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How Street-Level Bureaucrats Perceive and Deal with Irregular Migration From Borders: The Case of Van, Türkiye

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ABSTRACT

This study presents field research about policy implementation to manage and minimize irregular migration in the border region of Van province in eastern Turkey. For this purpose, this article finds out how street-level bureaucrats at the Turkish-Iranian border perceive and deal with irregular migration. The conceptual framework covers the evolving use of Lipsky's (1980) street-level bureaucracy approach in the public policy literature. The field research comprises interviews with a total of thirty-two border bureaucrats as street-level bureaucrats in the province of Van on the Turkish-Iranian border. Then, in the findings, six issues came to the fore in the implementation of border policy on irregular migration: the geography and climate, the intervention, the institutional relations, the judicial legislation, the physical and technological measures, and the role of the Iranian State. Finally, the discussion evaluates and reveals a "vicious circle of border security" that reduces the effectiveness of the policy implementation.

KEYWORDS

Street-level bureaucracy; policy implementation; border security; irregular migration; Turkish-Iranian border

Introduction

The "borderless world" discourse (Bennafla et al. 2014, 17) which was adopted after the fall of the Berlin Wall (1989) and the popularity of globalization in the early 1990s, is, on the contrary, quite notorious today due to its negative connotations regarding terrorism, economic crises, and strong anti-immigration sentiments (Johnson et al. 2011, 61). Hence, the issue of "international migration" began to enter the policy agenda of all-level actors as an issue and threat to society at the end of the twentieth century (de Haas et al. 2019; Massey 2019; Pecoud and de Guchteneire 2006). Those considered as "others" are now inside and threaten the social order and identity of the receiving country. The complexity of taxonomy in the divergent motivations of people to migrate, which has diverse approaches to the issue, complicates the management of migrant flows at all levels (Van Houtum and Van Naerssen 2002, 131; Pries 2004, 10–12; Castles and Miller 1998, 2–3).

Moreover, migrants and their families become part of "irregular migration" when they come to work in a country illegally by violating the law of the relevant state. For states, the

term “illegality” replaces irregular migration to legitimize approaches to increasing security measures at the state level (Rittersberger-Tılıç 2015, 84–89; Icduygu 2007, 158; Koser 2010). Hence, the restrictions imposed by receiving countries to control migration flow entail the fundamental motivations of potential migrants to become irregular migrants (Sirkeci and Martin 2014, 2).

On the other hand, this controversy between states and irregular migrants has reshaped the function of borders in the early twenty-first century. In ancient times, the weak or bad borders were the ones that adversary military forces could easily conquer or occupy (Guo 2015, 29–33). Therefore, Vila’s (2003) “*History is best observed at the border*” discourse may sound quite reasonable. However, from a societal standpoint, it is also an underestimation to mention borders only as a phenomenon that must be protected against invading armies, smugglers, and illegal immigrants. States undoubtedly, in the twenty-first century, put great prominence on borders to enhance the capacity of border management. Specifically, borders are the primary spaces in which society ascribes responsibility to public actors to manage irregular migration.

When we come to the relevant studies of border and migration together, Ozdemir and Ayata (2018) examine this discussion, focusing on the “everyday bordering” approach. “The Fortress Europe” phenomenon, which gains momentum with the civilizational or bureaucratic procedures to get a Schengen visa, even away from the border region, disturbs Turkish people. Cassidy, Yuval-Davis, and Wemyss (2018) understand everyday bordering as “situated intersectional bordering” which means interconnection between divergently placed social actors that are not irreducible to each other. While Topak (2014) contends that Greek and Frontex authorities have several mechanisms to detect, deter, and detain migrants as biopolitical practices at the Greece-Turkey border zone, Gonlin, Jones, and Campbell (2020) elucidate that the racist “white borders” of the US are more permeable to white-skinned people than others. But the border also has a substantial impact on all the daily activities of border agents (Hartshorne 1933, 199).

Thus, this study essentially intends to understand the ground-level view of border policy from the perspective of the concrete practices of the agents. As the policy ethnography approach of Dubois (2009) focuses on social policies, this study adopts Lipsky’s (1980) street-level bureaucracy approach. As a micro-level analysis, street-level bureaucrats are ground-level public actors who interact directly with migrants. From this theoretical perspective, this study conducts field research to comprehend the views of street-level bureaucrats to manage irregular migration in Van province at the Turkish-Iranian border to fill in the gap.

Compared to other problems such as terrorism and smuggling, this border study has been conducted through irregular migrants because they are more observable and accessible. In other words, it is better and easier to find and interact with irregular migrants to analyze the implementation. Because Afghans constitute the largest group¹ of irregular migrants (201.437 in 2019), since 2018 (Presidency of Migration Management 2022), the focus has been on Afghan migrants in particular in the border region of Van province, which constitutes a long portion (295 km) of the entire border (534 km) between Iran and Türkiye. By the way, spatially, there are fewer academic studies about the Turkish-Iranian border than other borders of Türkiye.

Although the Turkish-Iranian border is not generally problematic, the issue of irregular migration demands attention. Actually, border security was the prominent issue

between Türkiye and Iran in the first part of the twentieth century (Çetinsaya 1998, 148; As 2010, 236–7; Saray 2019, 296–7). This issue was inclined to be solved totally under an agreement named “the Agreement on the Security of the Border Zone and the Settlement of the Incidents and Disputes’ signed on March 14, 1937. So as to put a stop to border disputes, the district and provincial governors on the Turkish side would be the approved border authorities, and vice commissioners, commissioners, and governors would be the authorized border officials on the Iranian side. A high commission was also established to address the problems that these authorities were unable to resolve. Eventually, the border disputes that had divided the two countries for centuries came to be mostly resolved (Erim 1952, 22–26; Gündüzöz and Çapar 2017, 144; Ateş 2020). However, this mechanism does not effectively work today for controlling unauthorized immigration at the border.

Finally, this study presents field research about policy implementation to manage and minimize irregular migration in the border region of Van province in eastern Turkey. For this purpose, this article finds out how street-level bureaucrats at the Turkish-Iranian border perceive and deal with irregular migration. So the research question is, “How do the street-level bureaucrats cope with the tensions and pressures to manage irregular migration on the border?” From this perspective, the theoretical framework section explains the background of the street-level bureaucracy approach to analyze the views of border officials about managing irregular migrants. Hence, there will be an intention to make the findings understandable to attain a well-designed public policy analysis. In the findings section, the results of the interviews conducted in 2019–2020 with thirty-two street-level bureaucrats in Van province have been analyzed. Accordingly, six issues have been revealed: the geographical factors, the intervention, the internal and inter-institutional relations, the judicial legislation, the physical and technological measures, and the role of the Iranian state. Taken together, the discussion outlines problems and inferences to evaluate policies regarding the border and migration nexus and contributes to border policy from a bottom-up approach in association with Lipsky’s (1980) approach.

