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# Türkiye

*Syrians in Türkiye – the Temporary Protection Regulation and its implementation*



This report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed. It should thus be weighed against other country of origin information available on the topic.

The report at hand does not include any policy recommendations. The information does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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The Danish Immigration Service  
Farimagvej 51A  
4700 Næstved  
Denmark

Phone: +45 35 36 66 00

[newtodenmark.dk](http://newtodenmark.dk)

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## Executive summary

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This report focuses on the conditions for Syrian refugees living in Türkiye, including Turkish legislation as well as the implementation thereof. Since October 2014, Syrians fleeing to Türkiye have been granted temporary protection (TP) rather than international protection. Even though the Syrians are given temporary stay, the TP ID cards are issued without expiration date. Currently, 3,298,817 Syrians are granted TP status in Türkiye, according to official numbers. Pursuant to the Temporary Protection Regulation, this status grants them access to socio-economic rights such as healthcare, education, work permits and housing.

Since June 2022, the Turkish authorities have stopped *prima facie* issuing of TP status for Syrians. Instead, the Turkish authorities are assessing the cases on an individual basis. There are regional differences in the implementation of TP status.

The Syrians' access to the Turkish labour market is hindered due to bureaucratic difficulties. Around one million Syrians are working informally in Türkiye. Syrian children face challenges in pursuing their studies at Turkish schools due to peer bullying, economic burdens and language barriers. Out of 1,124,000 Syrian children, 35 percent have left the educational system.

Syrians face increasing difficulties in accessing accommodation because of the hyperinflation that has been affecting Türkiye during the latest years. Many areas in Türkiye have been closed for settlement of foreigners, which makes it harder for the Syrians to find adequate housing.

In order to travel to other provinces than the province of registration, Syrians must obtain a permission from the authorities; otherwise, they risk legal consequences such as fine, detention or deportation.

Syrians can apply for family reunification with family members in Türkiye regardless of whether the family members are Turkish citizens or living in Türkiye under TP status.

Syrians with TP status do not have the right to obtain Turkish citizenship regardless of how long they stay in Türkiye. However, they are able to obtain Turkish citizenship by marrying Turkish citizens or investing in Türkiye. Another possibility is being invited by the Turkish presidency to apply for exceptional citizenship. By December 2022, 221,671 Syrians have received Turkish citizenship.

Children of Syrian parents who are born in Türkiye do not automatically become Turkish citizens. Children to parents with TP status have the same status as their parents. Many Syrians face difficulties accessing the Syrian consulate in Istanbul to obtain Syrian documents for their children, e.g. proof of Syrian citizenship. For these reasons, there exists a risk of statelessness for these children.

The TP status will be revoked if a Syrian leaves Türkiye, whether they exited legally or illegally or if the Syrian is deemed a threat to public order, national security or public health.

The Turkish authorities decide on an individual basis whether to re-instate the TP status or deport the Syrian back to Syria if they return to Türkiye after losing the TP status. According to official numbers, 500,000 Syrians have returned to Syria, however, it is unclear whether these are voluntary returns, forced returns or deportations.

Syrians who face deportation from Türkiye can appeal the deportation decision. However, it is difficult for many Syrians, because they are unaware of their rights. There are cases of Syrians who were forced or coerced to sign the voluntary return documents and thus sent back to Syria.

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## Introduction

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This report focuses on the conditions of Syrians under the Temporary Protection Regulation (TPR) in Türkiye and its implementation by Turkish authorities as well as Syrians' access to social services, family reunification and Turkish citizenship including barriers to obtain these. Moreover, the report examines proceedings related to voluntary return and deportations.

The Danish Immigration Service (DIS) in consultation with the Danish Refugee Appeals Board and the Danish National ID Centre drew up the Terms of Reference (ToR) for the report. The Terms of Reference (ToR) are included in Annex 2. An advisory group on Country of Origin Information (Referencegruppen) provided input to relevant sources to be consulted for the report. The EUAA COI Report Methodology has been applied in the writing process.<sup>1</sup>

The purpose of the report is to provide updated background information for use in processing asylum cases.

The report is based on a synthesis of the information from interviews with 16 oral sources with expertise on the topics and publicly available open sources, such as Turkish legislation, publicly available reports and news articles. The interviews were conducted during a fact-finding mission to Türkiye on 4-10 June 2023 as well as online interviews afterwards.

The oral sources consist of representatives from non-governmental organisations (NGOs), international organisations, lawyers, scholars, the Turkish Presidency of Migration Management (PMM), a diplomatic source and a Western official organisation.

The sources interviewed were selected by virtue of their expertise, merit and experience relevant to the ToR. Most interviews were conducted entirely in English, however two sources were partly interviewed in Turkish via an interpreter. Multiple sources were chosen to ensure precise and balanced data.

The consulted sources were briefed about the purpose of the report and that their statements would be included as an annex in the report. Minutes were written for each interview and forwarded to the sources for approval. This gave the sources the possibility to amend, comment or correct their statements. All sources approved their statements, which can be found in Annex 1.

The sources were consulted on how they prefer to be referenced in this report and are thus referenced according to their own request.

The Danish Immigration Service (DIS) has put an effort in presenting the views of the sources as accurately and transparently as possible. The individual sources should not be held accountable for the content of the report.

For the sake of transparency, accuracy and reader-friendliness, the paragraphs in the minutes of the interviews in Annex 1 have consecutive numbers, which are used in the footnotes when referring to the statements of the sources.

The report does not include all details and nuances provided by the sources. During the interview, the sources may have highlighted issues not addressed in the ToR. Since these issues could be relevant to refu-

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<sup>1</sup> EUAA, *EUAA Country of Origin Information (COI) Report Methodology*, February 2023, [url](#)



## SYRIANS IN TÜRKIYE – THE TEMPORARY PROTECTION REGULATION AND ITS IMPLEMENTATION

gee status determination, they are included in Annex 1, but they are not addressed in the report itself. Furthermore, sources highlighted the issue of conditions in removal centres, which was not addressed in the ToR. This issue has been included in the report as it was deemed relevant for the report.

Turkish legislative sources have been used in the report, as the available English translations were not always up to date. Recent English translations of the Turkish legislation used in this report are accessible in the bibliography.

Given the changeable situation in Türkiye, the information provided may quickly become outdated. The research and editing was finalised on 8 September 2023.

The report has been externally peer reviewed by Jakob Lindgaard, a Senior Analyst at the Danish Institute for International Studies (DIIS), in accordance with the EUAA COI Report Methodology.

The report is available on the website of the Danish Immigration Service (DIS) <https://us.dk/> available to all stakeholders in the refugee status determination process as well as to the public.

## Abbreviations

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<b>AA</b>	Anadolu Agency
<b>AIDA</b>	Asylum Information Database
<b>COI</b>	Country of Origin Information
<b>DIS</b>	Danish Immigration Service
<b>DRC</b>	Danish Refugee Council
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>ECRE</b>	European Council on Refugees and Exiles
<b>ESSN</b>	Emergency Social Safety Net
<b>EUAA</b>	European Union Agency for Asylum
<b>HRW</b>	Human Rights Watch
<b>IP</b>	International Protection
<b>LFIP</b>	Law on Foreigners and International Protection
<b>MEE</b>	Middle East Eye
<b>MEMO</b>	Middle East Monitor
<b>PDMM</b>	Provincial Directorate for Migration Management
<b>PMM</b>	Presidency of Migration Management
<b>SED</b>	Social and Economic Support
<b>ŞEY</b>	Conditional Education Help
<b>TAC</b>	Temporary Protection Accommodation
<b>TP</b>	Temporary Protection
<b>TPR</b>	Temporary Protection Regulation
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>USDOS</b>	U.S. Department of State

## Glossary

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<b>PMM</b>	The Presidency of Migration Management (PMM) is responsible for activities in relation to foreigners' entry into Türkiye (including international protection, temporary protection and protection of human trafficking victims) as well as their stay and exit. PMM implements policies and strategies in the area of migration. Moreover, PMM facilitates the coordination between different institutions and organisations in this regard. <sup>2</sup>
<b>PDMM</b>	The PMM has Provincial Directorates for Migration Management (PDMMs) in all of Türkiye's 81 provinces. <sup>3</sup> Under regular procedures, applicants of international protection and temporary protection should register with the PDMMs. <sup>4</sup>

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<sup>2</sup> PMM, *About us*, n.d., [url](#)

