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Ethics of Commodified (Golden) Citizenship

Metalaşan (Altın) Vatandaşlığın Etik Boyutu

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ABSTRACT

The concept of citizenship has changed dramatically since the term was first used in ancient Greece. Recent citizenship debates have focused on the implications of commodified citizenship and growth of the “golden visa” market as these new schemes raise ethical and constitutional concerns. Paid-for citizenship schemes undermine the traditional notion of citizenship often marked by solidarity, rights and duties. Paid-for citizenship contradicts contemporary citizenship's essential principle of equality. Therefore, the core challenge for Turkey and other countries offering paid-for citizenship is the unethical implications of distinguishing refugee/immigrant populations by financial capability in acquiring citizenship. While Turkey does not grant full-fledged refugee status to non-European people and limit duration of their stay in Turkey, Citizenship by Investment programmes offer the rich people –including non-Europeans– an opportunity to acquire Turkish citizenship. So, the new citizenship programme in Turkey is paving the way for discrimination based on the socioeconomic status of individuals. What's more, this actually tends to push the citizenship concept into a narrow understanding despite the expansion of the modern citizenship concept towards more inclusive rights reaching beyond the boundaries of nation states. Taking this into account, this paper aims to illustrate the discrepancies between paid-for citizenship and refugee policies by highlighting the ethical questions arising from citizenship by investment programmes in Turkey.

Keywords: Citizenship for sale, commodified citizenship, golden visas, ethics of citizenship

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1. Introduction

The concept of citizenship has changed dramatically since the term was first used in ancient Greek city-states. From a selective position characterised by privileges in political participation, the concept of citizenship has evolved today into an inclusive and complex membership. Thanks to the ascendancy of neo-liberalism in the late 20th century, “sovereignty and citizenship are being remade in globalizing states with respect to citizenship” (McNevin, 2011, p. 41). What’s more, neo-liberalism’s impact has come with its emphasis on the key role of markets and thus, citizenship has been ‘marketised’, such that it is, in a sense, sold and purchased. However, there has allegedly been a slight retreat towards social citizenship from a social investment perspective most recently (Jenson, 2009, p. 27). Neo-liberalism defends the idea of the state staying away from the field of economics and thus, stands against many pillars of the welfare state and to an extent against the notion of social citizenship (McCluskey, 2003, pp. 784-85). Yet, it may appear to favour the state’s involvement in marketised citizenship in the case of golden visas, citizenship by investment or citizenship-for-sale schemes.

Citizenship by investment programmes (CIP) have been growing in recent years as many countries around the world and within the European Union (EU) offer fast track routes to citizenship if one is willing to pay a hefty bill. The price of citizenship ranges from a few thousand dollars in Thailand for elite residency permits to over two million pounds in the UK. These schemes, not necessarily all, offer citizenship for sale outright, but usually they grant residence permits that can eventually lead to citizenship. Some consider these schemes as instruments for freedom of movement, while for others, these represent investment and risk diversification instruments. Hence, some countries promote these schemes emphasising the safe environment for investment, while others stress the potential of freedom of movement.

In this article, we discuss how the institution of citizenship has been turned into a commodity and the ethical considerations this process might bring to the fore with particular reference to the Turkish case. More specifically, this commodified citizenship obtained through financial means and frequently referred to as *golden visas citizenship* is scrutinised and some normative questions have been raised in relation to citizenship policies. Due to its peculiarities and the presence of a large volume of immigrants under the humanitarian protection category in Turkey, the current golden citizenship offer is considered in regards to the asylum policies. Turkey maintains restrictive asylum policies by applying geographical limitation to the 1951 Geneva Convention Relating to the Status of Refugees (1951, Geneva Convention). This practically means, nearly all asylum seekers in Turkey are denied full protection as refugees. Along with this denial of refuge to those in need, the country offers to those with significant sums of money a special route to residency and citizenship with the new investment scheme. This also raises ethical questions. So in this paper, we argue there are discrepancies between paid-for citizenship and refugee policies and we highlight the ethical questions arising from citizenship by investment programmes in Turkey.

After briefly discussing the peculiarities of contemporary citizenship theory, we examine the citizenship policies in Turkey and the recent introduction of a golden citizenship scheme. Then we elaborate the ethical issues raised by golden citizenship programmes with an emphasis on the discriminatory nature arising from the selectivity based on the financial capability of individuals.