Theoretical Framework

As explained in the introduction, this part describes Lipsky’s (1980) street-level bureaucracy approach to contributing to the border policy. Street-level bureaucracy is a sociological theory that seeks to comprehend the implementation practices and intentions of front-line practitioners in public services and how to formulate policies to implement them effectively (Cooper, Sornalingam, and O’Donnell 2015). The term “street-level bureaucracy” refers to the public services with which citizens often have contact. Herein, street-level bureaucrats (SLBs) are front-line public service agents who interact directly with citizens as part of their job and have discretionary privileges during implementation (Buffat, Hill, and Hupe 2016; Lipsky 1980).

Street-level bureaucracy nowadays possibly encapsulates bureaucracy and professionalism together in implementation (Evans 2011, 371; Gofen, Sella, and Gassner 2019). Typical SLBs are teachers, law enforcement officers, judges, prosecutors, health workers, etc. who provide access to government services and programs. These bureaucrats are permanently at the focus of political contests or citizen reactions to improve

the effectiveness and responsiveness of public services, which may resemble coal mines of welfare where the “hard, dirty, and dangerous work” is done (Cooper, Sornalingam, and O’Donnell 2015). Definitely, SLBs have a great influence on the lives of citizens who embrace them as influential policy actors who either deliver or supervise the delivery of public benefits (Lipsky 1980, 3).

In street-level bureaucracy, Lipsky’s (1980) approach challenged hierarchical analysis and focused on the gaps and compliance to change the usual perspective. This approach, which constitutes the project of analysis and improvement, considers the bottom-up debate on policy implementation. While the former composes an analytical framework that examines the systematic-practical dilemmas and makes the struggles and problems of SLBs more transparent, the latter anticipates deriving lessons from street-level practices to develop strategies to contribute practical and political benefits as feedback (Brodkin 2012; Evans 2011).

In analytic project, when the formal policy is ambiguous and includes multiple goals, SLBs, whose management strategies cannot control the variables as a part of the policy-making process, may implement discretion and relative autonomy (Brodkin 2012), which is also referred to as unbureaucratic behavior (Brockmann 2017), to bend the rules in relevance to their work. Due to the limited amount of time, attention, and information available to each individual, SLBs may feel restricted and act pragmatically (Cooper, Sornalingam, and O’Donnell 2015). Therefore, SLBs internalize and reflect informal training, which is referred to as implementation habitus (Borrelli 2021, 584). On the other hand, the street-level analysis could be conducted prospectively in improvement project to enable rather than control the conditions that facilitate quality and responsiveness in policy delivery (Brodkin 2012). In these circumstances, SLBs may express their thoughts that challenge the status quo to enhance the implementation output (Brockmann 2017, 434).

Moreover, the policy delivered by these bureaucrats is direct, private, and face-to-face, by and large, which inherently preserves the position of policy-making with high discretion to bend the rules and relative autonomy from the agency. Eventually, SLBs have a critical role in regulating controversies as social control agents (Evans 2011, 370; Lipsky 1980, 4). SLBs, who work in public service and have the authority and discretion to implement government policies, also serve implicitly as co-makers. Thus, the methodological issue in comprehending the street-level bureaucracy means understanding the implementation of public policies, which necessitates testing the structural integrity of the work (Buffat, Hill, and Hupe 2016). In fact, the individual acts accrue to an extent to reflect agency behavior, which becomes policy fact rather than policy fiction (Gofen, Sella, and Gassner 2019, 2).

Under the title of “representative bureaucracy”, there is deep research focusing on the structural characteristics of individuals in implementation (Buffat, Hill, and Hupe 2016). Current implementation practices determine diverse variances across organizations, professions, and states. The interaction between citizen-clients and SLBs may have long-term (teacher), incidental (law enforcement officer), voluntary (doctor), sanctioned (social worker), or coerced (prison) implications (Gofen, Sella, and Gassner 2019, 1).

Regarding this study, street-level bureaucracy approach may facilitate understanding the problems and inferences of border bureaucrats as SLBs on irregular migration. Border bureaucrats, as front-line officers, perform duties under high social pressure

about managing irregular migrants in harsh geographies while preserving substantial discretion to implement their tasks. These officers may experience disappointment if their regulatory acts do not imply legitimacy. This result may come out if perpetrators find clever ways to circumvent the codes while officers have restricted capacity (Loyens 2015).

In contrast, on the border, others like asylum-seekers and migrants may also feel distressed by the acts or inactions of SLBs to implement public policies (Bhatia 2020). In ambiguous, hostile inherently, and political environments, SBLs conduct rule-bending discretion much more to implement public policy (Guyer 2013). Besides, if border and law enforcement practices do not address societal issues, border bureaucrats may experience distress or even disregard for policy (Loyens 2015).

This sort of further distress may also have relevance to the policy alienation approach in the policy implementation literature. Herein, “policy alienation” refers to the psychological divergence of SLBs from the implemented public policy (Smith 2003; Tummers and Bekkers 2014). Taking policy alienation into account, this study discusses analytic and improvement projects, which are components of Lipsky’s street-level bureaucracy approach, in terms of border bureaucrats as SLBs. The next section describes the procedures and methods used in this study.

Methodology

This border study focuses on the research field of the border and its surrounding region, where Afghan migrants, who have been the largest group of irregular migrants since 2018 (Presidency of Migration Management 2022) in Türkiye, cross over to Van province illegally. The Iranian-Turkish border, incidentally, has less scholarly research than other borders. Even though this border is mostly not a problem politically between both nations, the issue of irregular migration has to be addressed. To limit irregular migration at the border, it is evident that the currently authorized border bureaucracy mechanism, as mentioned before in the introduction, is ineffective at the moment. Irregular migration, however, is now considered a threat to border security as a practice of securitization approach (Waever et al. 1993).