<sup>3</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 27

<sup>4</sup> PMM: 9; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 44

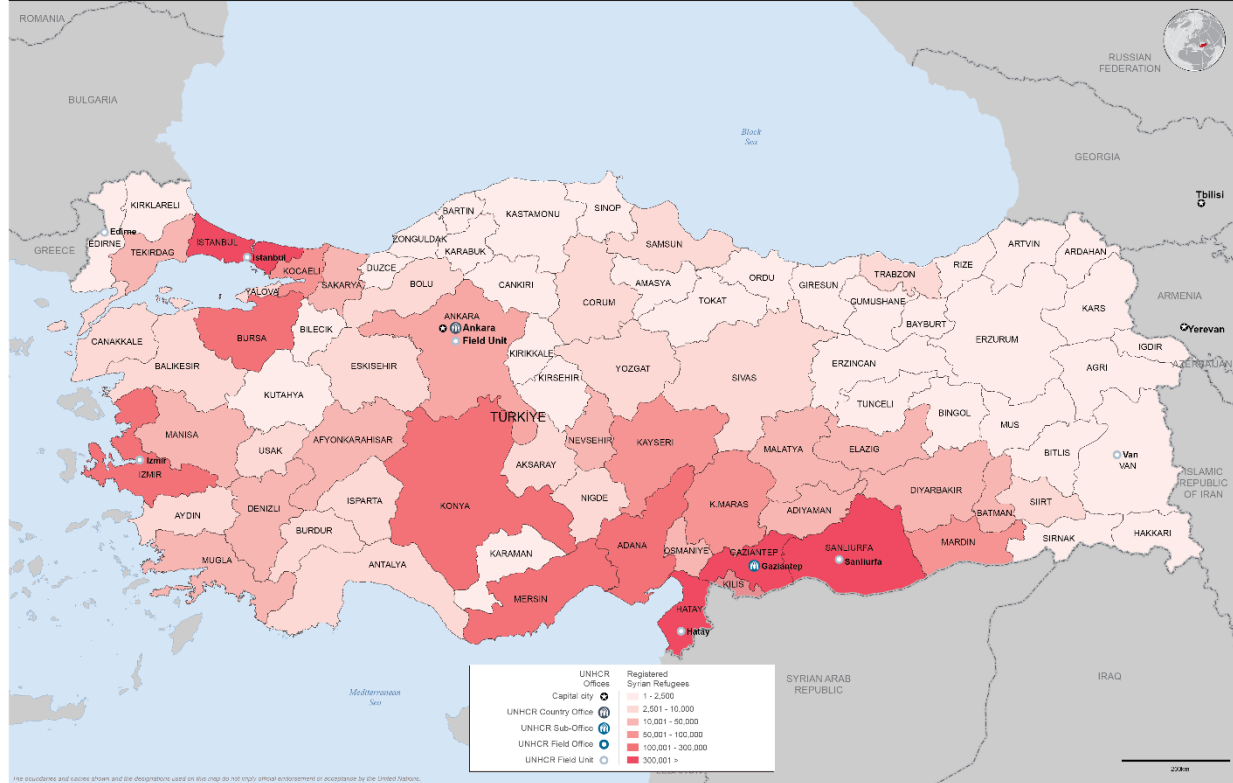
# SYRIANS IN TÜRKİYE – THE TEMPORARY PROTECTION REGULATION AND ITS IMPLEMENTATION

## Map

### UNHCR Türkiye:

#### Provincial Breakdown of Syrian Refugees in Türkiye

as of 13 July 2023



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.  
Creation date: July 2023 Sources: UNHCR, PMM Author: UNHCR - Türkiye Feedback: [INTurkey@unhcr.org](mailto:INTurkey@unhcr.org)

Source: UNHCR Türkiye, *Provincial Breakdown Syrian Refugees in Türkiye - July 2023*, 17 July 2023, [url](#)

## 1. Syrians arriving in Türkiye

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In order to frame the findings of implementation and practice in relation to the Temporary Protection Regulation (TPR), this section aims to describe the background of the large influx of Syrian refugees into Türkiye as well as their numbers and the sentiment among the Turkish population.

In 2011, protests erupted against Syria's President Bashar al-Assad, subsequently developing into a civil war between the government of Syria and anti-government groups.<sup>5</sup>

The war led to mass migration out of Syria into countries bordering Syria. Türkiye hosts the highest number of Syrian refugees in the world.<sup>6</sup> The influx of Syrians into Türkiye persisted until 2017. Since 2017, the number of Syrians arriving in Türkiye has been limited but has continued to increase in recent years. Approximately 100,000 Syrian children are born in Türkiye on a yearly basis.<sup>7</sup>

On 18 March 2016, the European Council and Türkiye agreed to a deal to stop the inflow of irregular migrants through Türkiye into Europe. Among other things, it was agreed that new migrants crossing into the Greek islands from Türkiye as of 20 March 2016 would be returned to Türkiye, and that for every returned Syrian to Türkiye from the Greek islands, one Syrian would be resettled in the EU.<sup>8</sup>

When Syrians arrived in Türkiye, they initially (?) resided in refugee camps. After they began settling outside the camps, a large part of them remained close to the border with Syria. Later, they started settling in other parts of Türkiye to look for employment and other opportunities.<sup>9</sup>

### 1.1 Numbers of Syrians in Türkiye

According to the most recent data from the Presidency of Migration Management in Türkiye (PMM), 3,298,817 Syrians are staying in Türkiye under temporary protection as of 31 August 2023.<sup>10</sup> Some, however, question this figure.<sup>11</sup> A migration researcher had doubts about if there in fact are 3.3 million Syrians in Türkiye and believed the number to be less. Half a million Syrians reportedly returned since 2015, but the number of Syrians in Türkiye never reached 3.8 million in official statistics.<sup>12</sup> Many do not trust the official number of Syrians in Türkiye. Some claim that the actual number is unknown. This started with the presidential elections in 2023 when Sinan Oğan, a presidential election candidate, stated that there were 13 million refugees in Türkiye. Kemal Kılıçdaroğlu, the main opposition candidate, put the number at 10 million refugees. A research based NGO in the field of migration stated that PMM had informed that, legal migrants with residence permits, Syrians under TP and applicants of international protection add up to around 5 million. Therefore, if the numbers of 10 or 13 million refugees were correct, there would be an extra five to

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<sup>5</sup> CFR, *Conflict in Syria*, 1 August 2023, [url](#); Al Jazeera, *Syria's war explained from the beginning*, 14 April 2018, [url](#)

<sup>6</sup> Esen, O. and Binatlı, A., *The Impact of Syrian Refugees on the Turkish Economy: Regional Labour Market Effects*, 28 October 2017, [url](#), p. 1; Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#), p. 6

<sup>7</sup> Erdoğan, M., *Syrians Barometer 2021*, November 2022, [url](#), p. 5

<sup>8</sup> European Parliament, *EU-TURKEY STATEMENT & ACTION PLAN*, 20 June 2023, [url](#)

<sup>9</sup> Esen, O. and Binatlı, A., *The Impact of Syrian Refugees on the Turkish Economy: Regional Labour Market Effects*, 28 October 2017, [url](#), p. 3

<sup>10</sup> PMM: 1; PMM, *Temporary Protection*, n.d., [url](#)

<sup>11</sup> A migration researcher: 2-3; A international humanitarian organisation: 8; A research based NGO in the field of migration: 1

<sup>12</sup> A migration researcher: 2

eight million irregular migrants in the country, which would be quite unrealistic, according to another source.<sup>13</sup> A third source perceived the 3.3 million Syrians to be underestimated.<sup>14</sup>

## 1.2 Anti-refugee sentiments among the host community

In the beginning of the influx, Syrians were welcomed in Türkiye by the Turkish population. However, hostility and anti-refugee sentiments have since risen.<sup>15</sup> Some Turkish people complain that Syrians have more access to services.<sup>16</sup>

Large numbers of refugees and immigrants came to Türkiye in a period of economic instability, which resulted in Turkish people perceiving the immigrants as a threat, especially concerning employment possibilities.<sup>17</sup> Many Turks perceive the situation as being unsustainable even though immigrants and host communities receive support from international organisations.<sup>18</sup>

Moreover, physical and verbal attacks against Syrians have increased.<sup>19</sup> In 2021, Turkish nationals e.g. attacked Syrians in the Altındağ district of Ankara after two Syrians had been accused of killing a Turkish national. Cars, shops and properties belonging to Syrians were vandalised.<sup>20</sup> In other cases, local communities in Konya and Izmir have exposed Syrians to violence.<sup>21</sup>

A migration researcher emphasised that the Turkish authorities decided not to intervene in the Altındağ protests at first, while videos on social media showed police opening barriers and allowing Turkish nationals to attack the properties of Syrians.<sup>22</sup> On the other hand, a western official organisation pointed to the Turkish government's big effort in ending negative speech on social media.<sup>23</sup>

In some instances, the hostility has resulted in deadly episodes. In Istanbul, two Syrians were killed within the month of June 2022.<sup>24</sup> A 17-year-old Syrian was killed in the province of Hatay in September 2022.<sup>25</sup> In August 2023, locals attacked and looted shops owned by Syrians in Şanlıurfa.<sup>26</sup>

A migration researcher emphasised that there has always been anti-migration sentiment in Türkiye. This sentiment increases at certain moments as a reflection of Türkiye's economic and political situation because

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<sup>13</sup> A research based NGO in the field of migration: 1-2

<sup>14</sup> An international humanitarian organisation: 8

<sup>15</sup> ICG, *Turkey's Syrian Refugees: Defusing Metropolitan Tensions*, 29 January 2018, [url](#); Arab News, *Hate crimes against Syrian refugees in Turkey on rise: Experts*, 5 September 2022, [url](#); Turkish lawyer working on the human rights of refugees: 4; HRW: 39; Erdoğan, M., *Syrians Barometer 2021*, November 2022, [url](#), p. 9

