferred from the General Budget to Municipalities states that allocations from the central administration to local governments are calculated on the basis of the population (referring only to citizens) and the scale of the municipal territories. Therefore, there are no monetary outlays earmarked for municipalities to provide services to migrants.

As we have shown, it is clear that the central administration is the sole authority regarding all services to be provided under the temporary protection regime in Turkey; this is stated in legislative documents, and there is no reference made to local governments. However, during our interviews, we observed that local authorities have created institutions or have been cooperating with civil society organizations in order to provide free services and orientation to Syrians about education, health services, and training opportunities. This means that they find — or are forced to find — some bypass methods, circumventing their exclusion from being granted authority in the

10 | In the administrative structure of Turkey, given its nature as a unitary state, the national government is responsible for providing the main public services throughout the entire country, such as education, healthcare, security, etc., whereas local governments are responsible for local services such as transportation, electricity, water, fire protection, etc. within their jurisdictions.

migration field, similar to what other cities worldwide have done under the sanctuary city framework. For these reasons, it is necessary to examine their practices in more detail.

PRACTICES: LOCAL APPROACHES AND RESPONSES

At the beginning of the Syrian refugee movement, the Platform for Monitoring Syrians in Istanbul conducted detailed field research and published a report, suggesting that housing, social assistance, healthcare, education, and employment were the main problems for Syrians, and that municipalities were the first point of contact that they could turn to (Platform 2013). In other words, as stated above, it is at the municipal level where refugees primarily contact governmental institutions to satisfy their basic and immediate needs, ranging from housing to employment.

In this section of the article, we show how municipalities have approached and responded to this unpredictable situation. In order to do so, we did a small-scale field research to define the challenges that municipalities face, to uncover alternative solutions that they have developed, and to reveal the similarities and differences between municipalities' practices. We conducted semi-structured in-depth interviews¹¹ with representatives from five district municipalities¹² of Istanbul. Sultanbeyli, Bağcılar, and Esenyurt are led by Turkey's ruling party (AKP) and have the highest proportions of refugee populations, while the other two, Şişli and Kadıköy, are led by the main opposition party (the CHP) and have relatively small proportions of refugees. In-depth interviews took place with deputy mayors in charge of Social and Cultural Affairs in the municipalities of Bağcılar and Esenyurt (AKP), an expert from the Directorate of Social Assistance in the municipality of Sultanbeyli (AKP), an expert from the

11 | In-depth interviews have a variety of advantages over other approaches. First, as the literature suggests, the unsteady nature of macro-politics and the shifting scope of municipal involvement in this complicated situation make it difficult to conduct structured interviews. Second, semi-structured in-depth interviews provide space for interviewers to lead the interview, which is crucial to sufficiently probe for further information.

12 | Insofar as the study was interested in exploring the differences between municipalities in the management of the Syrian refugee movement, eight district municipalities with different political affiliations, socio-economic structures, and proportions of refugee population were determined in the early days of the study. They were asked for their support or legal permission, to which only five of them responded positively. One declined, and the rest did not respond at all. In the end, the field study was conducted in five district municipalities.

Migration Unit in the municipality of Şişli and a researcher in the municipality of Kadıköy (CHP).

In the following, we employ a comparative approach to analyze the interviews and to shed light on the similarities and differences among municipalities in terms of their approaches to the issue and the responses they have developed. We divide the most important axes of comparison that emerged from the interviews into main categories and present a comparative analysis of our findings under each category.

A Political Approach to Syrian Refugees

As indicated in the first section, the discourse of the Turkish Government towards Syrian refugees has not been stable, but has been changing since the first arrival of Syrians in 2011. At the beginning of the Syrian crisis, they were called ›guests‹ or ›brothers and sisters‹. For example, in October 2014, the AFAD reported about the official visit of President Erdoğan to Islahiye with the following headline: ›(T)he President celebrated Syrian Guests' Bayram in Islahiye‹ (AFAD 2014a). However, it has changed over time. In July 2016, Erdoğan was talking about the possibility of citizenship for refugees, in particular for qualified Syrians (BBC 2016).