The border and migration policies have been examined in light of Lipsky’s (1980) street-level bureaucracy approach from a bottom-up perspective to draw lessons for policy implementation and evaluation. This study both analyzes the policy implementation problems and contributes to the policy evaluation with the proposals of border bureaucrats, who are border guards, law enforcement officers, district governors, public prosecutors, and immigration officials as individual SLBs. Therefore, a ubiquitous and unresolved irregular migration agency was questioned from the border perspective to reveal the role of border bureaucrats in managing the illegal passage of Afghan migrants.

As explained earlier, the research question has been determined as “How do street-level bureaucrats cope with the tensions and pressures to manage irregular migration on the border?” Analytic and improvement components of street-level bureaucracy were embraced as a guide to examine the research question. In the end, there will be an intention to highlight the critical issues surrounding policy implementation and evaluation, which may stimulate the policy to be maintained, changed, or terminated.

Border policies, which become tangible on the implementation, make sense with the daily and routine practices of border bureaucrats. Although border bureaucrats may act with limited perspectives about their role in the sovereignty of the state (Cote-Boucher, Infantino, and Salter 2014), they have a key role as SLBs to analyze and improve evidence-based policy implementation through discretion and relative autonomy to some extent. In these circumstances, here are the questions for interviews with border bureaucrats:

- How do geography and climate affect the SLBs in the border region?
- What kind of intervention methods do the SLBs follow to intercept irregular migrants?
- How do the SLBs and their organizations cooperate in the border region?
- Do the policy implementations work to manage irregular migration on the border?
- Do you have any suggestions to prevent irregular migration?

The following is a description of how the interviews took place. This article is based on field research conducted with border bureaucrats along the border of Van province² with Iran in 2019-2020. In this study, an in-depth semi-structured interview was preferred as the data collection technique to comprehend what the respondents think with open-ended questions, whereas a single case study was adopted based on the fact that irregular migration involves a multi-dimensional and dynamic process. In this micro-level analysis of Afghan irregular migration on the Van provincial border, qualitative research (Houser 2015; Creswell 2003) was conducted through interviews with decision-makers and practitioners, direct observation, and document review.

Certainly, due to the challenging working conditions, the typical work tenure of SLBs in the border region of Van Province does not surpass the upper limit of two years, unless a specific border bureaucrat decides to stay longer. Thus, the involvement of border bureaucrats, who were in a decision-making position and had been working in the region for more than a year, was taken into consideration when deciding with whom to conduct interviews. These individuals had the spatial expertise necessary to arbitrate between border and migration policies. Given the prior phone arrangement with the border bureaucrats, these interviews took place in a scheduled manner.

Interviews were held with thirty-two border or street-level bureaucrats, who were the border guards (8), district governors (4), public prosecutors (4), law enforcement officers (10), and immigration officials (6). It was agreed that anonymizing quotes and excluding interviewer names would be critical elements of confidentiality. These interviews took place in the districts of Başkale, Çaldıran, Saray, and Özalp on the Iranian border, as well as in the center of Van province.

Ethically, with the official permission of Van Governor³, the interviews took place one by one and face-to-face in the offices of border bureaucrats working on duty. As indicated previously, the interviews, under the control of the author in all phases, took place voluntarily, and the identities of border bureaucrats were kept private. To enhance credibility, endorsement, and transferability, there had been an interaction period of interviews for two years with border bureaucrats as SLBs to comprehend the practices inherently. In some cases, there were interviews with several border bureaucrats for the same position and Office, thanks to the rotation. The offices of border bureaucrats were mostly in the center of border districts, except for the border guards. Border guard offices were located

on the outskirts of the districts, along the very Iranian border, which takes about a half-hour longer to reach by off-road vehicles from the centers of districts.

Ultimately, the data collected from the field with ambition were analyzed with a tool of qualitative data analysis (Maxqda, 2020) to arrange and reveal implementation problems and inferences effectively. The strengths and weaknesses encountered by border bureaucrats as SLBs during implementation may result in bottom-up policy evaluation. In the next section, we will present the principal findings of the research question in six issues and later discuss these findings.

Findings

The interviews of the thirty-two border bureaucrats based on the questions posed were examined in the code system order according to the single case model (hierarchical code), as seen in [Figure 1](#). In this examination, Lipsky's (1980) analytic project refers to policy implementation. Then, the improvement project as part of the policy evaluation follows. In other words, policy implementation sheds light on policy evaluation. The issues mentioned are the ones common among border bureaucrats in implementation or the ones that exceed the implementation capacity of border bureaucrats.

What can be seen in [Figure 1](#) is the diversity of issues to discuss. In the light of the answers of the decision-maker street-level bureaucrats, six issues came to the fore in the implementation of border policy on irregular migration: the geography and climate, the intervention, the institutional relations, the judicial legislation, the physical and technological measures, and the role of the Iranian State. As a result of these interviews, we intend to derive lessons and evaluate the border policy from a bottom-up perspective for the academic field and policy-makers to manage irregular migration. Let us now turn to the details of these issues.

Geography and Climate

First of all, the geography and climate factors of the border have been explored in relation to illegal crossings. The role of time and space where irregular immigrants pass through the field have been examined through the perspective of SLBs in Van, particularly in the border districts (Çaldıran, Başkale, Özalp, and Saray). While researching the effect of the time or seasons, a border guard clearly states the harshness of conditions:

“... Meteorological events such as fog and snow make it harder to follow and prevent irregular migration ... The winter conditions in the border region, especially in Çaldıran, affect the border guards negatively. With the closure of border roads due to heavy snow, immigrants can come to the borderline with vehicles quite easily.”