<sup>16</sup> ICG, *Turkey's Syrian Refugees: Defusing Metropolitan Tensions*, 29 January 2018, [url](#); A well-informed legal source: 42

<sup>17</sup> ICG, *Turkey's Syrian Refugees: Defusing Metropolitan Tensions*, 29 January 2018, [url](#); A western official organisation: 24; Erdoğan, M., *Syrians Barometer 2021*, November 2022, [url](#), p. 9

<sup>18</sup> A western official organisation: 24

<sup>19</sup> Arab News, *Hate crimes against Syrian refugees in Turkey on rise: Experts*, 5 September 2022, [url](#)

<sup>20</sup> MEE, *Turkey: Riots target Syrians in Ankara following report of death at hands of refugees*, 12 August 2021, [url](#); BBC, *Turkish capital reels from violent protests against Syrians*, 12 August 2021, [url](#)

<sup>21</sup> A local NGO working with refugees: 11

<sup>22</sup> A migration researcher: 7

<sup>23</sup> A western official organisation: 24

<sup>24</sup> Al-Monitor, *Syrian refugees recount harassment, abuse in Turkey*, 25 June 2022, [url](#)

<sup>25</sup> MEMO, *Syria medical student stabbed to death in Türkiye in apparent racist attack*, 6 September 2022, [url](#); Arab News, *Hate crimes against Syrian refugees in Turkey on rise: Experts*, 5 September 2022, [url](#)

<sup>26</sup> Gerçek News, *Turkey: Groups attack shops of Syrian refugees after report of sexual harassment*, 17 August 2023, [url](#)

of political discourses or events, such as Turkish elections.<sup>27</sup> As an example, anti-migration sentiments peaked during the campaign for the presidential elections in 2023.<sup>28</sup> Furthermore, sources have observed an increase in attacks as well as anti-refugee sentiments against Syrians in Türkiye since the earthquake that hit the southeast in February 2023.<sup>29</sup>

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<sup>27</sup> A migration researcher: 7-8

<sup>28</sup> The Guardian, *Turkish opposition stirs up anti-immigrant feeling in attempt to win presidency*, 28 May 2023, [url](#); Al Jazeera, *Turkish presidential run-off leaves Syrians with uncertain future*, 27 May 2023, [url](#); A research based NGO in the field of migration: 4

<sup>29</sup> HRW, *Turkey: Police and Gendarmerie Abuses in Earthquake Zone*, 5 April 2023, [url](#); The New Humanitarian, *'It's because we are Syrians': Two months on, earthquakes leave refugees in Türkiye exposed and fearful*, 6 April 2023, [url](#)

## 2. The Temporary Protection Regulation (TPR)

Türkiye is a party to the Refugee Convention of 1951 as well as the Protocol of 1967, but has maintained a geographical limitation to the Convention of 1951. Thus, Türkiye is only bound by the Convention in the case of refugees coming from Europe. In April 2013, Türkiye introduced the Law on Foreigners and International Protection (LFIP), which was the first asylum law. The LFIP has been in force since 11 April 2014.<sup>30</sup>

The LFIP contains regulations regarding three categories of international protection statuses in Türkiye:

- Article 61(1): Individuals originating from European countries are eligible for refugee status;
- Article 62(1): Individuals originating from non-European countries are eligible for conditional refugee status;
- Article 63(1): Individuals can be eligible for subsidiary protection if they do not qualify for either refugee status or conditional refugee status, but would otherwise risk the death penalty, torture or face an individualised risk of indiscriminate violence in their country of origin.<sup>31</sup>

Article 91 of the LFIP introduces temporary protection (TP).<sup>32</sup> Because of Türkiye's geographical limitation to the Convention, Syrians who have arrived in Türkiye after the outbreak of the civil war in Syria have not obtained refugee status. Instead, they obtained TP as a group during a mass influx of displaced individuals. Türkiye introduced the Temporary Protection Regulation (TPR) in October 2014.<sup>33</sup> A de facto TP regulation had already existed in Türkiye since 2011, and Provisional Article 1 of the TPR indicates that Syrians, including stateless people and refugees, already residing in Türkiye as of 28 April 2011 would be covered by the TPR.<sup>34</sup>

As of 6 June 2022, the registration process of Syrians in Türkiye changed. To read more about these changes, please refer to [section 2.2.4](#).

### 2.1 Temporary Protection Identification Documents

Syrians under TP receive a Temporary Protection Identification Document (*Geçici Koruma Kimlik Belgesi*), (herein named TP ID card). A TP ID card is not equivalent to a residence permit.<sup>35</sup> There is no expiration date for the TP status on the ID cards.<sup>36</sup>

<sup>30</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 38; UNHCR, *Refugees and Asylum Seekers in Turkey*, n.d., [url](#); AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 22

<sup>31</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Articles 61-63; AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 22; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 39

<sup>32</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, Article 91, 2013, [url](#),

<sup>33</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 2; Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#), p. 11; AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 22-23

<sup>34</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, Provisional Article 1, 2014, [url](#); AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 135

<sup>35</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 148; Refugee Rights Turkey, *Registration and Status for Syrian Refugees and Other Persons under Temporary Protection*, July 2021, [url](#), p. 3; A well-informed NGO working with refugees: 24

<sup>36</sup> A western official organisation: 3; An international humanitarian organisation: 7; Turkish lawyer working on the human rights of refugees: 13; A well-informed NGO working with refugees: 23; A local NGO working with refugees: 40



There is only one valid type of TP ID<sup>37</sup>, and Syrians are the only nationality benefitting from the TPR.<sup>38</sup> The visual of the TP ID is displayed on a website by UNHCR (the same page displays an older version of the TP ID that must be renewed to the current version).<sup>39</sup>

The current ID card is issued free of charge and contains a photo as well as identification information. The ID's registration number starts with a 99-number.<sup>40</sup> The card also contains the date of registration as well as a date of verification, which is the date when any registration data is renewed or updated.<sup>41</sup> The TP ID card is equipped with low-level security features that makes it easy to counterfeit them.<sup>42</sup>

To increase the security of the ID cards, some information has been added. For example, information about professions.<sup>43</sup>

If a TP holder loses his/her card, s/he can obtain a new one by addressing the PDMM and prove that s/he has TP status. The PDMM can find the TP holder in the electronic system by looking up the name and names of family members.<sup>44</sup>

## 2.2 Temporary protection registrations

Syrian nationals must be present in Türkiye to apply for TP.<sup>45</sup> It is not possible to apply for TP by proxy. However, the head of a family can conduct the interview, but the Turkish authorities want to see every applicant, as they have to submit fingerprints for the ID card.<sup>46</sup> Their biometric data will be obtained and filed in an electronic system.<sup>47</sup> Adult family members have to give consent to the head of a family conducting the interview on their behalf.<sup>48</sup>

It is not possible to apply for TP ID cards online.<sup>49</sup> It is possible to book an appointment with the local PDMM office and to apply for travel permits online.<sup>50</sup> It is also possible to apply for a change of city of registration online as well as assisting programmes.<sup>51</sup>

When a Syrian applies for TP, they should provide information about their identity and personal information.<sup>52</sup> However, the majority of Syrians do not possess documentation when arriving in Türkiye.<sup>53</sup> According to the law, a TP registration can be completed based on the oral testimony of the applicant in case

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<sup>37</sup> A well-informed legal source: 17; A well-informed NGO working with refugees: 21; A local NGO working with refugees: 41

<sup>38</sup> A well-informed legal source: 17

<sup>39</sup> UNHCR, *Verification of Syrian nationals under temporary protection*, n.d., [url](#)

<sup>40</sup> Refugee Rights Turkey, *Registration and Status for Syrian Refugees and Other Persons under Temporary Protection*, July 2021, [url](#), p. 3; Turkish lawyer working on the human rights of refugees: 12, 14; A well-informed legal source: 22; A Turkish NGO: 45

<sup>41</sup> A well-informed NGO working with refugees: 23

<sup>42</sup> A Western diplomatic representation: 2

<sup>43</sup> PMM: 14

<sup>44</sup> PMM; 13; A well-informed legal source: 36

<sup>45</sup> A well-informed legal source: 23; A well-informed NGO working with refugees: 1

<sup>46</sup> Turkish lawyer working on the human rights of refugees: 7; An international humanitarian organisation: 6

<sup>47</sup> PMM: 10; A well-informed legal source: 20

<sup>48</sup> Turkish lawyer working on the human rights of refugees: 7

<sup>49</sup> A well-informed NGO working with refugees: 13; A local NGO working with refugees: 42

<sup>50</sup> A local NGO working with refugees: 42; A well-informed NGO working with refugees: 13

<sup>51</sup> A well-informed NGO working with refugees: 13

<sup>52</sup> PMM: 10

<sup>53</sup> A well-informed NGO working with refugees: 3

there are no relevant documents.<sup>54</sup> The authorities accept testimonies in most cases. However, some applicants were unaware of the significance of their initial testimonies, which were difficult to revise or modify later.<sup>55</sup> Further information on this could not be found.