2. Modern Understanding of Citizenship and the Emergence of ‘Golden Citizenship’

“Citizenship connotes membership within a bordered territory and an internationally recognized state and defines the relationship between the individual and the state, ever increasingly

through the language of rights” (Brodie, 2002, p.379) The contemporary citizenship concept widens the relationship between the governed and those who govern. When we look closely at this, we see a deep transformation in the meaning and scope. While the meaning has broadened comprehensively, application of citizenship has become more selective with the expansion of neo-liberal policies.

Heater (2008, p. 1) considers this historical background of the evolution of citizenship and contends that it emanates from the point of “form of socio-political identity”. He classifies the history into five periods according to the individual-authority relations and chronologically moves from feudal, monarchical, tyrannical and national systems to reach today’s citizenship systems. These systems refer to relationships between individuals and groups and citizenship is ultimately linked to “the idea of the state” (Heater, 2008, pp. 1-2, Bendix, 1964, p.47).

Modern national citizenship is a product of important revolutionary events, the English Civil War, American War of Independence, and the French Revolution, which clarified the relationship between the citizens and the state as well as the rights and duties of citizens (Isin & Turner, 2007, p.6). In this relationship, states are the main rights givers to those in their territory. Since the late eighteenth century, the idea of the state more specifically corresponds to nation states and they began to identify citizens by ratifying identity papers, such as passports and birth certificates (Isin & Wood, 2007, p.4). But when it comes to modern citizenship, the first question to ask is: “Is it still solely related to the sovereign state concept?” Comprehensive studies note that modern citizenship is more inclusive than attributing to the mere autonomy of a nation state.

Turner approaches the concept of citizenship in a broader sense and defines it as a “set of practices (juridical, political, economic and cultural) which define a person as a competent member of a society, and which as a consequence shape the flow of resources to persons and social groups” (1993, p. 2). Isin and Nyers similarly perceive citizenship as “an institution, mediating rights between the subjects of politics and the polity to which these subjects belong” (2014, p. 1). Practices and rights, rather than a binding, are in the foreground in these definitions and in this sense, citizenship rights are not solely limited to states. Geographical units and international covenants have become a part of the citizenship discussions (Isin & Nyers, 2014; Pfetsch, 2013; Stewart, 1995). Today we can talk about different citizenship regimes, such as postcolonial citizenship, neoliberal citizenship and South American regimes, which can all indicate different combinations of rights and duties of citizenship (Isin, & Nyers, 2014, p. 3). Being a member of an international organisation also creates a new type of belonging. By using different terminology, such as “European citizenship”, “post-national-citizenship” and “EU citizenship”, scholars have indicated a broader sense of citizenship that has not emerged from state-individual relations, but rather, is the product of common norms and values (Bellamy, & Warleigh, 2001; Linklater, 1996; Soysal, 1994; Yeğen, 2004). These studies underline that individuals are entitled to enjoy civil, political and social rights not only through national citizenship but also through universal personhood. In fact, Hindess argues “the most pervasive” factors affecting the character of citizenship are “the activities of international development agencies and financial institutions in promoting ‘good governance’” (2002, p.127). This contemporary perspective transforms the nation state’s unique position in the conceptualisation of citizenship. At this point, we can ask the second question regarding modern citizenship: “What happens to those who can enjoy citizenship rights? Do they still need a legal binding contract to enjoy those rights?”

If we go back to the history of citizenship, Aristotle’s definition relates to enjoying equal rights with other citizens and participation in the public affairs of Greek city-states. However, this

right was restricted to free, wealthy and educated adult males (Pfetsch, 2013, p. 87). While the right to participate in public affairs is the right of citizens in Greek city-states, even Aristotle himself was ineligible for participation in citizenship, because it was attributed to a limited number of inhabitants (Smith, 2002, p. 106). This very exclusive citizenship notion has been greatly transformed from the first time it was used. When we think about contemporary citizenship, it is observed that the active form yields its place to the passive one. In other words, while the action was important in the civic republican conception of a citizenship, needs and entitlements that sovereign and morally autonomous individuals have are salient in the liberal individualist conception (Oldfield, 1994, p.178). In the contemporary understanding, citizenship is not solely for the wealthy, but rather, inclusive and egalitarian. For example, in Sweden, even some immigrant non-citizens can enjoy civil, political and social citizenship thanks to the reforms undertaken in 1976 (Schierup, & Ålund, 2011, pp. 47-48). In fact, non-citizens are allowed to vote in local elections and their cultural rights are guaranteed under the country's minority policy (Guiraudon, 1998). It is possible to see similar examples in Germany, the Netherlands and France. Taken together, modern citizenship indicates an inclusivity and people can enjoy certain rights even if they are not members of a nation state. At this point we can ask a third question: What kind of rights do we mean with the advent of modern citizenship?