In these circumstances, even though irregular migrants continue to come from fields with lower altitudes in heavy winter conditions, the transportation of border guards as SLBs through the border road leads to risky situations. Despite the decrease in the number of irregular immigrants, migrant smugglers persist in their business by taking measures to circumvent freezing on the way, and border crossings take place on the initiative of smugglers. A well-experienced law enforcement bureaucrat reports that:

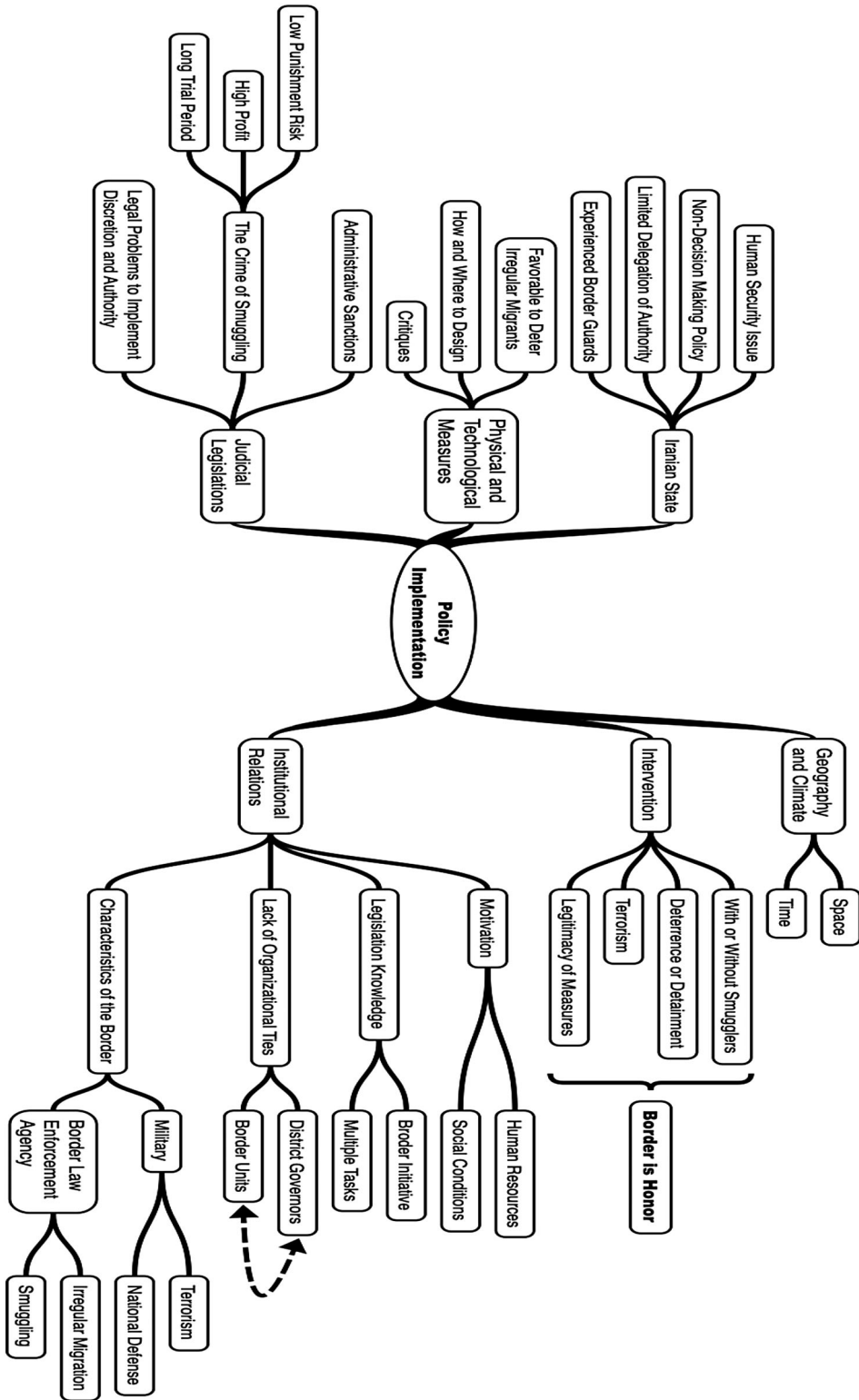


Figure 1. The Issues of Policy Implementation in the Border Region of the Van Province.

“Smugglers manage illegal crossings with field experience ... Many irregular migrants, in the heavy snow, die in the field due to hypothermia, and the arrival of migrants to the security agencies to avoid freezing indicates that bad weather conditions do not stop them.”

Examining the crossing points as part of space, border guards know the transit routes and frequently block illegal passes through the valleys and send them to removal centers. However, experienced migrant smugglers can use any of the numerous valleys, all of which are suitable for illegal border crossings. Due to security concerns, border guards have some trouble controlling valley crossings, and the fact that they happen at dusk makes detection even harder. A high-ranking border guard believes that:

“It is impossible to control and block all the valleys simultaneously for a long time under the current circumstances. Although most of the illegal crossings take place near Rasim Çözeç and Kapıköy border gates, many alternative routes or dead zones can be found in a short time when the measures are increased in this region ...”

As another example of what is meant by space, the *Tulgalı* region in the Özalp district and *Osmanlı* and *Sarıçimen* villages in the Çaldıran district are frequently utilized by irregular migrants, since thermal cameras do not see the valleys in rough terrain conditions. Since the altitude is lower and the terrain conditions are relatively more manageable compared to the surrounding regions, immigrants favored intensely the routes of Çaldıran and Saray district, which has more than half of the 560 km borderline with Iran (295 km), as a point of illegal entry in 2019-2020. A district governor stresses that:

“... Irregular migrants pass through areas that are not easily accessible by border guards and where precautions cannot be taken 24 h a day due to the weather conditions and the risk of terrorist attacks ... Migrant smugglers, on the other hand, adapt their passages by following border patrol routes ...”

Intervention

To examine the intervention to irregular migrants, there should be an acquaintance with legislation and regulation: Irregular migration detainees who are also being detained with smugglers (organizers, thieves, etc.) are subject to a judicial act (Turkish Penalty Code, Article 79), but those who are being detained alone are subject to an administrative act (Law No. 6458). Upon detection, night vision, and thermal surveillance technology, border guards intervene under the auspices of the armored vehicle. Although the intervened migrants are properly deterred, they mostly come back with ambition from another valley.

As long as migrants do not cross the fence, border guards as SLBs advise and deter them not to come, but if they insist on coming, border guards are supposed to detain the migrants for evaluation of their legitimacy by the Migration Management Office. The case of the one border guard, as stated here, evidently illustrates:

“... There have been instances of immigrants being stuck between two borders as Iran did not accept them after the intervention ... The interventions are done with the intelligence of collaborators, denunciations, or encounters with immigrants during border patrol. Despite prior knowledge, the intervention is practiced basically with human capital in this framework.”

Another significant aspect of the intervention is the reaction of migrants. The reason for the several reactions of irregular migrant groups, such as dispersing or applying for

asylum to the government officials when intervened, is relevant to the public policy approach. From this perspective, in the Van province, from 2018 to mid-2019, immigrants who were willing to be caught by law enforcement forces knew that they would be directed to a certain province under the right to temporary authorization. Since the termination of this policy and the implementation of the repatriation policy, avoiding the detection of public officials has been a priority issue.