Because of the risks of child abductions, the migration authorities ask for birth certificates of children. If there is no documentation to prove the relation of a child and the parents, a DNA test can be conducted.<sup>56</sup>

### 2.2.1 Syrians arriving in Türkiye from a third country

TP is only granted to Syrians arriving in Türkiye directly from Syria.<sup>57</sup> Other procedures are in place for Syrians arriving from third countries. Such individuals must apply for international protection (IP) in Türkiye. This was also the case if the person already had family members under TP in Türkiye.<sup>58</sup> In practice, Syrians from third countries have not been allowed to apply for IP and have only received short-term visas and then short-term residence permits. Short-term residence holders cannot access healthcare and other services free of charge.<sup>59</sup> A Turkish lawyer working on the human rights of refugees noted that if the person had stayed in a European country where it was possible for the person to access asylum procedures, it is not possible for the person to make an application in Türkiye. The source was unaware as to if there is an exception for TP.<sup>60</sup>

Other sources said that it is possible for a Syrian who comes to Türkiye from a third country to apply for TP.<sup>61</sup> However, PMM assesses the case on an individual basis and whether the third country is safe to live in.<sup>62</sup>

### 2.2.2 The role of UNHCR

The United Nations High Commissioner for Refugees (UNHCR) is not involved in the registration process of Syrians, which is undertaken by the Turkish authorities.<sup>63</sup> In 2018 and 2019, UNHCR provided funds to PDMMs to continue the validation of people residing in Türkiye. UNHCR hired staff through a company and provided necessary equipment.<sup>64</sup> The staff and interpreters working in the protection desks at the PDMMs are funded by UNHCR. UNHCR recruits and deploys staff to PDMMs in 64 provinces to support the workload in connection with the registration of refugees.<sup>65</sup>

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<sup>54</sup> A well-informed NGO working with refugees: 3; A well-informed legal source: 20; Refugee Rights Turkey, *Registration and Status for Syrian Refugees and Other Persons under Temporary Protection*, July 2021, [url](#), p. 2; A local NGO working with refugees: 39

<sup>55</sup> A well-informed NGO working with refugees: 3-4

<sup>56</sup> A well-informed NGO working with refugees: 3-4

<sup>57</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 70; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 41-42

<sup>58</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 41-42

<sup>59</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 70, 135

<sup>60</sup> Turkish lawyer working on the human rights of refugees: 6

<sup>61</sup> A well-informed NGO working with refugees: 15; A well-informed legal source: 24; An international organisation in Türkiye:

<sup>62</sup> A well-informed NGO working with refugees: 15; An international organisation in Türkiye: 5

<sup>63</sup> A local NGO working with refugees: 38; A well-informed NGO working with refugees: 2

<sup>64</sup> A local NGO working with refugees: 38

<sup>65</sup> European Commission, *The Facility Results Framework Monitoring Report No. 11*, June 2023, [url](#)

### 2.2.3 TP registrations before June 2022

Syrians who arrived in Türkiye after 28 April 2011 because of the war in Syria were able to obtain TP.<sup>66</sup> This included stateless persons and refugees from Syria.<sup>67</sup> They had to approach the PDMMs for TP registration.<sup>68</sup>

### 2.2.4 TP registrations after June 2022

As of 6 June 2022, the registration process of Syrians in Türkiye changed. Syrians, including stateless people and refugees from Syria, currently arriving in Türkiye have since that date been referred to temporary accommodation centres (TACs) for registration.<sup>69</sup> Applicants stay in the TACs for an indefinite period.<sup>70</sup> The centres are located in Adana, Kilis, Kahramanmaraş, Hatay, Gaziantep, Osmaniye and Malatya.<sup>71</sup>

Sources differed on the extent to which TPs are currently being issued, and whether they are being issued at all.

PMM stated that it is currently possible for Syrians to apply for TP and added that TP status is connected to the whole group of Syrians; however, applications are being evaluated individually.<sup>72</sup> An international organisation in Türkiye confirmed that the Turkish authorities assess applications for TP individually. The same source further commented that there is a difference from the prima facie automatic TP, which was granted to Syrians in the beginning of the conflict in Syria, to the current policy according to which newly arrived Syrians no longer have an automatic TP recognition.<sup>73</sup> Along with a lawyer, the international organisation in Türkiye stated that it is still possible to apply for TP in the TACs.<sup>74</sup> According to unofficial information, TACs in Kilis, Osmaniye and Kahramanmaraş accept TP applications; however, the capacity in the TACs is limited.<sup>75</sup> The international organisation in Türkiye observed that the issuance of TP IDs takes place to a limited extent, which does not imply an automatic discharge from the TAC.<sup>76</sup> Some Syrians have received pre-registrations<sup>77</sup>, while a Turkish NGO assessed that none of them resulted in a TP card.<sup>78</sup>

Differing from this, several sources noted that TP registrations have been *de facto* closed.<sup>79</sup> Since the earthquake hit southeast Türkiye in February 2023, there has been no procedure in place for new TP registrations

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<sup>66</sup> UNHCR, *Temporary protection in Türkiye*, n.d., [url](#)

<sup>67</sup> Refugee Rights Turkey, *Registration and Status for Syrian Refugees and Other Persons under Temporary Protection*, July 2021, [url](#), p. 1; UNHCR, *Temporary protection in Türkiye*, n.d., [url](#); A local NGO working with refugees: 43

<sup>68</sup> GIZ, *Civil Society and State Engagement in the Refugee Response in Turkey: Law and Regulations*, 2021, [url](#), p. 12; A local NGO working with refugees: 5

<sup>69</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Provisional Article 1; USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 21; A well-informed legal source: 18; Turkish lawyer working on the human rights of refugees: 1,3; HRW: 2; A well-informed NGO working with refugees: 5; A Turkish NGO: 1; An NGO working for refugee rights: 1; A local NGO working with refugees: 4; An international organisation in Türkiye: 1

<sup>70</sup> An international organisation in Türkiye: 2, 22; A Turkish NGO: 5

<sup>71</sup> An academic source: 26; Turkish lawyer working on the human rights of refugees: 1

<sup>72</sup> PMM: 6-7

<sup>73</sup> An international organisation in Türkiye: 2

<sup>74</sup> Turkish lawyer working on the human rights of refugees: 1, 3; An international organisation in Türkiye: 1

<sup>75</sup> A well-informed NGO working with refugees: 6; An academic source: 26

<sup>76</sup> An international organisation in Türkiye: 2; An academic source: 3; A Turkish NGO: 5

<sup>77</sup> A Turkish NGO: 2; An international organisation in Türkiye: 4

<sup>78</sup> A Turkish NGO: 2

<sup>79</sup> A Turkish NGO: 1; An international humanitarian organisation: 2, 4; HRW: 2; An NGO working for refugee rights: 2-3, 8

in Türkiye.<sup>80</sup> Moreover, applications from people without identity cards could not be processed either. However, in the beginning of September 2023, a local NGO working with refugees informed that referrals to some TACs (such as Kilis and Adana) had resumed. The same source added that PDMMs have largely resumed their normal functioning in the earthquake region. The same source observed no change in the process outside the earthquake zone.<sup>81</sup>

With regard to the registration procedures used in the TACs, applicants must submit their fingerprints and complete a security check.<sup>82</sup> The Turkish authorities undertake an individual assessment.<sup>83</sup> During this process, they have to stay in the TACs.<sup>84</sup> Syrians can only leave the TACs with a permission from the local authorities.<sup>85</sup>

After the earthquake of 6 February 2023, many Syrians were evacuated from the TACs to make room for earthquake survivors.<sup>86</sup> In some provinces, newly arrived Syrians or unregistered Syrians continued to be referred to TACs because the authorities have allocated places for the processing of applications for TP.<sup>87</sup> According to PMM, more than 60,000 Syrians under TP remain in nine TACs.<sup>88</sup>

A well-informed NGO working with refugees opined that access to TP is equally difficult for all Syrians and does not depend on their ethnicity.<sup>89</sup>

### 2.2.5 The Turkish-Syrian border

It has been difficult for Syrians to enter Türkiye after the closure of the border in 2015, except for Syrians in need of urgent medical treatment, and increasingly over subsequent years because TP registrations have been stopped in many provinces in Türkiye. Those who cross into Türkiye have to take a hazardous journey with smugglers with no guarantee of managing to enter. According to HRW, ‘Turkish border guards have routinely violently prevented Syrians from trying to flee hostilities and dire conditions, by shooting at, beating up, and summarily expelling them back to Syria’.<sup>90</sup> In March 2023, a group of Syrians trying to enter Türkiye irregularly were beaten and tortured by Turkish border guards, which resulted in the death of a man and a boy.<sup>91</sup> In the beginning of September 2023, the Turkish defence minister confirmed the incident and informed that the perpetrators are under investigation. Four contract personnel were dismissed from their positions, and proceedings are underway regarding one reserve officer.<sup>92</sup> A research based NGO in the field of migration heard that after 2015, Syrians passing through the Kurdish regions of Syria into Türkiye often

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<sup>80</sup> A well-informed NGO working with refugees: 6; A local NGO working with refugees: 5

<sup>81</sup> A local NGO working with refugees: 5, 36

<sup>82</sup> UNHCR, *Registration with the Turkish authorities*, n.d., [url](#); A local NGO working with refugees: 5; An international organisation in Türkiye: 1