In his seminal work, Marshall categorises citizenship rights into three types: civil, political and social. In this conceptualisation, civil rights represent the rights for freedom, such as liberty, freedom of speech, faith and the right to own property, whilst political rights pertain to political participation. Marshall emphasises the right to participate in the exercise of two significant institutions, namely parliament and the council of local governments. The last category is composed of rights related to social and economic welfare, which are most closely connected with the educational system and social services (Marshall, 1950, pp.10-11). The transformation of the nation state has also affected the rights and duties of citizens (Yeğen, 2008, pp. 98-99). In contemporary thinking, the rights also extend to the sexual, cultural and environmental fields (Isin, & Nyers, 2014, p. 2).

When defining the group of people that can enjoy rights granted by citizenship, this is not only about the rights themselves. State individual relations essentially refer to the rights and duties; individual citizens gain rights when they perform their citizenship duties and participate (Heater, 2008, p. 2). The absence of certain rights often attached to citizenship can negatively affect individuals' welfare. Glenn (2011, p. 2), for instance, draws attention to those who are disadvantaged in the labour market and are often limited to low-paid jobs in the informal economy because of their lack of citizenship. Many immigrants face this disadvantage.

The meaning and content of the citizenship have greatly transformed in the modern era. However, the essence of the citizenship remains, namely equality. Citizens are full members of communities and they have equal rights, i.e. the "principle of equality" (Marshall, 1950, p. 8), while each country can have its own rules to regulate the boundary between citizens and non-citizens (Tilly, 1997, p. 601). These rules are important for defining aliens. Thus, citizenship is not only about enjoying rights, for it is also about equality with other inhabitants within society. It is at the discretion of the state to determine the rules and conditions regarding how immigrants can acquire citizenship rights (Koopmans, et al., 2012, p. 1203) as well as who will be equal – at least theoretically – with the rest of the society. Equality can also raise practical concerns, for example, if you are an overseas student in the UK, you will have to pay higher tuition fees than British citizens (Sirkeci, 2010, p. 96).

Even if immigrants can enjoy the most liberal rights within their host societies, the final aim is often to acquire citizenship status. There are three routes to doing so in the age of neo-liberalism: First, *jus sanguinis* citizenship (citizenship by parentage) is the primary channel, as the Bauböck et al. (2013) study based on European countries indicates. Second, *ius soli* (citizenship by place of birth), although some countries are reluctant to grant this.¹ The third way is naturalisation. Non-citizens apply for citizenship and if the state authorities approve the application, then the naturalisation process occurs. This process is regulated and restricted by citizenship laws, with conditions and requirements differing from one country to another (Reichel, 2011, p. 1). The common theme is the states' aim to discover ties between the individual and polity by probing an "individual's physical link with the state (residence), his or her knowledge of the socio-cultural norms of the polity (language and culture tests), moral standing (proof of non-conviction), and financial sustainability (proof of income)" (Džankić, 2012, p. 1). When naturalisation is received, the immigrant has the same rights and duties as the native citizens (Fortier, 2013, p. 698) and Bauböck et al. (2006, p. 24) are right to define this as the "naturalization as the crowning of a completed integration process".

While these three are the traditional ways to obtain citizenship status, two further specific and non-traditional modes can be added. States can grant citizenship to those who have exceptional talents, such as in science, the arts or athletics. For example, various athletes were granted citizenship, such as: Elvan Abeylegesse (sprinter) and Naim Suleimanov (weightlifting) by Turkey, Zola Budd (sprinter) by Britain, and Bernard Lagat (sprinter) by the US. Shachar (2011) refers to this as "Olympic citizenship". On very rare occasions, persons receive citizenship because of their extraordinary ability or bravery. Mamoudou Gassama, a Malian migrant, is an example of this, whereby he received citizenship after his display of bravery in helping a small boy dangling from a balcony in Paris, France (BBCNews, 28 May 2018).

Citizenship by investment, which is the focus of this article, is a result of neo-liberal policies (Mavelli, 2018; Shachar, 2017; Shachar & Baubock, 2014; Van Fossen, 2007). In this type of citizenship, individuals might not necessarily need to reside in a country before naturalisation (Džankić, 2012, p. 3). In many cases, when a sufficient amount of money is invested or paid, citizenship is readily available to anyone (Tanasoca, 2016, p. 171). According to Spiro (2018), this type of citizenship is a symptom of the long-standing decline in the meaning of citizenship owing to globalisation.