Regarding the importance of the intervention, the border guards perceive ethnic terrorism in this region as a prominent threat to border and state security. This may be an issue that is underestimated by the public, but border and law enforcement officials have to consider the terrorism threat and personnel security when taking any action. Although irregular migration agency and ethnic terrorism threat do not have much in common, the inability to discriminate on the border justifies deterring or detecting alien groups as potentially including terrorists by border guards as SLBs. To comprehend the stages of possible intervention against irregular migrants, a district governor reports that:

“Prevention-oriented intervention requires taking physical measures and directing the migrants to specific regions. The border units precisely prioritize the first task of intercepting irregular migration. Then the law enforcement officers intervene in the immigrants crossing the border somehow and reinforce with their units in the military forbidden zone ... Multiple actions, such as reconnaissance, surveillance, and denunciations around the route of migrants on the second line or around the rural areas, where smugglers may reside, are conducted ... Law enforcement officers also contribute to managing the issue through patrols and road checkpoints.”

On the other hand, despite the importance of intervention, border guards are prohibited from using force on irregular migrants. But, the public attributes this irregular migration limitation task to border guards, which may contradict the publicly known discourse that “border is an honor.” In addition, the other government institutions that cooperate with border guards make suggestions such as the lack of more frequent and well-equipped patrols and deploying border guards to stand by at the border to intercept migrants.

Within this framework, as migrants move away from the border to inside, SLBs of other institutions may put the burden of responsibility to intercept irregular migration on the border bureaucrats. It is a widely held view that the irregular migration issue is deemed to be best handled by border bureaucrats. Furthermore, the other institutions also fail to comprehend sufficiently the adversities challenged by border guards and law enforcement officers in practice, as one migration official of a law enforcement agency emphasizes that “*catching migrants brings many problems ... eating, shelter, illness, etc.*”

Institutional Relations

The motivation and legal expertise of border bureaucrats have also been examined from their perspective as SLBs. In this framework, it is commonly believed that border bureaucrats should be highly motivated to manage and minimize irregular migration. However, many border bureaucrats say that the attitude of the Iranian side in alignment with the terrain conditions affects the efforts negatively. A law enforcement officer states that:

“Border bureaucrats are expected to deal with the irregular migration flow only with high motivation and legal constraints, despite manifold challenges. Besides, as a mass movement is addressed, increasing the motivation and number of border guards is insufficient.”

In addition, comparing the regime of human resources on the two sides of the border would be worth examining to get an idea about the motivation. To underline the lack of experienced staff and the perception that Iranian border guards are already familiar with the borderland and regulations since they have worked in the same region for so long, it is suggested that there is some expertise gap between the two sides of the border. One border guard states definitely:

“... Rotations have a negative impact on this mission, and soldiers on the Iranian side work in the same position for a long time ...”

There are several possible explanations for this gap. But these issues must be interpreted with caution because there may be big problems in recruiting officers from the border region regarding sociological discrepancies on the Turkish side. Despite this, there remains a need that may be satisfied at least in part by improving the social environment to motivate border guards to retain serving the public for longer. Then, the second option may appear more plausible than the first one. But if the border law enforcement agency, whose establishment is under discussion, recruits its agents from the same region, as one public prosecutor states, *“there would be a system similar to the “güvenlik korucusu” (security ranger, village guard).”*⁴ Due to the intimate relations between individuals across the border, this system may protect the border against terrorism, but not smuggling effectively. This is also the rationale for the rotation mechanism.

To assess the merits of SLBs, it is also necessary to look at the legal knowledge of the border bureaucrats as they deal with irregular migration. It is widely taken for granted that border guards are familiar with the Military Forbidden Zones and Security Zones Law (Law No. 2565) and the directive issued in relation to this law. However, a paradox emerges in practice. Although the authorization to use weapons is written explicitly in the law, the right to use broader initiatives is a common demand in practice. Given the size of irregular migrant inflow, one experienced border guard assumes:

“The legislation is not sufficient anymore. Given the extraordinary magnitude of the irregular migration phenomenon, extraordinary legal measures are required ...”

The interaction between law enforcement and border security agencies contributes to the border bureaucrats' collaboration on the same issue. The border guards have the authority of law enforcement officers (Law No. 2565, 5th Art.) in the border region. Also, the principles of cooperation between border guards and law enforcement officers after the interception are explicitly determined by *the Regulation on Inter-Agency Cooperation and Coordination in the Field of Border Management (Art. 8/1/a)* and *the Regulation on the Implementation of the Law on Foreigners and International Protection No. 6458 (Art. 55/6)*. The first regulation mandates that law enforcement agencies detain the individual who is crossing the border illegally, and the latter one orders the closest law enforcement agency to follow the instructions about the irregular migrants who are detained by the units of Land Forces Command.

Additionally, it would be acceptable for border guards to regularly get judicial and legislative training given the variety of responsibilities that they undertake about the army's many missions, including warfare, peacekeeping, and other tasks. Assigning law enforcement officers, who have the authority to investigate, to the border units may also appear as a plausible option. A law enforcement officer notes that:

“The motivation of the border units is adversely affected when they face legal sanctions ... The law enforcement stations, which have a high rate of cases or files on irregular immigrants, are more experienced in the legislation.”

Furthermore, the lack of organizational ties between the governors and the border guards and the expectations of the border guards from the governors led to an examination of the inherence of the relationship. *The Regulation on the Protection and Security of Land Borders (Art. 12-13)*, which determines the relations based on the collaboration of the governors and border units, does not give the former authority over the latter. Despite this, it is mentioned in the regulation that it is a task to fulfill the legitimate expectations of governors regarding border security and smuggling interception.

On the contrary, border units expect the governors to back up the infrastructure problems, such as roads, water, electricity, and communication, for border security and provide service support in keeping the patrol routes open as to seasonal and terrain conditions. Concerning *the Military Forbidden Zones and Security Zones Law (Article 31)*, the Ministry of National Defense and the Ministry of Interior share the responsibility to build and maintain physical security systems. Although the governors are also clearly responsible for border administration, their lack of authority over the border units may cause problems regarding the balance of authority and responsibility principle.