This general discourse on Syrians has had different repercussions for municipalities. Officials from the Justice and Development Party (AKP) have preferred to use the official narrative of the government. During the interviews, the interviewees from the Municipalities of Bağcılar and Sultanbeyli (AKP) emphasized several times that it was necessary to ›help Syrians‹ because they were forced to flee their homes and that it was a humanitarian issue. Therefore, we argue that those two municipalities have developed a *humanitarian-moral attitude* and that they legitimize their actions from this perspective. However, it is necessary to point out that the interviewee from Sultanbeyli made some references to the rights of refugees and the need to maintain harmonization between Syrians and the host community. It seems that international projects that involve them and accumulated knowledge from these international networks — Sultanbeyli is the most engaged actor in projects among municipalities in Istanbul — have moved them to a more *rights-based approach*, although they do not advocate it openly. On the other hand, the interviewee from the municipality of Esenyurt (AKP) did not explicitly contradict the general guest discourse, but added a new economic dimension. He said that ›asylum seekers contribute to the economy both as consumers and entrepreneurs. Local tradesmen also took advantage of refugees as cheap and unlicensed labor and used them as guards to open unlicensed workplaces‹ without a critical perspective of exploitation. In other words, the municipality of Esenyurt preferred using the label ›asylum seekers‹ and is closer to em-

ploying a more *economist-utilitarian* approach. In fact, this interview has confirmed previous academic reading not only on Syrians' roles as workers in mostly informal sectors (Akdeniz 2014; Şenses 2015), but also on new Syrian entrepreneurs (Gürsel 2017). Consequently, representatives from municipalities with the same political affiliation as the ruling party have preferred using the national government's term of ›guests‹ and have emphasized the ›temporary‹ character of the Syrians' presence.

The political approach of the interviewees from the main opposition party, the Republican People's Party (CHP) was profoundly different. They openly criticized the ›guest discourse‹ of the governing party and emphasized the right to have rights. Although the refugee status of Syrians is not officially or legally recognized, they used the term ›refugees‹ and made references to different rights that Syrians should have. In other words, interviewees from the Şişli and Kadıköy Municipalities (CHP) appear to have adopted a *rights-based approach* towards refugees.

The municipality of Kadıköy, in fact, has tried to put this approach into practice more. The interviewee from Kadıköy emphasized that the refugee population in Istanbul was not only constituted of Syrians, but that it also comprises Iraqis and Afghans, as well as Turkish citizens of Kurdish origin. They emphasized the necessity of creating a culture of living together for all. In order to do so, they designed a »living room« in a neighborhood where Syrians live. The interviewee explained their project in more detail:

»The problem that we saw was the following: There is a problem in the intercommunication among people. They are intolerant towards others. We brought couches, tables, and chairs and we built a living room on the street. We wanted to emphasize the transformation from a temporary situation to a permanent situation. We told them: ›You cannot tolerate this person since you think he or she is different. Talk among yourselves‹. There were six Syrians and six people from the local community [Fikirtepe]. They sat down and drank tea. We saw that laborers started to talk about the difficulties they face at their workplaces and they all found out that they had similar problems [...]. At the end, a friendship environment flourished.«

As it can be concluded from this quote, the municipality of Kadıköy (CHP) has preferred to use refugee-friendly labels within a rights-based approach for the Syrian refugees in contrast to the national discourse. In that sense the Kadıköy Municipality, within its limited area of legal-financial authorization, attempts to establish a »unified membership« within its locality among all disadvantages groups. The municipality of Kadıköy uses policies and practices similar to the other sanctuary cities, but this is

not done in the form of an official commitment by the municipal organ, since municipalities are not granted such a degree of autonomy from above.

The differing political approach towards the Syrian refugee issue is also reflected in the administrative organization and the qualifications of the personnel employed within municipalities.

The Şişli Municipality (CHP) has established a dedicated unit for migrants, the Migration Unit under the Directorate of Social Support Services to concern the refugee issue (Şişli Municipality 2018). The main task of this Unit is to provide counselling for migrants regardless of their residence status. Şişli Municipality has also recently built up a Center for Solidarity and Support with Refugees (2018) in cooperation with a civil society organization (Migrant Solidarity Association 2018) as a contact unit to provide assistance in order to direct refugees to the proper authorities — especially for health services — or to provide translation services.