<sup>83</sup> An international organisation in Türkiye: 2

<sup>84</sup> UNHCR, *Registration with the Turkish authorities*, n.d., [url](#); A local NGO working with refugees: 5; An international organisation in Türkiye: 1

<sup>85</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>86</sup> A well-informed NGO working with refugees: 8; An international organisation in Türkiye: 22

<sup>87</sup> An international organisation in Türkiye: 22

<sup>88</sup> UNICEF, *Syria Crisis - Humanitarian Situation Report January - March 2023*, n.d., [url](#), p. 2; An academic source: 26

<sup>89</sup> A well-informed NGO working with refugees: 14

<sup>90</sup> HRW: 1-3, 7; HRW, *Turkish Border Guards Torture, Kill Syrians*, 27 April 2023, [url](#)

<sup>91</sup> HRW, *Turkish Border Guards Torture, Kill Syrians*, 27 April 2023, [url](#)

<sup>92</sup> Bianet, *Ministry acknowledges even involving ‘torture, killing’ or refugees on Turkey-Syria border*, 7 September 2023, [url](#)

have been shot at with firearms or blocked in more instances compared to those coming from Sunni Arab areas.<sup>93</sup> PMM stated that Türkiye has the right to protect its borders.<sup>94</sup>

The current procedure is that when Syrians enter Türkiye for medical treatment, the authorities issue a separate ID card different from the TP ID. The ID card for medical treatment is time bound and is contingent on finishing the medical treatment and then returning to Syria.<sup>95</sup>

In 2018, Türkiye completed the production of a 764-kilometre long concrete wall on the border with Syria. The purpose of the wall was reportedly to increase border security and prevent smuggling and illegal border crossings.<sup>96</sup> The wall is still expanding and becoming more impregnable.<sup>97</sup>

Currently, there is only one legal crossing point between Syria and Türkiye, according to an international organisation, namely the Cilvegözü Border Gate, which is in the Hatay province of Türkiye, under the control of the Turkish military. The border between the two countries is long and uneven, allowing many illegal crossings.<sup>98</sup> According to another source, there are five border crossings between Türkiye and opposition-controlled areas in northwest Syria: Hamam, Bab al-Hawa (Cilvegözü in Turkish), Bab al-Salama (Öncüpınar in Turkish), al-Ra'ii (Çobanbey in Turkish) and Jarabulus (Karkamış in Turkish).<sup>99</sup>

### 2.2.6 TP registration of Syrians with specific conditions

In cases of specific conditions, such as medical conditions or if a family member is already registered for TP in another city, Syrian TP applicants could be registered with the PDMM instead of staying in a TAC.<sup>100</sup> The PDMMs, however, have not always followed this procedure.<sup>101</sup> An international humanitarian organisation pointed to vulnerable cases being unclearly defined and that it is the subjective decision of PDMM officials to determine whether a Syrian applicant falls in the category of specific conditions.<sup>102</sup>

Syrians can register with the PDMM in the following cases:

- If the applicant has a family member in Türkiye that is already registered for TP and therefore is not required to stay in a TAC. This includes spouses of civil marriages, new-born babies (new-borns will be registered in the file of their parents with a birth certificate<sup>103</sup>), underage children as well as dependents of the already registered individual;
- If there are travel limitations because of medical conditions, and if the individual has no self-care capability;

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<sup>93</sup> A research based NGO in the field of migration: 36

<sup>94</sup> PMM: 5

<sup>95</sup> Al-Monitor, *Turkey suspends free medical treatment for Syrians*, 29 September 2021, [url](#); An international humanitarian organisation: 7

<sup>96</sup> AA, *Turkey installs 764 km security wall on Syria border*, 9 June 2018, [url](#)

<sup>97</sup> International organisation: 7

<sup>98</sup> International organisation: 6

<sup>99</sup> Jusoor, *المعابر الحدودية بين تركيا ومناطق الزلزال شمال غرب سورية* [Border crossings between Türkiye and the earthquake zones in northwest Syria], 10 February 2023, [url](#)

<sup>100</sup> Turkish lawyer working on the human rights of refugees: 2; An international organisation in Türkiye: 1; A local NGO working with refugees: 6; USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>101</sup> Netherlands Ministry of Foreign Affairs, *General Country of Origin Information Report Turkey*, 2 March 2022, [url](#), p. 69; A local NGO working with refugees: 5, 7-8, 44; An NGO working for refugee rights: 5

<sup>102</sup> An international humanitarian organisation: 4

<sup>103</sup> A local NGO working with refugees: 6, 44; A well-informed NGO working with refugees: 12

- If the applicant is a family member (spouses with a civil marriage certificate, children, dependents) of Turkish nationals and foreign nationals with residence permit, work permit or registered under international protection;
- If the applicant is considered unsuitable for accommodation in a TAC because of specific needs. This also includes spouses, children and dependents.<sup>104</sup>

A local NGO working with refugees further listed below exceptions:

- Women who have been subjected to gender-based violence;
- Individuals at risk of exposure in the centres;
- LGBT+ individuals.<sup>105</sup>

In the beginning of September 2023, the same source noted that individuals with special needs mentioned above were not registered even in the big cities (though there might have been exceptions). These individuals were directed to areas with a low Syrian population, including Central Anatolia.<sup>106</sup>

Birth certificates are necessary for the registration of new-borns.<sup>107</sup> Some Syrians prefer to give birth in their own homes, implying that they are not issued with a birth certificate, which causes problems for the registration of the child. In some cases, the child remains unregistered for months. Some PDMs request a DNA test, which is expensive. Unregistered individuals, including new-borns, cannot benefit from health services, education, social assistance and other services in Türkiye.<sup>108</sup>

### 2.2.7 Unaccompanied minors

In accordance with the relevant legislation, unaccompanied minors in Türkiye must be referred to PMM and the Ministry of Family and Social Services.<sup>109</sup> The PDMs must provide shelter while the registration process is ongoing, including age assessment and health checks. Afterwards, TP for unaccompanied minors between the ages of 0-12 years must be facilitated in child protection institutions under the Ministry of Family and Social Services or in TACs, if correct conditions were met.<sup>110</sup>

An academic source noted that Syrian unaccompanied minors were treated under equal conditions as orphaned Turkish minors. Previously, there were camps for these children, but now there are special houses for Turkish, Ukrainian and Syrian unaccompanied minors.<sup>111</sup> A Turkish lawyer said that two LGBT minors, one of whom was Syrian, faced serious violence and discrimination in the orphanage they were living in.<sup>112</sup>

Unaccompanied minors have been observed in removal centres, which is against the law.<sup>113</sup> In practice, some unaccompanied minors have not been registered correctly. The registration process takes a long time,

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<sup>104</sup> UNHCR, *Registration with the Turkish authorities*, n.d., [url](#); Turkish lawyer working on the human rights of refugees: 2; A local NGO working with refugees: 6

<sup>105</sup> A local NGO working with refugees: 6

<sup>106</sup> A local NGO working with refugees: 35

<sup>107</sup> A well-informed NGO working with refugees: 12; A local NGO working with refugees: 45

<sup>108</sup> A local NGO working with refugees: 45

<sup>109</sup> Refugee Rights Turkey, *In Their Own Voices: Unaccompanied Minor Asylum Seekers in Turkey*, June 2018, [url](#), p. 4; AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 171; An academic source: 22; Turkish lawyer working on the human rights of refugees: 44

<sup>110</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 171

<sup>111</sup> An academic source: 22

<sup>112</sup> Turkish lawyer working on the human rights of refugees: 45

<sup>113</sup> A Turkish NGO: 44; Turkish lawyer working on the human rights of refugees: 46-47



and the children often have to stay in removal centres during the processing of their cases.<sup>114</sup> The authorities have largely neglected unaccompanied children.<sup>115</sup>

It is common that the ages of unaccompanied children are registered as above 18 years, even though the child has documentation that proves its actual age.<sup>116</sup> If there is doubt about a child's age, the authorities conduct bone age tests<sup>117</sup>, albeit such tests often are very unreliable.<sup>118</sup>

## 2.3 Closed neighbourhoods

Two sources noted that if the number of foreigners in an area in Türkiye exceeds 20 percent of the population, it will be closed for registration of new foreigners.<sup>119</sup> Other sources noted that neighbourhoods would close when the number of foreigners exceeds 25 percent of the population.<sup>120</sup> However, the threshold of foreigners in residential areas was limited from 25 to 20 percent by the Turkish interior minister in June 2022.<sup>121</sup>

According to information from PMM as of 1 July 2022, 1,169 neighbourhoods in various cities were closed for registration of people under TP, IP and residence permit. A complete list of the closed neighbourhoods is available on PMM's website.<sup>122</sup> An academic source, however, advised that some cities have re-opened for registrations, for example, Adana, and that large urban cities such as Ankara and Istanbul have closed, but the surrounding cities are often open.<sup>123</sup>