Today, an increasing number of countries offer smoother, faster and easier access to citizenship status for entrepreneurs and investors. Even the UK, which has peculiar immigration policies, offers a Tier 1 immigration programme for those who want to invest in the country. Specifically, people can obtain a UK residence permit if they invest £2 million in UK-registered companies. However, the applicants first need to have resided in the UK for a certain period of time (golden-visas.com, 2019). A debate flared up when investment was offered as a direct route to citizenship without the requirement of having lived in the country before naturalisation. This suggestion came from Malta in 2013, where it was announced that applicants could acquire Maltese citizenship if they had 650,000 Euros (spiegel.de, 2013).^{2,3}

When we think of immigration and citizenship programmes, it is possible to see that there have always been financial aspects. First, one needs financial capital in order to move from one country to another.⁴ Second, financial capabilities are crucial both for covering migration routes and settling in a country. As Borna and Stearns (2002, p. 194) underscore, the turning of citizenship into an economic good is a direct consequence of paying hefty fees to immigration lawyers

and or for smugglers. In other words, citizenship has long been a commodity that states sell and persons buy, but this was conducted tacitly in the past, whilst today's current citizenship for sale is quite explicit. Barbulescu (2018) defines this neo-liberal opportunity as "Global Mobility Corridors for the Ultra-Rich". The idea of this citizenship is compatible with the semi-permeable nation state migration policies in the age of neo-liberalism. New barriers are constantly being built against migrants, while nation states often adjust their immigration laws to attract entrepreneurial immigrants and professionals (Ong, 2005, p. 698). Since the main determining factor of this type of citizenship acquisition is the size of the applicant's bank account, it is also often called golden citizenship.⁵ This is apparently an increasingly widespread approach. In the following section, we discuss the ethical issues in the case of Turkey.

3. Golden Citizenship in Turkey

Citizenship status determines individual and state relations, whilst also setting out the terms for acquiring it for outsiders. In the neo-liberal era, this concept not only specifies an institution to define who can enjoy rights and who cannot, but also a commodity that states sell. This transformation in the meaning of citizenship has also occurred in the case of Turkey. The concept of citizenship has come a long way prior to it pertaining to an investment scheme. That is, the citizenship concept in Turkey has greatly evolved since the establishment of the modern Turkish Republic in the 1920s. Struggles over social and political hegemony within states can contribute to such transformation (Rubin, 2017). So when the new state was established, it was an important task to determine "who would be defined as a Turkish citizen in terms of the Constitution and the laws" for founders (Soyarık-Şentürk 2009, p.125). Accordingly, citizenship is not only about status, for it was also a strategic tool that the state founders relied upon for the construction of the new society and state (Rubin, 2017; Toktas, 2005).

Article 88 of the Law of Teşkilat-ı Esasiye dated 1924 stated that "the people of Turkey, regardless of their religion and race, are Turkish in terms of citizenship" (Kirişçi, 2000, p. 1).⁶ In terms of citizenship rights and freedoms, this constitution was regarded as liberal, as citizenship was not limited to race, religion, sect or blood, but rather, territorial national identity (Ince, 2012, p. 43- 44). "The core of nationality is not race but political loyalty" (Turan, 1969, p.73 as cited in Soyarık-Şentürk 2009, p.126). Ince points out that in this constitution the term "Turk" is used instead of individual or citizen (2012, p. 44- 45).⁷ According to Soyarık-Şentürk (2009 p. 127), this adoption was in line with the French or Western view of citizenship, because it was based on territory as well as the sign of the "formation of a new nation", while individual rights were largely ignored in the early republican period. While "Turkishness" was not clearly defined by race or blood ties, this notion of citizenship in the early Republican period was alluding to a prime position of Turks and Muslims. The 1924 Constitution clarified that the state was "Turkish" (Sirkeci, 2003, p. 113) and its official religion was "İslam" (Ince, 2012, p. 46), although in 1928 the religion clause was removed, but the "Turkishness" has remained intact ever since.

Unlike the 1924 Constitution, the concept of Turkish citizenship gained more nationalistic character afterwards. According to Çağaptay (2003, p. 601), once the secular Turkish Republic was established, the regime moved on to implementing nationalist policies. The Law on Settlement, 1934, was adopted in this period and it paved the way for settlement of refugee and immigrant groups, such as Muslim Bosnians, Albanians, Circassians and Tatars, while rejecting Christian Orthodox Gagauz Turks and Shia Azeris. This legislation also determined the future application of the citizenship concept, which helped Sunni refugees and immigrants settle in Turkey easily (Kirişçi,

2000). The focus of The Law on Settlement was the adoption of Turkish culture, thus reflecting the policy of Turkification. Soyarık-Şentürk (2009, p. 130) points out the change in the type of citizenship from the French to the German model, emphasising descent and cultural unity.