The municipality of Kadıköy (CHP) has consciously refused to set up a dedicated unit for refugees since they adopted a comprehensive approach towards all migrants and disadvantaged groups of society. The municipality of Kadıköy is also unique in its taking the initiative to authorize a group of young, research-oriented people to monitor and analyze issues concerning Syrian refugees and migration.

The interviewees in the municipalities of Şişli and Kadıköy (CHP) were young, research-oriented personnel with academic affiliations, which is common for those municipalities, while those in the municipalities of Bağcılar, Sultanbeyli, and Esenyurt (AKP) were employees with a political affiliation or a bureaucratic background. Though at first glance this would appear to be insignificant for municipalities, in fact it has significant repercussions for municipal approaches to framing the refugee issue. AKP-governed municipalities were more likely to use the mainstream terminology for Syrian refugees, whereas CHP-governed municipalities have aimed to reframe the mainstream perspective. In this framework, municipalities close to the ruling party are rather ready to deliver ›services‹ to accommodate ›guests‹ in a more political and/or bureaucratic way. They emphasize the fact that Syrians are users of public services provided by local authorities, and mayors as elected persons should be more sensitive to the ›needs‹ of citizens who will vote in the next elections. The interviewee from Sultanbeyli summarizes this point:

»The state must adequately explain to society the necessity of citizenship for Syrians and create a consensus. It must open a way for Syrians who want to obtain Turkish citizenship. [...] If providing the right of citizenship is a difficult task to achieve, the state must provide these people with the right to vote in the local elections where they live. Be-

cause mayors are bound to attach more importance to those who vote for them.«

CHP-governed municipalities, on the other hand, employed research-oriented people and they have tended to follow recent developments all over the world concerning the migration issue; they then have used the data and information gathered from the field to reframe the issue. Interviewees from CHP-governed municipalities emphasized their worldwide network among municipalities, which shows that they have been eager to reframe the issue in ways that contrasts with mainstream policies and practices, such as those of sanctuary cities.

Legal, Administrative, and Financial Barriers and Municipal Responses

Regardless of their political position regarding Syrians, municipalities have to act on refugee issues within the boundaries of legal rules and regulations. However, municipalities do not have the authority to initiate and implement policies that respond to a variety of Syrians' needs, from housing to employment. Since the legal infrastructure for municipalities to react to the refugee movement is very limited, they muddle their way through in order to respond to local challenges. Here are their two basic roles as defined by legislative documents and assigned to municipalities.

1. As a facilitator: According to the TPR, the authority to »ensure the establishment [and] management of the referral centers and provision of services in these centers« (TPR 2014: art. 36) lies within the governorates. As such, municipalities are allowed to establish receiving centers or referral centers upon approval by the governorates. Most of the demands collected in these centers are about healthcare, education, and employment issues. Municipalities respond to these demands as facilitators in healthcare and education, and in most of the municipalities a referral system has been established for hospitals, schools, and relevant offices of public agencies (TGNA 2018: 263).

Within this context, Bağcılar and Sultanbeyli (AKP) have employed Syrian personnel for their municipality contact points and translation services. Şişli (CHP) has employed one Syrian refugee, who works for the Center for Solidarity and Support with Refugees (2018), established in cooperation with civil society organizations, to facilitate communication between refugees and local governments. The municipality of Kadıköy (CHP) has not yet employed any Syrian personnel, but was searching for people willing to work under a project-based contract to translate municipal reports and documents at the time of our research.

2. As a social assistance and social services provider: According to the TPR, the agency authorized to set procedures and principles concerning social assistance and services is the Ministry of Family and Social Policies. However, this does not prohibit Syrians from contacting municipalities for social assistance and services as the first and closest unit of governmental offices.