## 2.4 Regional differences in procedures related to the TPR

The Turkish central authorities handle TP registrations of Syrians.<sup>124</sup> Local authorities cannot decide when to register Syrians.<sup>125</sup> A local NGO working with refugees noted that there are rules and laws regarding the registration procedures, but every PDMM makes decisions by themselves.<sup>126</sup> The same source, along with two other sources, had observed very different implementations of the rules from province to province.<sup>127</sup> For example, in one city or province, the exceptional groups for TP (for more information, see [section 2.2.6](#)) have been registered by the PDMM, while in other places, they have been registered in the TACs.<sup>128</sup>

The high number of protection seekers and apprehensions of irregular migrants put a lot of stress on administrative capacities resulting in different practices in different places. In big cities, the needs are higher

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<sup>114</sup> A Turkish NGO: 45-46

<sup>115</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 172; A Turkish NGO: 45

<sup>116</sup> A Turkish NGO: 47

<sup>117</sup> Turkish lawyer working on the human rights of refugees: 47

<sup>118</sup> A Turkish NGO: 47

<sup>119</sup> HRW: 8; An NGO working for refugee rights: 4

<sup>120</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 17, 43; A research based NGO in the field of migration: 9

<sup>121</sup> Al Jazeera, *Rising anti-refugee sentiment leads to debate in Turkey*, 27 July 2022, [url](#); USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); UNHCR, *Address registry with PDMMs*, 1 April 2022, [url](#)

<sup>122</sup> PMM, *Mahalle Kapatma Duyurusu hk. [About the Neighbourhood Closure Announcement]*, 30 June 2022, [url](#); A local NGO working with refugees: 12; A local NGO working with refugees: 35

<sup>123</sup> An academic source: 5

<sup>124</sup> A well-informed legal source: 25; A western official organisation: 2

<sup>125</sup> A well-informed legal source: 25

<sup>126</sup> A local NGO working with refugees: 9-10

<sup>127</sup> A local NGO working with refugees: 5; HRW: 38; A well-informed NGO working with refugees: 14, 16, 20

<sup>128</sup> A local NGO working with refugees: 9-10

and thus, the waiting time and procedures are slower. This applies to both migration authorities and the accessing of services.<sup>129</sup>

The earthquake of February 2023 caused further changes. 13 PDMMs in the affected provinces (Adana, Adıyaman, Diyarbakır, Gaziantep, Hatay, Kahramanmaraş, Kayseri, Kilis, Konya, Mardin, Mersin, Osmaniye and Şanlıurfa) were not fully operational for TP and IP procedures in the aftermath of the earthquake. However, as already stated, by the beginning of September 2023, PDMMs have largely resumed their normal functioning in the earthquake region.<sup>130</sup> In certain border provinces, such as Van, trafficking of irregular migrants has been high. Therefore, authorities in such places are more security-oriented and not welcoming in terms of registrations or other refugee needs.<sup>131</sup> PMM stated that they had a presence in all 81 provinces.<sup>132</sup>

Social services are generally available for Syrians under TP.<sup>133</sup> Access, nonetheless, depends on the capacities across the country. Large provinces with greater populations tend to have more schools and hospitals compared to smaller provinces.<sup>134</sup> Access to services depends more on the implementation by the authorities rather than legal constraints.<sup>135</sup> For more information, see [section 3](#) regarding socio-economic services.

### 2.5 Freedom of movement within Türkiye

Syrians with a TP can only travel to other provinces with permission from the authorities in the province of registration.<sup>136</sup> In order to obtain a travel permit, the person must prove that it is necessary for them to travel to another province.<sup>137</sup> The duration of the travel permission is 15 days and the PDMM must be notified upon return.<sup>138</sup> When Syrians buy tickets for different types of transportation outside of their own provinces, they will be asked for a travel permit.<sup>139</sup>

According to a research based NGO in the field of migration, Syrians applying for a travel permit generally receive it.<sup>140</sup> In other instances, refugees were subjected to increased difficulty when applying for travel permits, while some provinces did not handle travel permit applications at all.<sup>141</sup>

#### 2.5.1 Temporary travel permits after the earthquake in February 2023

There was some relaxation of the rules after the earthquake in February 2023. Syrians in the affected areas were allowed to leave their areas of registration and travel to their relatives in other parts of Türkiye.<sup>142</sup>

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<sup>129</sup> A well-informed NGO working with refugees: 16, 20

<sup>130</sup> A local NGO working with refugees: 36

<sup>131</sup> A well-informed NGO working with refugees: 17-18

<sup>132</sup> PMM: 9

<sup>133</sup> A migration researcher: 25; An academic source: 21; A well-informed legal source: 42

<sup>134</sup> A migration researcher: 25; An international organisation in Türkiye: 23

<sup>135</sup> An international organisation in Türkiye: 23

<sup>136</sup> UNHCR Türkiye, *Key information for Syrians, Rights and obligations*, n.d., [url](#); USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); A well-informed legal source: 39; A Western diplomatic representation: 4; A migration researcher: 28; A research based NGO in the field of migration: 23; An international organisation in Türkiye: 7

<sup>137</sup> A well-informed legal source: 39

<sup>138</sup> A migration researcher: 28

<sup>139</sup> Al Jazeera, *Rising anti-refugee sentiment leads to debate in Turkey*, 27 July 2022, [url](#); A research based NGO in the field of migration: 25

<sup>140</sup> A research based NGO in the field of migration: 29

<sup>141</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>142</sup> HRW: 8; A Turkish NGO: 11; A well-informed NGO working with refugees: 7; A Western diplomatic representation:



The day after the earthquakes, the Turkish authorities announced that refugees in the 10 affected provinces (Kahramanmaraş, Adana, Hatay, Gaziantep, Adıyaman, Diyarbakır, Malatya, Şanlıurfa, Kilis and Osmaniye<sup>143</sup>) could travel to other provinces, with the exception of Istanbul, for up to 90 days. Yet, many travelled to Istanbul. Thus, the authorities updated the initial directive to a case-by-case basis, which granted individuals permission to stay in Istanbul for up to 60 days.<sup>144</sup> In July 2023, the PMM announced that Syrians with TP residing in Istanbul, despite being registered outside of Istanbul, are required to return to the province of registration by 24 September 2023. TP holders who came from the provinces affected by the earthquake in February 2023, and who were given a travel permit, will be allowed to stay until a second announcement.<sup>145</sup>

In a directive dated 13 February 2023, Syrians from Kahramanmaraş, Hatay, Gaziantep, Adıyaman and Malatya were allowed to travel to other provinces without prior permission. Instead, they had to apply for a travel permit once they arrived in another city. Syrians from Adana, Osmaniye, Şanlıurfa, Kilis and Diyarbakır still had to apply for travel permits before leaving.<sup>146</sup>

The migration authorities initially announced that travel permits would not be renewed, but it was extended in the end of April 2023.<sup>147</sup> According to an international humanitarian organisation, the permit has been extended twice and it is currently not possible for Syrians to travel to other provinces without a permit.<sup>148</sup> Another source noted that applications for extension of the temporary travel permit are assessed on an individual basis albeit there is uncertainty as to what practice and implementation there is.<sup>149</sup> A Turkish NGO opined that most of the PDMMs, however, do not extend the travel permits after the earthquake, which implies that some Syrians have to return to the earthquake region and stay in tent or container areas, although the capacity of most of the tent areas is full.<sup>150</sup> If a TP holder refuses to return to the area of registration after the expiration of the travel permit, their registration could be cancelled.<sup>151</sup>

An international organisation in Türkiye stated that after the earthquake, individuals staying in TACs were allowed to leave.<sup>152</sup> However, a Turkish NGO noted that in Hatay, 200 persons were allegedly beaten before being released without documents. In Adana, individuals were told that they could leave without any documentation or stay in the TAC. When they wanted to register for TP in other cities, they lacked ID cards and were informed to return to the TAC. In Kilis, detainees were provided with documents and released.<sup>153</sup>

## 2.6 Cessation of TP status

There are two different clauses in the TPR for termination of TP. Article 11 stipulates that TP can be terminated by presidential decree.<sup>154</sup>

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<sup>143</sup> DFS, *Türkiye Earthquake February 2023, Daily Highlights - 13/02/2023*, 13 February 2023, [url](#)

<sup>144</sup> Al Jazeera, *Syrian refugees in Turkey face return to quake-stricken areas*, 24 February 2023, [url](#)

<sup>145</sup> PMM, *İstanbul İlinde İkamet Eden Geçici Koruma Kapsamındaki Suriye Uyruklu Yabancıların Kayıtlı Oldukları İllere Dönmeleri Hakkında Duyuru [Announcement on the Return of Syrian Nationals Under Temporary Protection Residing in Istanbul to the Provinces Where They Are Registered]*, 28 July 2023, [url](#)

<sup>146</sup> Al Jazeera, *Syrian refugees in Turkey face return to quake-stricken areas*, 24 February 2023, [url](#)

<sup>147</sup> A well-informed NGO working with refugees: 7

<sup>148</sup> An international humanitarian organisation: 37

<sup>149</sup> Turkish lawyer working on the human rights of refugees: 10

<sup>150</sup> A local NGO working with refugees: 37

<sup>151</sup> A Turkish NGO: 11

<sup>152</sup> An international organisation in Türkiye: 22

<sup>153</sup> A Turkish NGO: 7-9

<sup>154</sup> Türkiye, *Mevzuat Bilgi Sistemi, Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 11; International organisation: 11

Article 12 stipulates the grounds for termination or cancellation of TP on an individual basis:

- if the individual leaves Türkiye on a voluntary basis;
- if the individual is under the protection of a third country;
- if the individual is admitted to a third country under humanitarian reasons or resettlement or leaves for a third country;
- if the individual is deceased;
- if the individual has gained the right to stay in Türkiye under a different type of regime;
- if the individual acquired Turkish citizenship.<sup>155</sup>

An NGO working for refugee rights knew of cases where TP cards had been revoked based on suspicions of criminal activities, also when the person was acquitted. Sometimes, the TP cards were revoked by mistake, but were not reinstated.<sup>156</sup>

The possibility to appeal the decision depends on why the status was lost. The prospects of appealing and having the case reviewed by a court or a judge depends on the access to a lawyer or an NGO that provides legal aid.<sup>157</sup> For more information, see [section 6.4.1](#) about access to legal aid in removal centres.