This period, when a single party and the state elite were dominant, ended with the victory of the Democratic Party in the 1950 general election. Rubin (2017, p. 877) argues that this prompted only a minor change in the citizenship approach despite many changes in the economic sphere and religious tolerance. That is, despite the liberalisation moves, citizenship rights were not enhanced. Dönmez argues that the first ever military coup in 1960 was expected to affect the notion of citizenship in Turkey and that the 1961 Constitution represented dramatic changes regarding citizenship. Scholars mostly argued that this was an attempt to adopt more active citizenship, as citizen rights were enhanced (Dönmez, 2011, p. 8). In addition to the expansion of rights and liberties regarding the individual, the freedom to demonstrate and form associations were installed in this constitution. It was also considered as a transition period leading to a social welfare state based on the concept of active and liberal citizenship (Soyarık-Şentürk, 2009, p. 133). Despite these liberal tones in the new constitution, the nationalist and Kemalist nature of the state and the associated discourses meant the criminalisation of identities other than ethnic Turkish.

One of the turning points in the history of Turkish political structure was 1980, when another military intervention took place and this coup resulted in the proclamation of the 1982 Constitution. In addition to political transformation, just before the coup, there were the 24 January 1980 policies regarding the full adoption of neo-liberal economics and a free market economy. The application of these decisions paved the way for curbing social welfare in order to adopt a more competitive market (Öke, 2011, p. 229).

Öke points out that this not only pertained to the adoption of neo-liberal economic policies, for it also constituted a reorganisation of the state and society (2011, p. 229). As a reflection of this, the 1982 Constitution promulgated after the 1980 military coup, applied considerable limitations to citizenship rights (Soyarık-Şentürk, 2009, p. 134). This constitution was promoted as a tool to uphold original Kemalist and Islamic values in order to avoid communism and other movements that the state elites did not approve of (Rubin, 2017, p. 878). Üstel argues that the militant citizenship concept of the 1940s was brought back in the 1980s, thus limiting civil participation (2016, p. 278).

In the 1990s, the constitutional citizenship concept became popular and the debates were influenced by Islamic, Alevi and Kurdish movements criticising nation state via citizenship regime (Dönmez, 2011, pp. 9-10). In the late 1990s, the religion and ethnicity-based citizenship was largely displaced by constitutional citizenship (Üstel, 2016, pp. 293-294). Another possible driver for change in this period was the EU, which became influential in almost all domestic policy changes in the context of harmonisation and that included citizenship (Hurmi & Temel, 2011, p. 214; Vardar, 2009, p. 95). The aim of EU membership also coincided with Kurdish ethno-political struggle. These two factors were jointly manifesting demand for rethinking the idea of Turkish citizenship (Yeğen, 2004, s.53).

The Justice and Development Party (JDP) rule of 17 years can be examined in terms of two periods regarding citizenship rights: before 2011 and after 2011 (Rubin, 2017). Rubin (2017, p. 880-81) states that the first term of JDP represented a more inclusive, liberal and comprehensive understanding of citizenship. The first period of the JDP government was marked by considerable enthusiasm towards EU membership and thus, a swathe of legal amendments, including constitutional reforms, was prioritised (Dönmez, 2011, pp. 11-12). However, after the electoral victory of 2011, the government introduced considerable restrictions on citizenship rights and quoted

domestic and external security concerns as justification (Rubin, 2017, p. 881). This process intensified subsequent to the attempted coup d'état on July 15, 2016.

While citizenship rights became more limited after 2011, new ways for acquiring Turkish citizenship compatible with the neo-liberal perspective were introduced. The Turkish Citizenship by Investment (TCBI) scheme was set up in 2017, and amended in 2018.⁸

4. Ethical Concerns Regarding TCBI

So far we have discussed the evolution of the notion of citizenship and the application of the concept in modern Turkey. Similar to many other nations, we can say that Turkey is reluctant to grant citizenship to foreigners, but at the same time, new ways of obtaining it have been introduced for a select group of people. "Golden citizenship" is such a route and it raises ethical concerns. These are valid for Turkey as well and in fact, its selective and restrictive asylum policies make the situation even more severe and unethical. While Turkey does not grant full-fledged refugee status to non-European people and limit duration of their stay in Turkey, Citizenship by Investment programmes offer the rich people –including non-Europeans– an opportunity to acquire Turkish citizenship. This clearly creates a discrepancy between paid -for citizenship and refugee policies.