Ultimately, there is a belief among those who favor border law enforcement that forming a separate agency just to handle irregular migration will be beneficial if there is adequate motivation. Thus, it is frequently stated that giving the duty to border law enforcement may be effective if expanded advantages for border guards are obtained for policy implementation. As a border guard says frankly:

“Establishing border law enforcement and assigning a zone of responsibility up to 5–10 km inside the border will be advantageous to control ... People know that border guards do not have the authority to investigate in these circumstances ... A law enforcement agency like FRONTEX may reduce the burden of the national army and other agencies.”

Considering the arguments against the establishment of a border law enforcement agency, there are pervasive beliefs that this agency is not compatible with spatial and geopolitical issues and so may not provide the expected contribution, especially due to the terrorism contingency. Herein, the characteristics of this border evoke a military rather than a law enforcement field. As a proposal, if the first-degree military forbidden zone is evacuated as stated in the law rather than establishing a new agency, the support of people who are keen to smuggle would decrease. Alike with a law enforcement officer, a border guard states that:

“The borders of the EU and Türkiye do not have the same characteristics, which means a new agency will take at least ten years to gain experience, and no law enforcement agency can outperform border security better than the border units.”

The Role of Judicial Actors

To evaluate the role of local judicial actors in border security, the regulations in the judicial legislation come to the forefront. Even though leaving a country is a universal right on the paper of the European Convention on Human Rights (Council of Europe 1963), the criminalization of this act by public policies is contradictory, and the verdicts of the

European Court of Human Rights (ECHR) in favor of immigrants complicate this issue even more. About this, the ECHR states that *the Law on Residence and Travel of Foreigners in Türkiye*⁵ (Art. 23) and *the Passport Law*⁶ (Art. 4) in Türkiye's regulations would lead to arbitrary detention.

Following the ECHR discourses, the Turkish government has put some distance to the policy of geographical restrictions, which refers to solely accepting migrants from Europe (ORSAM and The Black Sea International Center 2012, 20), and has been subject to compulsory regulations in terms of policy transfer. For instance, the amendment to *the Passport Law* (Law No. 5682) (Rittersberger-Tılıç 2015, 91) was adopted to impose administrative sanctions rather than criminal ones against irregular migrants. In this case, a public prosecutor reminds us that:

“... based on the 1951 and 1967 conventions of the United Nations (UN), irregular migrants are legally recognized as victims of crime.”

The Turkish government, which was criticized for not ratifying the regulations of the international fight against illegal immigration, which were stated in the progress reports (2001 and 2002) of the EU, coherently ratified *the UN Convention Against Transnational Organizational Crime (Palermo Agreement, 2003)* and its protocols⁷ (Özçürümez and Şenses 2011, 244–5). Based on this agreement, *the Law on the Amendment of Various Laws for the Crime of Immigrant Smuggling* (2002) was added to the *Turkish Penal Code* (TPC, 1926), as included in the National Program. As stated in the 2005 Progress Report, Article 79 of the updated TPC (2005) now includes the crime of smuggling migrants. Migrant smuggling (Article 135/6) was recognized as a catalog crime in the *Criminal Procedure Code* (2005), giving rise to the possibility of an arrest.

Under the *Road Transport Law of 2003*, anyone who possesses a Transport Authorization Certificate but has been found guilty of illicit human trafficking or transportation is subject to having their authorization canceled. *The Witness Protection Law* (2008) was passed to protect victims of crimes like migrant smuggling who are willing to testify, as was noted in the 2008 Progress Report. Recently, the confiscation of the vehicles used in the crime of migrant smuggling was also introduced to the legislation with *Decree-Law No. 690* (2017) and *the Foreigners and International Protection Law* (No. 6458, 2013).

In contrast, these legal arrangements for migrants and smugglers did not contribute to the management of irregular migration at the border. Border guards are concerned about encountering legal problems after implementing their authority to use lethal and non-lethal weapons. Emphasizing that Iranian border guards have the authority to use weapons up to 1500 meters from the border, a border guard states that:

“We cannot effectively intervene against illegal entry while fearing legal repercussions ...”

The hesitancy of border guards may be discussed in two aspects: keeping the guards under the authority or the ineffectiveness of the mission. The first aspect entails limiting authority to prevent situations that could unintentionally violate human security. On the other hand, the second aspect criticizes that legal procedures applied to a small number of immigrants are not convenient for a large number of them, and this struggle alone exceeds the capacity of border guards to ensure border security. Similarly, many border guards also state that the low level of punishments for migrant smuggling in practice (TPC 79) motivates the smugglers to choose irregular migrants rather than drug-

related crimes (TPC 188) as they make high profits with a low arrest risk. In this perspective, a public prosecutor believes that:

“Irregular migrants have the ubiquitous opinion that “Turkish soldiers will not shoot us’ ... the authority to use electroshock, gas, and other non-firearms as specified in the terror law ought to be granted to the border guards.”

There are also some critiques that say laws ought to be compatible with current circumstances, especially in implementation. Many law enforcement bureaucrats state that the administrative fine in the *Foreigners and International Protection Law (Art. 102)* does not deter irregular migrants. Besides, long trial periods and the lack of prosecutors only in charge of migrant smuggling lessen the contribution of the penalties. But the deterrence of judicial legislation has been abolished with the amendment made to the execution law, which facilitates the use of non-deterrent punishment methods.⁸ One experienced immigration officer of a law enforcement agency confidently states:

“Many migrant smugglers have not been convicted despite committing the crime of migrant smuggling many times ... Those arrested for the crime of migrant smuggling, whose judicial sentence ranges from three to eight years, are in practice held in detention for three months at most, and some of them are released immediately after appealing against detention ... ”

Physical and Technological Measures

The contribution of physical measures (concrete walls, trenches, surveillance towers, etc.) and technological systems (thermal cameras, unmanned vehicles, early warning systems, etc.) built on the borderline to prevent irregular migration was also questioned within the framework of positive and negative opinions. The construction of physical security measures on the border line in the provinces of Iğdır and Ağrı (144 km)⁹ was completed at the end of 2020, and then other construction started in the districts of Yüksekova (Hakkâri), Özalp, and Çaldıran. Many border bureaucrats believe that physical measures are favorable for deterring irregular migration. In the same way, a law enforcement officer emphasizes that:

“There is not even a wire barrier system in some parts of the border ... We need to establish measures as soon as possible on the routes frequently used by irregular migrants.”

Another law enforcement officer, who has a similar opinion in this case with a district governor, nevertheless, states that:

“ ... After building the wall, the irregular migrant inflow has shifted from Doğubayazıt to the Van province region, where there is no complete wall yet ... Taking precautions not to infiltrate under or over the walls is as important as constructing the wall.”