According to the TPR, some individuals will never be granted TP or their status will be cancelled (if granted before), including individuals who committed war crimes; who planned or committed acts of terrorism; who are considered to pose a danger to national security, public order, or public security.<sup>158</sup>

According to Turkish law, Syrians must be officially notified if their TP status is cancelled. Sometimes, however, they do not receive a notification.<sup>159</sup> Further information could not be found.

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<sup>155</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 12; A well-informed legal source: 37; An international organisation in Türkiye: 36; A migration researcher: 48

<sup>156</sup> An NGO working for refugee rights: 10

<sup>157</sup> A migration researcher: 50-51

<sup>158</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 8; International organisation: 13

<sup>159</sup> A Turkish NGO: 33

### 3. Socio-economic rights connected to the TPR

Temporary protection (TP) grants Syrian beneficiaries access to socio-economic services in Türkiye such as access to the labour market (conditional), education, interpretation services and health care services.<sup>160</sup> Services are limited to the province in which the Syrian beneficiary is registered for TP.<sup>161</sup>

#### 3.1 Access to employment

TP status does not grant automatic access to the Turkish labour market.<sup>162</sup> A Syrian under TP is required to obtain a work permit to access the labour market legally.<sup>163</sup> The Turkish government introduced the work permit system in 2016.<sup>164</sup>

TP holders are not eligible to apply for a work permit in the first six months of their registration.<sup>165</sup> The employer has to apply for work permits at the Ministry of Labour.<sup>166</sup> Applications are completed in the online automation system of the Ministry of Labour or the electronic governmental system E-devlet.<sup>167</sup> Work permits are not necessary in the fields of seasonal agriculture and livestock breeding.<sup>168</sup> For every Syrian an employer hires, a number of Turkish citizens must be hired as well, as the number of TP holders in a workplace cannot exceed 10 percent of the Turkish citizens working there.<sup>169</sup>

<sup>160</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Articles 26-32; PMM: 2, 11-12; HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#), p. 11; A migration researcher: 9, 16, 21; An international humanitarian organisation: 20-21, 28; A research based NGO in the field of migration: 11; An academic source: 11, 14, 16-17; A well-informed legal source: 41, 43; International organisation: 3; An NGO working for refugee rights: 11; An international organisation in Türkiye: 13

<sup>161</sup> HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); A migration researcher: 21; A research based NGO in the field of migration: 24; A local NGO working with refugees: 18; A well-informed NGO working with refugees: 25; A Turkish NGO: 19; HRW: 9

<sup>162</sup> A well-informed NGO working with refugees: 39; An academic source: 11

<sup>163</sup> A well-informed legal source: 43; A local NGO working with refugees: 21; A research based NGO in the field of migration: 18; A well-informed NGO working with refugees: 39; An academic source: 11; A Turkish NGO: 20; A migration researcher: 10; A western official organisation: 12-13; An international humanitarian organisation: 21; An international organisation in Türkiye: 19

<sup>164</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 46; DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 2; A migration researcher: 10

<sup>165</sup> PMM: 12; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 46; USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); A well-informed NGO working with refugees: 42; An academic source: 11

<sup>166</sup> DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 3; A migration researcher: 12; A well-informed NGO working with refugees: 39; An academic source: 11; A western official organisation: 13; A research based NGO in the field of migration: 18; An NGO working for refugee rights: 12

<sup>167</sup> A well-informed NGO working with refugees: 42; An international organisation in Türkiye: 18

<sup>168</sup> DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 3; A migration researcher: 10

<sup>169</sup> Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#); Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 46; Skribeland, Ö., *Addressing challenges to integrating refugees in the Turkish labour market*, January 2023, [url](#), p. 37; DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 3; A research based NGO in the field of migration: 18

A work permit is issued for a specific term. It is first issued for one year but must be renewed afterwards.<sup>170</sup> The work permit allows Syrians to work formally only in the province of registration.<sup>171</sup> However, two sources noted that it is possible to work outside of the province of registration. In such cases, the Syrian must obtain a travel permit as well.<sup>172</sup> After staying and working in another province for three months, the Syrian can apply to change the city of registration.<sup>173</sup> On the website of UNHCR, it is stated that applications for work permits in other provinces can only be lodged once the province of registration has been officially changed by the Provincial Directorates for Migration Management (PDMM).<sup>174</sup>

Individuals who wish to work in the education or health sectors need a prior permission from the Ministry of Education, Ministry of Health or the Higher Education Council.<sup>175</sup>

During the processing of the application, Syrians cannot work formally.<sup>176</sup> A well-informed NGO working with refugees noted that an application for a work permit should be handled within a month<sup>177</sup>, but in practice, it takes longer time.<sup>178</sup> Two NGO sources stated that work permit applications are often rejected.<sup>179</sup> Contrary to this, a western official organisation did not experience problems with the issuance of TP work permits.<sup>180</sup>

According to the 2021 figures of the Ministry of Labour, 91,500 Syrian nationals with a residence permit or TP received work permits.<sup>181</sup>

A well-informed NGO working with refugees opined that it is easier for Syrian nationals to obtain work permits compared to other nationalities because of incentives on the part of the Turkish government. In some cases, Syrians are offered courses to prepare them for the Turkish labour market, e.g. language courses.<sup>182</sup>

In some cities, local authorities facilitated the application process. In Bursa, local authorities help the employers with brokering in collaboration with the Red Cross. Some international agencies, in partnership with the local authorities, pay the social security fee of the Syrians as some employers use the fee as a reason not to complete the process.<sup>183</sup> An international humanitarian organisation organises pre-employment

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<sup>170</sup> Skribeland, Ö., *Addressing challenges to integrating refugees in the Turkish labour market*, January 2023, [url](#), p. 36; A well-informed NGO working with refugees: 40

<sup>171</sup> Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#); Skribeland, Ö., *Addressing challenges to integrating refugees in the Turkish labour market*, January 2023, [url](#), p. 37; DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 3; A migration researcher: 10

<sup>172</sup> A local NGO working with refugees: 22; A well-informed NGO working with refugees: 41

<sup>173</sup> A well-informed NGO working with refugees: 41

<sup>174</sup> UNHCR, *Livelihoods and Economic Inclusion Programmes*, n.d., [url](#)

<sup>175</sup> Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#); DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 3; A well-informed NGO working with refugees: 42

<sup>176</sup> A migration researcher: 12

<sup>177</sup> A well-informed NGO working with refugees: 39

<sup>178</sup> A well-informed NGO working with refugees: 39; A migration researcher: 12

<sup>179</sup> A Turkish NGO: 20; An NGO working for refugee rights: 12

<sup>180</sup> A western official organisation: 13

<sup>181</sup> Ministry of Labour, *Work Permits of Foreigners*, 2021, [url](#), p. 16

<sup>182</sup> A well-informed NGO working with refugees: 44-45

<sup>183</sup> An academic source: 12-13; A Turkish NGO: 21

training programmes for Syrians who are not skilled or who do not have skills matching the needs of the labour market. At completion, participants receive a certification from the Ministry of National Education.<sup>184</sup>

Syrian women face difficulties in accessing the Turkish labour market because of their role in the family in Syria as caretaker of the children and the home and not necessarily as breadwinners, and because of their traditional backgrounds.<sup>185</sup> Further information could not be found.