Golden citizenship has advocates and adversaries. Some consider selling citizenship is acceptable. For instance, Armstrong (2018) argues that it is not always wrong as the programme could contribute to revenues. According to Džankić (2018), compulsory residence for the investor before qualifying for citizenship should be expected for a better integration. Kochenov (2018), following an economic perspective, claims that states have the complete right to determine the price [of citizenship]. Magni-Berton (2018) argues there is nothing wrong with selling citizenship; in fact, it is a reasonable way to become a citizen when the naturalisation processes are too difficult. He agrees that financial investment is prioritised over human investment in these programmes. Kochenov (2018) finds citizenship by investment programmes more transparent than other naturalisation routes. Hidalgo (2016) also thinks that, if states have the right to prevent foreigners coming through immigration, they also have the right to suggest an option of buying citizenship. According to Becker, this might even be an option for legalising irregular migrants in the USA (Becker, 1987).

Against these rather pragmatic views, Tanasoca (2016) warns about the risk that such a "trade of citizenship" could undermine one of the main features of membership: "to promote reciprocity among community members", because investors will not be motivated by such reciprocity, but rather, by the transaction value in a market context with a reasonable potential to withdraw from the "deal" anytime, if this trade is not profitable anymore (2016, pp. 179-180). Shachar (2018) strenuously agrees with the idea that this kind of facilitation harms the philosophy of citizenship and the ideal of social solidarity. While the logic behind citizenship is always related to certain values, such as participation, governance and solidarity, transforming it into a commodity would make all these values questionable (Shachar, 2018, p. 11).

The golden citizenship practices also cause other unwanted side effects in terms of creating unfairness, inequality and [unjustified] stratification in the community (Espejo, 2018; Shachar, 2018; Tanasoca, 2016). That is discriminatory and these practices breach the equal opportunity principle (Tanasoca, 2016, p. 182). Prioritising citizenship rights for investors undermines the democratic and egalitarian principles that birth right citizenship and residence-based naturalisation can provide (Bauböck, 2018, p. 40). Citizenship becomes "a business contract" between the government and the investor (Džankić, 2012a) which raises the key ethical question about this threatening the equality principle as well as the traditional connotations of citizenship.

The citizenship by investment programme of Turkey is not immune from the ethical criticisms set out above. However, the Turkish case is even more complicated due to peculiar immigration policies that differ from those of EU member states. For example, Turkey still retains its geographical limitation to the 1951 Geneva Convention, possibly to prevent mass refugee inflows, especially after the arrival of Syrians, which has been ongoing since 2011 (Sözen, 2016, p. 161). Syrians and others are allowed in on humanitarian protection grounds. Hence, Turkey discourages the asylum-seeking route to citizenship, but at the same time, affordable golden visas introduced recently facilitate access to Turkish citizenship to support government finances. Shachar's comment about 21st century citizenship fits into this context too: "States are proactively creating and exacerbating inequalities through their selective and managed migration policies, setting up easy-pass citizenship for some while making membership more restrictive and difficult to achieve for others" (Shachar, 2018, p. 10). The implication for Syrians in Turkey, for example, is clear. According to a news report in 2017, about 22,000 Syrian families were waiting to invest two million dollars in Turkey in order to obtain citizenship (sputnik, 14.01.2017). This leaves the remaining millions staying as "guests" or "persons under temporary protection", which raises ethical concerns.

According to the Ministry of Interior Directorate General of Migration Management, there are 3,622,284 Syrians residing in Turkey under temporary protection.⁹ As aforementioned, the first group of Syrians arrived in 2011 and since then their number has dramatically increased. Whilst the temporary protection regime¹⁰ of the country provides a certain level of protection and assistance, this is not a sufficient solution to surmount their vulnerabilities. As Sirkeci argues, deprivation of citizenship rights for immigrants harms the rights and freedoms of those who have come to live in Turkey (Sirkeci, 2010, p. 97). Baban et. al.'s study in 2017 also forecast the precarious nature of Syrians' existence in Turkey and their differential inclusion without having full citizenship (2017, p. 46). Recent developments in Istanbul have witnessed that Syrians are quite vulnerable without citizenship rights. The governorship has given notice them to return to provinces where they have registered and what is more, they are allegedly being deported to Syria.¹¹ This becomes even more complicated if citizenship is tied down to individuals' financial capabilities. When citizenship rights are available for wealthy foreigners, Syrians under temporary protection are faced with restriction of one of the basic human rights enshrined in the Universal Declaration of Human Rights: the right to freedom of movement.¹² If deportations are true, the fundamental rule of the protection of refugees, the principle of non-refoulement, is also being violated.¹³