Municipalities are authorized to provide »social assistance and services« by Law No. 5393 on Municipalities (art. 14). This same article indicates that »municipal services are offered at the closest level to citizens and with the most appropriate methods« (ibid.). Thus, the use of the word »citizens« generally seems to be a barrier to providing social assistance and services to refugees. Interviewees often refer to art. 13 of the Law to legitimize their service provision to refugees, stating that »everyone is a fellow-townsmen (*hemşehri*) of his own neighborhood. Fellow-townsmen are entitled to participate in municipal decisions and services, to be informed about municipal activities, and to benefit from the help of municipal authorities« (GNAT 2018: 263).¹³

Additionally, the Grand National Assembly of Turkey (GNAT) also recognized that »many municipalities provide food, clothing, blankets, and other necessary goods for troubled Syrians, and aid collection campaigns are organized« (GNAT 2018: 263). Syrians in need are included in existing social assistance and protection services (ibid.). As for the content of social assistance, we observed that none of the municipalities provided social assistance in the form of cash. However, they all tried to provide some level of social support in the form of clothing, educational materials for children, etc., and encouraged refugees to take advantage of social facilities free of charge.

To sum up, citizenship seems to be a precondition of utilizing municipal services, and the authority to provide social assistance to refugees is regulated by the Ministry of Family and Social Policies. However, there is an urgent need to establish a standardized and systematic provision of services in Istanbul's municipalities. As a response to this need, the GNAT's Committee on Human Rights Inquiries (CHRI) has recently offered to add a provision to art. 14 of Law No. 5393 to »do or carry out integration services for immigrants« and add a provision to art. 15 to »carry out services in regular and unregulated migration areas if needed« (ibid.: 264). This

13 | Babaoğlu and Kocaoğlu have noted that referring to a »fellow-townsmen« to provide services to Syrian refugees does not necessarily provide a safe cover for municipalities, since various questions arose during audits by the Court of Accounts (2017: 505). But the authors did not give any details about these questions.

regulation may provide the legislative infrastructure necessary for the municipalities when engaging in services with a local element.

Another part of the problem is that there is no communication system between central and local governments in terms of budgeting, which means that there is no financial incentive for municipalities to respond to refugees' needs. According to Law No. 5393, there are two kinds of revenue for municipalities: their own budgets and allocations from the central administration. In terms of their own budgets, refugees do not contribute to the municipalities' budgets, because they do not pay local taxes since they are not citizens. On the other hand, allocations from the national-level budget is calculated solely on the basis of the local population of citizens. The Syrian population is not included in the calculation of these budget shares. Therefore, the presence of more refugees does not lead to an increase in allocations from the central budget to municipalities. The CHRI has also offered an amendment, suggesting that »the number of migrants and asylum seekers residing in these municipal territories should also be taken into account for a share of the central administration [budget]« (ibid.).

Our interviewees from Bağcılar and Sultanbeyli Municipalities (AKP) emphasized that not including the Syrian population in the calculation of the local budget constituted a profound challenge. Our interviewee from Sultanbeyli explained the problem in these words: »The budget allocated to municipalities depends also on the number of citizens living there. It is necessary to provide additional funding according to [the number of] refugees living in this municipality. In this way, municipalities can offer public services more easily.« Additionally, the interviewee from Bağcılar pointed out that there has been an increase in demand for infrastructure services such as garbage and wastewater, and that they had to supply these services without any financial compensation.

In sum, as the interviews demonstrate, local governments have been pushed into carrying out the provision of social assistance and social support services, even though they are not granted any legal responsibility or any financial authority. In this sense, none of the municipalities has been allowed to commit themselves to support sanctuary policies and practices, nor have any of them rejected national migration and refugee laws, but they have often tended to circumvent or reinterpret existing rules and regulations to expand their role with the help of informal or formal governance networks.

Formal and Informal Governance Networks

We conclude from the interviews that the lack of formal legal authorization has led municipalities to engage with the issue in an informal manner, by cooperating with civil society and market actors to mobilize local human and financial resources in responding to the problems of refugees.