While border bureaucrats of SLBs believe that physical and technological measures will be effective to deter migrants, there are some ambiguities about “*how to design*” and “*where to deploy*”. In this case, about how to design these measures, a district governor states that:

“It is not easy to build an effective wall properly, particularly in our region. Instead of a wall, approximately one-third of the 140 km border has been completed by digging wide trenches in areas frequently used by irregular migrants.”

There are also several suggestions about where to deploy these measures. While a high-ranking border guard offers to establish physical measures in the fields that hold transitional routes and are easier to protect inside the border rather than right on the border-line, many border bureaucrats offer to channel irregular migrants with physical and technological measures to the routes that are under control, and even an immigration bureaucrat of a law enforcement agency proposes to consist of multiple measures and stages more than one space.

As a cutting-edge technology, enhancing the patrol capacity of UAVs on a 24-hour basis will assist the border guards in taking early measures when they detect irregular migrant groups, but this will not dissuade irregular migrants. After all, there are still more issues on which to focus. A public prosecutor states that:

“It is a must to resolve the issue of engagement with Iran to operate unmanned aerial vehicles in the border region ... These can detect irregular migrants and distinguish them from terrorists.”

On the other hand, the negative views that criticize physical measures and technology are examined in Figure 2. These criticisms demonstrate that using technology and security measures alone to control irregular migration has not been effective. Accordingly, there may be five main criticisms that may be categorized: temporary solution, bypass, not prevention but detection, lack of reinforcement, and sustainability. In this vein, a law enforcement bureaucrat says of a temporary solution:

“Although these measures reduce irregular migration, they will not prevent it on their own due to mass migration ... The problem may be resolved with an international approach that includes a humanitarian approach.”

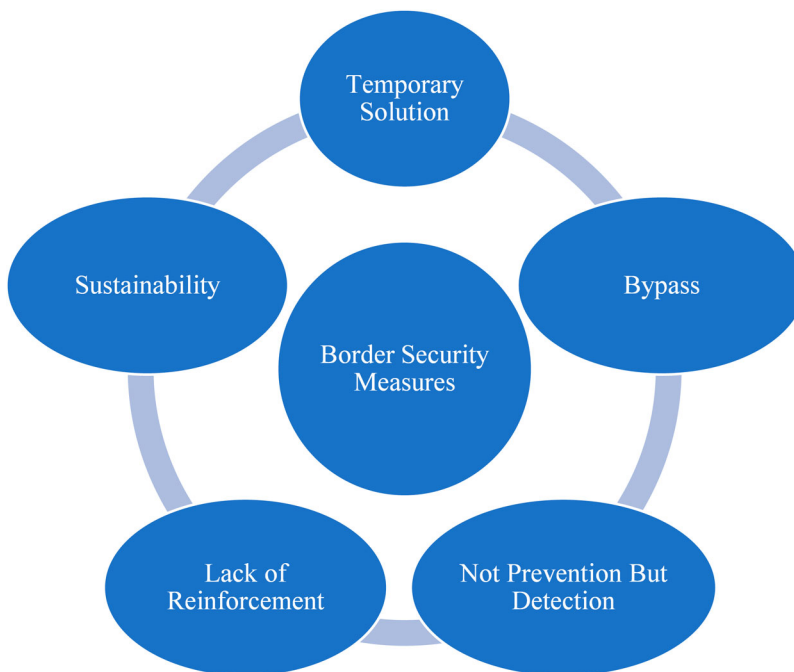


Figure 2. Negative Views on the Border Security Measures.

A law enforcement bureaucrat, like many others, asserts that irregular migrants will somehow bypass the measures:

“Irregular migrants will somehow cross the wall or a ditch in time, despite the physical measures ... Some migrants who have already been caught were digging tunnels under the walls and passing through them.”

A border guard and migrant bureaucrat sensibly consider that these measures would not contribute to deterring migrants, but rather to detecting them. Border guards must step in since these methods only serve to make decisions and not to prevent migrants. But border guards struggle substantially when attempting to detain migrants and follow the procedure. In this environment, deterrence is more likely to affect border guards than migrants. Besides, a border guard believes that the arrival of irregular migrants could only be partially prevented by security measures as the civil war and economic problems in Afghanistan perpetuate. Furthermore, the obstacles will have meaning only under one condition: as long as the border guards nearby reinforce them. Finally, a public prosecutor emphasizes that maintaining technological measures will be impossible, particularly during the harsh winter due to seasonal factors. To sum up, although the measures help detect irregular migrants, there are still big questions to be answered before this issue can be resolved.

The Iranian State

When the strategy of Iran is interpreted from the viewpoint of border bureaucrats as SLBs in the border region, the prevalent opinion is that the Iranian state does not care about the issue of irregular migration at the Turkish border. A dedicated border guard states that clearly and assertively:

“I have lost the belief that Iran has friendly policies, and the regular official meetings with the border authorities of the two sides do not contribute to a solution rather than coming together.”

As stated by many border guards and district governors, Iran’s border commissariats deliberately consult with the Tehran administration throughout all decision-making to avoid getting a negative reaction. Considering the dominance of the Tehran administration, it may not be possible for the Iranian border authorities or bureaucrats to implement the policy directly on the issue of irregular migrants. Despite this, a border guard and district governor offer to establish a cooperation center between border authorities to somehow figure out the acute problems. Moreover, some border guards believe that Iranian border guards may face significant challenges due to the delicate human security of irregular migrants and evasion of the intervention in migrant smuggling in the border region.

In the end, the Iranian government seems not to have intervened in the exodus of irregular migrants towards the Van province with its “nondecision-making policy.” A law enforcement bureaucrat and district governor report that a permanent dialogue channel could not be developed with Iranian border officials owing to the rotation, and Iranian border guards act with confidence due to their superior experience in the region. The same district governor also states that:

“... With more towers and posts on the border, Iran could prevent the illegal passage of irregular migrants if it decides to. Unfortunately, in one case, it was not possible to repatriate the

258 undocumented migrants who were stuck in the border buffer zone to the Iranian border authorities in 2019. Thus, the Ministry of Foreign Affairs intervened in the debate, and Iran accepted the readmission of these migrants.”