Regarding deportation claims, authorities in Istanbul released a statement and said only irregular migrants entering Turkey will be deported.¹⁴ People move to avoid and overcome insecurities, seeking comfort and human security. (Cohen, & Sirkeci, 2011; Sirkeci, 2007). The administrative classifications of migrants disregard this basic driver, i.e. escaping human insecurity and people are treated differently as a result (Sirkeci, et al., 2019). So, when persons become "irregular" or "illegal" in the eyes of the authorities, their security is not guaranteed, as the deportation of 55,894 individuals in 2018 demonstrates (see e.g. trthaber, 06 .01. 2019). "Purchasing citizenship" is now an alternative option available to those seeking to avoid insecurity, but only if they have adequate finances. Clearly, this is not an option for irregular migrants, as one of the reason for irregularity is economic insecurity (Cummings, et al., 2015).

Syrians' inexplicit and restrictive status in Turkey also undermines the hopes for their integration. Immigrant integration and acquisition of citizenship are interlinked, with it being argued that failure to integrate is partly related to the reluctance in granting citizenship rights to immigrants (Sirkeci, 2010, p. 97). The future of about four million Syrians in Turkey is dependent on the

availability of citizenship acquisition. However, raising different bureaucratic and financial barriers to citizenship acquisition would cause an adverse impact on the rights and freedoms of immigrants living in Turkey. What is more, they will continue to be *others* in the eyes of many and several studies have underlined the everyday discrimination faced by Syrians (e.g. Gökgöz, et al., 2017; Polat, & Eda, 2017; Terzioğlu, 2018).

Whilst Syrians constitute an important share of total migrant stock in Turkey, they are not the only ones that expect equal rights with Turkish citizens. The UNHCR has recorded a considerable number of refugees from especially Iraq, Iran, Afghanistan, and Somalia.¹⁵ These persons fleeing war and persecution cannot receive refugee status in this country and are also subject to mass deportations from time to time (see for example Amnesty International, 24.04.2019). However, the Ministry of Interior has declared that 1,000 foreign citizens mostly from Middle Eastern countries have acquired Turkish citizenship through the investment programme. The Ministry has also reported that 1,700 applications are pending (Soylu, 2019). The nationalities of these applicants are significant in terms of who is included and excluded (Table 1).

Table 1: Citizenship by Investment Applications in Turkey, 2019

Country	Number of applicants
Iran	253
Iraq	143
Yemen	97
Afghanistan	94
Syria	59
Palestine	58
Jordan	57
Egypt	45
China	21
Azerbaijan	16

Source: TC, Interior Ministry, (as cited in Soyulu, 2019)

When we look at the chart, it is clear that applications are mostly from those countries from which Turkey does not accept refugees. In other words, it is completely acceptable for Turkish authorities to provide permanent residence for financially well-off individuals, while thousands of refugees are still living in limbo and are at risk of serious human rights violations.

5. Conclusion

The modern era has paved the way for a great transformation in the meaning and content of citizenship. The meaning of the term has reached beyond the boundaries of nation states, the rights and duties of citizens have widened and a far more inclusive definition of citizenship has come forth. Despite these substantial changes in the concept, the essence is still there: citizenship is about equality with other inhabitants within society. Immigrants struggle to obtain citizenship status from the countries they migrate to even if they can enjoy a certain degree of citizenship rights due to the development of international organisations and norms. However, the egalitarian perspective becomes impossible when citizenship is bought and sold, as is increasingly happening today. In fact, this type of citizenship has the potential to harm several elements of society, including solidarity as well as egalitarian and democratic principles. In this paper, we indicated that despite the expansion of the concept of citizenship towards more inclusive rights reaching beyond the boundaries of nation states, the recently spreading “golden visa” schemes tend to push citizenship concept into a narrow understanding.

