



## SSIIM UNESCO CHAIR

On Social and Spatial Inclusion of International Migrants – Urban Policies and Practice

The right to adequate housing of migrants factsheets

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MIGRANTS' RIGHT TO HOUSING IN ISTANBUL: THE LACK OF PROBLEMATIZATION

**Giovanna Marconi**

SSIIM Unesco Chair, Università di Iuav di Venezia

SSIIM UNESCO CHAIR

Univesità Iuav di Venezia

Ca' Tron, Santa Croce 1957

30135 Venezia- Italy

E-mail: [info@unescochair-iuav.it](mailto:info@unescochair-iuav.it)

Web site: [www.unescochair-iuav.it](http://www.unescochair-iuav.it)



## The right to adequate housing for migrants - factsheets

*The right to adequate housing for migrants* is a series of thematic factsheets on migrants' level of access to adequate shelter in different urban contexts. Written by academic researchers and experts solicited by SSIIM UNESCO Chair, the factsheets were aimed at providing background information for the 2010 Report of UN-Special Rapporteur on Adequate Housing Dr. Raquel Rolnik.

Besides presenting the picture of the overall housing situation of migrants in the concerned contexts, authors were asked to highlight what the conditions of international migrants (regular and undocumented) are with respect to

- access to public housing and/or government subsidies
- access to housing loans
- access to the private housing market (discriminatory attitudes)
- inclusion into regularization and land tenure policies (if any, highlighting whether it is a local or a central government policy)

Authors were also invited to underline whether differences in policies/attitudes between local (poor) population (including rural-urban migrants) and international migrants are put in place and if any particularly interesting policy is being implemented that could be pointed out as innovative example.

Through the network of the partner universities, research centres and other relevant actors, SSIIM UNESCO Chair on Social and Spatial Inclusion of International Migrants - Urban Policies and Practices aims at:

- Identifying policies and practices that promote the urban inclusion of international migrants
- Supporting local governments in shaping adequate actions to foster effective urban governance and the social/spatial integration of international migrants
- Disseminating the experiences that can provide ground for effective policy exchange (good practices)
- Raising the awareness of policy-makers and the civil society at large, on the importance of international migrants' urban social and spatial inclusion

Despite the growing numbers of international migrants settling in its cities, Istanbul in particular, Turkey still lacks a comprehensive law regulating immigration to its territory and defining migrant residents' rights and duties. As a consequence, there are no normative provisions mainstreaming migrants' access to adequate housing.

Articles 56 and 57 of the 1982 Turkish Constitution state that every Turkish citizen has the right to decent housing and that the State has a responsibility to help meet those needs and to promote mass housing projects.

Since 1990 TOKİ (Turkey's Housing Development Administration affiliated with the Ministry of Public Works and Settlement) is the single responsible public body within the housing sector in Turkey. Its mandate include renovation of unauthorized squatter areas (*gecekondular*), developing public housing projects, plan, develop and create social housing and urban infrastructure. However Turkish citizenship is a pre-requisite for accessing public housing, hence the support and services offered by TOKİ are not accessible to international migrants.

Lack of awareness and self-perception as immigration country makes it quite complicate to be a documented migrant in Turkey, and even more to access Turkish citizenship.

This is due mainly to two 'prejudices' preventing any problematization and debate on migrants' social and spatial inclusion,

1. *Migrants are just 'passing through'*. Turkey has been for a long time a sending country and is now considered a country of transit towards the EU rather than a destination for migrants. Also the many asylum seekers it receives from Afghanistan, Iraq and Somalia are not considered as potential permanent settlers since Turkey signed the Geneva convention with the 'geographic limitation' allowing only temporary asylum to non-European refugees
2. *Only foreigners of Turkish origin are considered 'immigrants'*. After the Turkish state was founded in 1934, the state adopted the *Law on Settlement* that is still today the only law regulating foreigners' access to resident and citizenship rights. Based on ethnic nationalism and the idea of 'Turkishness' embedding the project of State-building, this law is today outdated: directed at facilitating immigration of people with Turkish descent/ethnicity and culture it does not take into consideration the new immigration flows the country is experiencing.

Obtaining a residence permit in Turkey is very difficult and expensive, to the point that even skilled professionals usually prefer to opt for stay upon tourist visa that they renew each 3 months by exiting and re-entering the country for stamping their passport. Low skilled economic migrants and asylum seekers usually cannot afford to adopt this strategy entailing frequent travels to the border, and have hence little choice rather than overstaying their visa and settling irregularly.

Similarly, migrants' access to formal housing in Istanbul is highly dependent on their economic situation. Foreigners are allowed to both purchase property and rent dwellings through formal agencies, but only the most well off can afford the costs of it. Istanbul real estate prices are extremely high, especially in the central part of the city where migrants (both skilled and unskilled) concentrate.

Undocumented migrants do not have de facto any chance to purchase and/or rent housing units within the legal housing stock. For Asylum seekers, the situation is even worse since they are forbidden to settle in Istanbul. According to the *Law on the Sojourn and Travel of Foreigners in Turkey* they can only reside in locations permitted by the Ministry of Interior, the so-called "satellite cities", located in the lesser developed Central and Eastern Anatolian regions of Turkey. At the current time there is no state

provision of housing or other accommodation throughout the asylum process. In satellite cities access to informal housing or employment market is definitively more limited than in Istanbul so many asylum seeker opt for a life of 'illegality' in the metropolis.

Irregular migrants in Istanbul tend to concentrate in few degraded neighborhoods in central districts, where invisibilisation is easier and there is the greater availability of informal employment. There is no information about foreigners living in informal settlements in less central districts.

In the absence of formal assistance mechanisms towards migrants, social networks are vital for survival in the city and for finding accommodation. This strategy for accessing housing inevitably leads to spatial clustering and socio-spatial exclusion, which in turn contributes to existing urban fragmentation.

Up to 2000 Africans are estimated to live in Kumkapi, a neighborhood within the historical peninsula mainly inhabited by Kurds, which constitute themselves a highly excluded minority. Many other Africans settled in Tarlabaşı and Kurtuluş, two neighborhoods within the central Beyoğlu district where Iraqi refugees also cluster. The building stock of the areas where migrants concentrate is in a state of decay, made up of miserable lodgings often lacking plumbing, heating and even electricity. Migrants are generally given the the basement or entrance level flats, which are narrow and have very little ventilation, informally rented by private landlords for a far higher price than Turkish people would pay. As a result migrants live in very unhealthy and overcrowded conditions in order to share costs. A two rooms flat in Tarlabaşı is usually rented for no less than 300 euros per month, and is typically shared by 8 to 10 people.

Since the government prefers avoiding interference by outsiders in domestic affairs, NGOs still have a low profile in Turkey hence cannot compensate for the very absence of state support to migrants and asylum seekers in finding private accommodation, or to the total lack of state-provided accommodation and lack of access to public houses. The only associations truly active on the ground are those linked to Catholic, Protestant or evangelical churches, operating sometimes just at parish level and often in a semi-formal way (not recognized but tolerated). They offer migrants help in terms of shelter (often in the church itself) or by una-tantum contribution in paying the rents, but the number of people they are able to reach is extremely limited. Caritas works in particular with Iraqi refugees in Tarlabaşı and Kurtuluş. It visits families in their dwellings in order to give priority of help to those found in most precarious conditions. However available resources are definitively insufficient to have any substantial impact. As for Turkish NGOs (STKs), their level of involvement remains low.