In summary, from the perspective of border bureaucrats, these six implementation challenges reduce the efficacy of border policy. This bottom-up analysis of the implementation of controversial border security measures may enable us to move forward and improve the same policy. The next section evaluates the findings in order to contribute to border policy from a state-oriented perspective.

Discussion

The findings demonstrate that the implementation issues have a multi-dimensional structure to evaluate. To begin with, the geographical factors and climate favor irregular migrants and their smugglers crossing the border confidentially if they can survive on the way. Although border guards as SLBs do not risk their lives in the heavy winter conditions, it is apparent that then they cannot effectively control the entire border against irregular migrants in that season.

Geographical constraints also diminish the effectiveness of the implementation. Even though border guards block illegal passes through the valleys, migrant smugglers may exploit many other valleys. Unlike maritime borders (Koka and Veshi 2019; Rijpma and Vermeulen 2015), where both controversial deterrence and detection methods are practical in advance, the earliest detection at land borders, let alone deterrence, is possible just on the border. Hence, there is much left to say about deterrence methods on land borders.

On the contrary, it is necessary to maintain this detection and the subsequent intervention measures. It has been discovered that the number of new immigrants grows as immigration into the country gets easier. In this regard, it would be wise to adopt the principle that while an influx of migrants multiplies the number of illegal migrants, a decrease in migrants reduces that number. Also, it is evident that preventing irregular migration is attributed only to border security, despite the major challenges of the border guards on the implementation. But, as indicated in the previous section, these major challenges reduce the motivation of border guards.

Similar to the findings reported by Andersson (2015) and Arslan, Can, and Wilson (2021), the physical and technological measures at the land border are likewise ineffective in preventing irregular immigration. Although these measures manage society's perception of the intent to prevent irregular migration, they actually contribute to detecting rather than deterring migrants. These findings must be interpreted with caution because a large number of detections indicates some growth in irregular migration. If only these measures are established along a portion of the border, the migration flow will shift toward the other parts of the border. Thus, how and where to build these measures do matter.

Moreover, in contrast to high profits in low judicial risk, the inadequacy of judicial sanctions and implementations makes migrant smuggling popular among the other sorts of smugglings. Several laws have been enacted in recent years that are in favor of unauthorized immigrants and against human smugglers. But, the authority of border guards has not increased despite this inflow of migrants. In practice, the paradox of

using force, as well as the routine rotation method, even deteriorated the motivation. Additionally, when migrant smugglers are arrested by law enforcement bureaucrats, they are frequently judged in court without being imprisoned, and the long duration of their trials worsens the issue.

Accordingly, although all border guards may do their jobs with a sense of duty, the result is not satisfying enough to effectively implement the border policy on irregular migration. These bureaucrats cannot exercise discretion and relative authority for the benefit of irregular migrants, as they seem to be a threat to border security. Furthermore, these border guards also have limited authority legally to exert power in practice to manage irregular migrants. Hence, there is an explicit disparity in the responsibility-authority principle. To sum up, there is not a citizen-discretion duality but a non-citizen and limited authority disparity that determines the practices of border guards. From this perspective, establishing a border law enforcement agency will not contribute more than border units.

Border units, which are a part of the national defense forces, take the lead in mitigating irregular migration and implementing border security like a border law enforcement agency. To make the discussion more explicit, the assumed threat of irregular migration, which is a concern for law enforcement, makes it even harder to confront the problem with military forces on the military characteristic border. However, the presence of both ethnic terrorism and irregular migration concerns renders the issues on the Iranian border distinct from those on the EU borders. To stop illegal crossings, a strategy for irregular migration must take into account more factors than just border security.

One possible factor is that the Iranian government is a key player in the discussion of border-crossing illegal migration. The Iranian government does not give street-level bureaucrats any authority. Therefore, it is not the border bureaucrats who are responsible for the non-decision-making policy for the management of the Turkish border, but the Iranian government. As a result, the government is once again the subject of the solution. In other words, the border mechanism, as stated previously, does not work.

Conclusion

This article finds out how street-level bureaucrats at the Turkish-Iranian border perceive and deal with irregular migration and draws lessons for scholars and policymakers. The results show that there are six dimensions to consider when evaluating the implementation challenges: geography and climate, intervention, institutional relations, judicial legislation, physical and technological measures, and the role of the Iranian state. In the discussion, it is obvious that in order to address irregular migration, border bureaucrats will need more than their current skills, discretion, and relative autonomy.

Finally, in a deterministic approach, the same causes do not result in different outcomes. These issues bring about the “vicious circle of border security” which lessens the effectiveness of the policy implementation. This vicious circle may entail the disregard of SLBs for managing irregular migrants, which means policy alienation in the public policy analysis literature. As the humanitarian security problems in Afghanistan continue, this will be an issue on the top of the agenda of the decision-making actors at all levels to take measures in the border regions where the irregular migration

inflow occurs. The examination and comparison of deterrent strategies in various borderlands must be the main focus of the subsequent studies.

Notes

1. Since 2017, even though more than 3 million Syrians still stay in Türkiye, Syrians are officially under temporary protection by the Turkish government (Presidency of Migration Management 2022).
2. The Social Sciences Institute of Hacettepe University (Protocol Number: 12908312-300, Ethical Commission Permission)
3. Authorization of the Van Governorship (Protocol No: 11648479-E.18140, Date: August 9, 2019)
4. Upon the intensification of terrorist incidents, on March 26, 1985, the security ranger system was accepted by amending Article 74 of Village Law No. 442. The duties of security rangers include “catching the accused suspects before or after the crime is committed before their traces are lost” in their area of responsibility (The Ordinance of the Village Guard, 2000).
5. Art. 23 of Law No. 5683 states that those who cannot leave Türkiye for any reason, despite being ordered to be taken out of the country, are obliged to accommodate in the place indicated by the Ministry of Interior.
6. Law No. 5682 (Section 4) states that foreigners who come to the borders of Türkiye without valid passports are turned away.
7. Protocol on the Prevention, Suppression, and Punishment of Trafficking in Persons, Especially Women and Children, and Protocol Against Migrant Smuggling by Land, Sea, and Air (2000)
8. Art. 18 of Law No. 7242 on the Execution of Penalties and Security Measures and Amending Some Laws
9. Press Advertisement Agency (2020). 144 Km Firewall to the Turkish-Iranian Border, <https://www.bik.gov.tr/turkiye-iran-sinirina-144-kmlik-guvenlik-duvari/> (Access Date: 10.12.2020).

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