Turkey, as a country where neo-liberal economic rules prevail, recently began to offer citizenship through an investment scheme. The Golden Visa scheme is seen as a new revenue stream, which countries need in the face of a serious financial crisis. According to an official news agency, “Turkey has received over 250 applications for citizenship through investment worth nearly \$100 million as of the end of 2018” (Ergocun, 2019). However, these policies bring forth serious ethical issues as they mean Turkey has differential barriers to immigration. Turkey does not grant full-fledged refugee status to non-European people and limit duration of their stay in Turkey. But, Citizenship by Investment programmes offer the rich people –including non-Europeans- an opportunity to acquire Turkish citizenship. This clearly creates the discrepancy between paid-for citizenship and refugee policies. That is, the country provides residence opportunities for those who are financially well off, while building strict barriers to persons in need. In other words, economic based discrimination is embodied in the recent citizenship policies of the country. “It is wrong to admit rich immigrants simply because they will pay big money, and that it is wrong to deny admission to the poor simply because of their economic hopes” argues Espejo (2018, p.44). In the Turkish case, it is possible to add that it is also wrong to deny admission to the poor with their hope for survival.

Notes:

1. Baüböck et al. (2013) point out that Iceland, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Sweden and Turkey have a very low jus soli provision.
2. The European Parliament objected to these plans by saying: “any other national scheme that may involve the direct or indirect outright sale of EU citizenship, undermines the very concept of European citizenship” (European Parliament, 2019).
3. The EU continues to raise its concerns regarding this issue by releasing reports on the risks of investor citizenship and residence schemes. Accordingly, these schemes pose serious threats in the following areas: security, money laundering, circumvention of EU laws, tax evasion as well as some other problems regarding transparency and governance (European Commission, 23.01.2019).
4. Sirkeci et al. (2019) argue that there are four areas of qualification that make migration possible: physical capability, financial capital, human capital and social capital.
5. The golden visa is the type of visa that immigrants can obtain through investment programmes and they might not need to reside in the country to do so.
6. Nevertheless, this is controversial as the same constitution includes many articles excluding those who cannot speak Turkish and uses the word “Turk” as the sole term to refer to citizens.
7. See also Article 10,11,68, of the 1924 Constitution for the usage of “Turk” instead of citizen.
8. “Article 12 of the Turkish Citizenship Law No. 5901 allows foreign investors to acquire Turkish citizenship in exceptional terms; with 18.09.2018 dated and 106 numbered Presidential Decree, amendatory new arrangements have been made regarding the amounts mentioned in the Article 20 of the Regulation on the Implementation of the aforementioned Law. Accordingly, who make fixed capital investment at least 500.000 US Dollars or equivalent foreign currency or equivalent amount of Turkish Lira and for whom certificate of conformity is issued by the Ministry of Industry and Technology, who purchase the immovable property at least 250.000 US Dollars or equivalent foreign currency or

equivalent amount of Turkish Lira and attached annotation at land registration not to sell this property for three years and for whom a certificate of conformity is issued by the Ministry of Environment and Urbanization, who employ at least 50 employees and for whom a certificate of conformity is issued by the Ministry of Family, Labor and Social Services, who invest at least 500.000 US dollars or its equivalent in foreign currency or equivalent amount of Turkish Lira and make commitment to hold the amount of deposits for three years at banks operating in Turkey and for whom a certificate of conformity is issued by the Banking Regulation and Supervision Agency, who purchase public borrowing instruments at least 500.000 US Dollars or equivalent foreign currency or equivalent amount of Turkish Lira and make commitment to hold these instruments for three years and for whom certificate of conformity is issued by the Ministry of Treasury and Finance, who purchase a real estate investment fund participation share or venture capital investment fund participation amount of at least 500.000 US Dollars or equivalent foreign currency or equivalent amount of Turkish Lira and make commitment to hold these participation shares for three-years and for whom a certificate of conformity is issued by the Capital Market Board” (TC Ministry of Interior, 2019).

9. The number is valid for 27.07.2019, (Republic of Turkey Ministry of Interior Directorate General of Migration Management, 2019) available at: <https://www.goc.gov.tr/gecici-koruma5638>.
10. See , *Temporary Protection Regulation no:* No. 29153 22 October 2014, available at: <https://www.refworld.org/docid/56572fd74.html> See (Geçici Koruma Yönetmeliği, No:29153).
11. Regarding news about it, please see Fahim and Zakaria, 22.07.2019.^[11]
12. Article 13 of the Universal Declaration of Human Rights. (“Declaration of Human Rights,” 1948). (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.
13. The 1951 United Nations Convention relating to the Status of Refugees Article 33(1): “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”
14. See the statement (The Governorship of İstanbul, 22.07.2019)
15. Numbers according to the UNHCR: 170.000 Afghans, 142.000 Iraqis, 39.000 Iranianans, 5.700 Somalis , 11. 700 other nationalities (UNHCR, 2019)

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