This informal governance on the local scale can be found in different forms in each neighborhood, since each municipality cooperates with different NGOs and civil society organizations. During the interview, the representative from Sultanbeyli (AKP) explained that they needed to find a way to organize services and to finance them after the settlement of the first Syrians in 2014. They quickly decided to establish an association, Association for Assistance Solidarity and Support with Refugees and Asylum Seekers (*Mülteciler ve Sığınmacılarla Yardımlaşma Dayanışma ve Destekleme Derneği*) which could raise donations and make applications to national and international funding. The interviewee also noted that they had very close relations with the Association: he and some other officials from the municipal government were members of the board of directors. Therefore, assuming that this Association has been acting under the control of the municipal government would not be a major stretch of the imagination. It has offered refugees various services, including health-care, psychological support, and education. The association itself is located in a building with eight floors, where each floor is reserved for different services provided for refugees. To illustrate the capacity and efficiency of this association, the health service department can be an informative case in point. The first floor is reserved for clinics. When we asked about health services offered to refugees, our interviewee explained:

»Thirteen Syrian doctors work in this Center. If the problem cannot be solved within our clinic, we send patients to the hospital, accompanied by a translator. There is nothing that comes from the central budget. It does not come from the municipality's budget. We create different methods of financing. We have more than 170 patients every day. We examine also patients coming from other districts.«

The interviewees (there were two people) from the municipality of Şişli (CHP) also referred to their cooperation with the Migrant Solidarity Association (*Göçmen Dayanışma Derneği*). The Center for Solidarity and Support with Refugees (2018) was established in October 2016 in their neighborhood in cooperation with the Migrant Solidarity Association, Expertise France and the municipal government of Şişli.

Similar forms of governance networks, formal and informal, between municipalities and civil society organizations can be observed throughout all the municipalities of Istanbul (Eliçin 2018: 85–88). In brief, the governance network in each neighborhood signals the potential of institutionalizing the provision of social support and assistance services through civil society organizations by circumventing national rules and regulations.¹⁴

Personal Ties and Political Affiliations

There is one significant point to consider which we also noticed during the interviews — the data about refugees (how many refugees were living in the neighborhood, where they were living, what they were doing to earn their living, etc.) within municipal jurisdiction was not clear for all municipalities.

According to art. 52 of the TRP, the DGMM is responsible for registering asylum seekers and storing their information; the Directorate may also deliver information to other public agencies (Kurtbaş/Andiç 2016). Nevertheless, rules and regulations fall short of establishing a clear-cut information flow between governmental agencies and also between the DGMM and municipalities. Due to this, there is an information asymmetry about the statistics on refugees between different municipalities. This asymmetry leads municipalities to establish their own databases and conduct their own surveys with their existing capacities.

In order to collect demographic information on refugees, the Sultanbeyli Municipality (AKP) has developed a database system. The municipality has gathered the data by visiting each house in the district, whereas the Bağcılar Municipality (AKP) does not have an established database. However, the interviewee said that they can obtain the data when needed. Their personal and political connections with the DGMM help them to get information in this process.

The case is different in the CHP-governed municipalities. The Şişli Municipality (CHP) does not have a database or even formal data on refugees, and they state that they cannot communicate with the government agencies in order to obtain the required data. Their personnel is eager to collaborate with academia, but rapid bureaucratic appointments and displacements that took place in the related department of the Şişli Municipality have served as barriers that prevented establishing any long term collaboration. On the other hand, the municipality of Kadıköy (CHP) had al-

14 | We have also been informed about an extraordinary case such as building and managing schools for Syrians with the cooperation of the private sector, civil society organizations, and the municipalities themselves.

ready engaged in some field studies in the previous years and disseminated the findings within the Municipality. There is also an ongoing field study in collaboration with a university to collect data on refugees.

In sum, there is an information asymmetry resulting from the lack of a formal communication flow between governmental agencies and local governments. This gap is filled by informal networks of municipalities. In this manner, AKP-governed municipalities are able to mobilize their political affiliations to get information easily, whereas CHP-governed municipalities are not able to do so. The municipality of Kadıköy (CHP) uses its already established networks in academia to fill this gap, as it is indicated above.

In order to maintain a well-coordinated administration of asylum seekers and/or migrants, a well-organized communication flow integrating all municipalities without engaging in latent discrimination between them seems vital. In fact, data is important for municipalities to engage in policy formulation and implementation. This reveals another hole that legislation must fill.

CONCLUSION

Local governments are the first points of contact for refugees who need assistance for the basic and immediate problems they are faced with. However, in Turkey, rules and regulations concerning refugees only grant authority to the central government. Nonetheless, the national government has seemed reluctant to delegate any legal or financial-administrative authority to local governments. The lack of a legal authorization in Turkey was expected to result in the reluctance of local governments to engage in policymaking and implementation regarding refugees. However, drawing on the findings of our field research, we can show that this is not the case; in fact, municipalities are highly engaged in the Syrian refugee issue.

Since local governments have no legal, financial, or political-administrative responsibility and authority, they have not been asked to engage in the formulation and implementation of policies to tackle the migration/refugee issue. In fact, there are legal and financial barriers that even prevent them from providing social and other services for refugees, such as citizenship and residence issues framed by municipal law. Though local governments seem keen to contribute to the amelioration of the problems in refugees' lives, their contribution and involvement are still *ad hoc* rather than demanded by law.

In light of this, the approaches of municipalities to Syrian refugees have varied. We have determined two dominant approaches that municipalities utilize: a

humanitarian-moral approach, and a rights-based approach. AKP-governed municipalities prefer to use labels such as ›guests‹ in line with the general discourse of the government, while CHP-governed municipalities have developed a more refugee-friendly discourse and have emphasized a rights-based approach to refugees, contradicting the central government's narrative. Among the CHP-governed municipalities, the municipality of Kadıköy is the one that applies policies and practices most similar to those of sanctuary cities. They consciously use the label of ›refugees‹ for Syrians, but this is not considered a form of official commitment, or ›scaling‹ in Bauder's terminology. At this point of the debate, it should be noted that the case of Turkey is distinct from those of the USA, Canada, and the UK, since its unitary state structure, meaning a highly centralized administrative structure and a correspondingly limited area of legislative and executive jurisdiction given to municipalities constitutes an entirely different context. Within this limited area of jurisdiction, the municipality of Kadıköy has attempted to ›challenge the exclusionary narratives‹ (Bauder/Gonzalez 2018: 125f.) and has tried to form an identity among all disadvantaged groups.

In terms of practical responses, it is common for all municipalities to interpret the laws in a way that differs from traditional interpretations, such as the case of art. 13 of Law No. 5393, where municipalities have made use of the ›fellow-townsmen‹ concept to provide services to refugees. They have also tended to circumvent the legal framework, creating alternative methods of financing service provisions for Syrian refugees by participating in formal and informal governance networks. Therefore, each municipality has cooperated with one of the associations, or other civil society organizations, on refugees, bearing similar approaches to refugees, within their formal or informal governance networks. Lastly, municipalities have tended to use their existing networks (personal, political, institutional, etc.) to get the necessary data on Syrian refugees, since national rules and regulations fall short of regulating the communication flow between central and local governments. AKP-governed municipalities have mobilized their personal ties and political affiliations to get data on Syrian refugees (the overall number of refugees, demographic features, their addresses, etc.) regarding their neighborhoods from the central agencies, whereas CHP-governed municipalities have been more eager to cooperate with academia to collect this data from the field directly.

In sum, considering the substantial differences in financial and administrative capacities between municipalities, we argue that resolving the lacunae in the legislation is an urgent matter to facilitate the engagement of municipalities in Syrian refugee policies and practices.

Funding: The data used in this article was collected in the framework of Project No. PB2017–BAHAR–İİSBF–2, coordinated by Aslı Yılmaz Uçar, which has been financially supported by Altınbaş University.

Acknowledgements: We would like to thank the representatives of municipalities for their valuable insights. We are also immensely grateful to anonymous reviewers for their comments that greatly improved the manuscript.

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Sascha Zinflou ist in Benin und in Deutschland aufgewachsen und seit mehr als 20 Jahren Aktivist in migrantischen und antifaschistischen Initiativen. Er hat unter anderem zur Geschichte von Bewegungen Schwarzer Menschen in Deutschland, Schwarzen Menschen im Nationalsozialismus und Rassismustheorie veröffentlicht. Sascha Zinflou ist Diplom-Mathematiker und arbeitet als Unternehmensberater.

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Journal for Critical Migration and Border Regime Studies

Vol. 4, Issue 2/2018

ISSN 2509-8322

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