### 3.1.1 Syrians working informally

A significant number of Syrians in Türkiye work without work permits.<sup>186</sup> It is estimated that around one million Syrians work informally.<sup>187</sup> The informal economy and informal labour market in Türkiye have caused issues since before the arrivals of Syrians.<sup>188</sup>

Formal employment possibilities for Syrians are limited, and Syrians tend to work for low salaries, often for less than the minimum wage.<sup>189</sup> Because of the lack of access to legal employment opportunities, Syrians have been subjected to wage withholdings, exploitation and unsafe work environments.<sup>190</sup> In addition, informal jobs do not include job security, occupational safety or social security profits.<sup>191</sup>

TP holders often work in the fields of construction, agriculture, textile, seasonal work, electric wiring, brick-laying and NGO work.<sup>192</sup>

Many choose to work informally if they are eligible to receive monthly financial support.<sup>193</sup> The Emergency Social Safety Net (ESSN) programme provides this support, which is a humanitarian cash assistance programme supporting, among others, TP beneficiaries with no social security.<sup>194</sup> The ESSN programme, however, does not include individuals with formal work permits.<sup>195</sup>

Employers are often not interested in hiring Syrians, either because of the level of skills available among the host community<sup>196</sup>, or because of expenses and burdens connected to the work permit application.<sup>197</sup> The Ministry of Labour can reject work permit applications, which has happened for many employers. The rejection often does not come with a justification. As a result, they hire the person informally because there is no

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<sup>184</sup> An international humanitarian organisation: 23-24

<sup>185</sup> ILO, *Syrian Refugees in the Turkish Labour Market*, 9 February 2020, [url](#), p. 6; An international humanitarian organisation: 27; A western official organisation: 16

<sup>186</sup> Newlines Institute, *Protecting Syrian Refugees in Turkey from Forced Repatriation*, 16 May 2023, [url](#); A western official organisation: 15; An international humanitarian organisation: 26; A migration researcher: 9; A local NGO working with refugees: 21; A well-informed legal source: 43; A well-informed NGO working with refugees: 46; A Turkish NGO: 13, 20

<sup>187</sup> DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 2; A migration researcher: 13

<sup>188</sup> DRC, *Syrian Refugees' Perceptions of the (Formal) Labour Market*, 9 August 2021, [url](#), p. 2; A migration researcher: 14; A research based NGO in the field of migration: 19

<sup>189</sup> ILO, *Syrian Refugees in the Turkish Labour Market*, 9 February 2020, [url](#), p. 6; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 76; A local NGO working with refugees: 21

<sup>190</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>191</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 76

<sup>192</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 76; A western official organisation: 15; An international humanitarian organisation: 25

<sup>193</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>194</sup> ESSN, *Emergency Social Safety Net (ESSN) Programme for Foreigners*, n.d., [url](#), p. 2

<sup>195</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 72

<sup>196</sup> An international humanitarian organisation: 21, 26

<sup>197</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

time to wait for the application or in case the application is rejected.<sup>198</sup> Other times, employers hire Syrians informally to avoid paying the minimum wage and social security benefits.<sup>199</sup>

Working informally is also connected to a fear and risk of deportation.<sup>200</sup> Some move to larger cities looking for employment, but they lose their legal status in this process.<sup>201</sup> Thus, they become irregular migrants who can be deported.<sup>202</sup> According to the Law on Foreigners and International Protection, a removal decision can be taken against a person working without a work permit.<sup>203</sup> A migration researcher noted that in practice, proving the case is difficult unless a person is apprehended in a workplace without a work permit.<sup>204</sup>

### 3.2 Access to education

According to the TPR, TP holders have access to education in Türkiye.<sup>205</sup> This includes primary, secondary, and higher education as well as language and vocational courses.<sup>206</sup> Syrians can attend Turkish universities if they fulfil the specific requirements, but they have to pay tuition fees.<sup>207</sup>

Still, many concrete hurdles make access to education difficult for TP holders. Peer bullying and discrimination by teachers, school managements and parents against Syrian children in Turkish schools are taking place.<sup>208</sup>

According to a report from the Ministry of National Education, 730,000 out of approximately 1,124,000 Syrian children of education age in Türkiye go to school, while 35 percent are not in school.<sup>209</sup> Schooling rates have increased in primary and secondary schools, according to 2021-2022 data, but it is below 50 percent in high schools.<sup>210</sup> While the Turkish government states that registration numbers are high, field officers claim that attendance levels are low.<sup>211</sup>

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<sup>198</sup> A migration researcher: 12

<sup>199</sup> Memişoğlu, F., *The Syrian Community in Turkey: Perspectives, Prospects, and Policies*, May 2018, [url](#)

<sup>200</sup> Skribeland, Ö., *Addressing challenges to integrating refugees in the Turkish labour market*, January 2023, [url](#), p. 36

<sup>201</sup> Skribeland, Ö., *Addressing challenges to integrating refugees in the Turkish labour market*, January 2023, [url](#), p. 37; HRW: 6

<sup>202</sup> Skribeland, Ö., *Addressing challenges to integrating refugees in the Turkish labour market*, January 2023, [url](#), p. 37

<sup>203</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Article 54(ğ); A migration researcher: 29; A local NGO working with refugees: 22

<sup>204</sup> A migration researcher: 29

<sup>205</sup> A western official organisation: 18; An international humanitarian organisation: 28; An academic source: 14; A local NGO working with refugees: 16; An international organisation in Türkiye: 16

<sup>206</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 28; AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 163-165

<sup>207</sup> 3RP, *Turkey Country Chapter 2021-22*, 11 February 2022, [url](#), p. 7; UNHCR, *Education*, n.d., [url](#); An international humanitarian organisation: 28

<sup>208</sup> A Turkish NGO: 16; A well-informed NGO working with refugees: 33; A research based NGO in the field of migration: 16; A local NGO working with refugees: 16; A migration researcher: 20; An international organisation in Türkiye: 17

<sup>209</sup> Bianet, *Nearly 400 thousand Syrian students don't go to school in Turkey*, 31 March 2022, [url](#); DW, *MEB raporu: Suriyeli çocukların yüzde 35'i okula gidemiyor [MoNA report: 35 percent of Syrian children cannot go to school]*, 30 March 2022, [url](#); A migration researcher: 16; A Turkish NGO: 17; A well-informed NGO working with refugees: 35

<sup>210</sup> Bianet, *Nearly 400 thousand Syrian students don't go to school in Turkey*, 31 March 2022, [url](#); DW, *MEB raporu: Suriyeli çocukların yüzde 35'i okula gidemiyor [MoNA report: 35 percent of Syrian children cannot go to school]*, 30 March 2022, [url](#); An academic source: 15

<sup>211</sup> A research based NGO in the field of migration: 15



The number of Syrian children not attending school increased after 2021 and the earthquake in February 2023. The main reasons for dropouts are the economic situation and peer bullying.<sup>212</sup> The Covid-19 pandemic furthermore resulted in high dropout numbers, as many students were unable to follow online classes.<sup>213</sup>

In the aftermath of the earthquake in February 2023, in the affected provinces and neighbouring provinces, access to school has been more difficult than elsewhere in Türkiye because of the children not attending school for months.<sup>214</sup>

Moreover, a lack of steady income and employment, especially during the Covid-19 pandemic, led many families to resort to negative coping mechanisms such as child labour.<sup>215</sup> UNICEF runs a programme to ensure school enrolment (the Conditional Cash Transfer for Education).<sup>216</sup> There is also a social assistance programme partly funded by the EU, which is driven by the Ministry of Family and Social Services, that pays families on a monthly basis if the children stop working and attend school. In many cases, children still earn more working than through the programme, and thus, many continue to send their children to work.<sup>217</sup>

Another negative coping mechanism is early marriages, which are common among Syrians girls.<sup>218</sup> A well-informed NGO working with refugees said that there is no uniform action from the authorities in this regard.<sup>219</sup> The legal marriage age in Türkiye is 18. It is possible to get married at the age of 17 if the parents or legal guardians provide a written consent. If a person wants to marry at 16 years, it must be approved by the courts.<sup>220</sup> In some cases, Syrian women had to agree to survival sex.<sup>221</sup> Further information could not be found.

A Turkish lawyer working on the human rights of refugees heard of child abuse committed by teachers in TACs, which could not be verified.<sup>222</sup>

### 3.3 Access to health care services

According to the TPR, Syrians under TP have the right to receive health care services free of charge in public health facilities.<sup>223</sup> This includes treatments and medications in connection with emergency healthcare ser-

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<sup>212</sup> A local NGO working with refugees: 20

<sup>213</sup> A western official organisation: 19; An international organisation in Türkiye: 17

<sup>214</sup> An international organisation in Türkiye: 18

<sup>215</sup> 3RP, *Turkey Country Chapter 2021-22*, 11 February 2022, [url](#), p. 9; An academic source: 16; A well-informed NGO working with refugees: 34, 36; A Turkish NGO: 17; An international organisation in Türkiye: 17

<sup>216</sup> UNICEF, *The Conditional Cash Transfer for Education (CCTE) Programme*, n.d., [url](#); A well-informed NGO working with refugees: 37; A migration researcher: 18

<sup>217</sup> A well-informed NGO working with refugees: 37

<sup>218</sup> Independent, *Syrian families in Turkey marrying off 'underage daughters for money amid coronavirus crisis', campaigners warn*, 8 July 2020, [url](#); UN Türkiye, *Child Early and Forced Marriages*, 14 April 2021, [url](#); Reuters, *Syrian refugee girls face 'dangerous' child marriage trend, says charity*, 25 June 2021, [url](#), A well-informed NGO working with refugees: 34, 36; A local NGO working with refugees: 21

<sup>219</sup> A well-informed NGO working with refugees: 34, 36

<sup>220</sup> UNICEF, *Child marriage*, n.d., [url](#); A well-informed NGO working with refugees: 36

<sup>221</sup> A local NGO working with refugees: 21

<sup>222</sup> Turkish lawyer working on the human rights of refugees: 5

<sup>223</sup> Türkiye, *Mevzuat Bilgi Sistemi, Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 26-27; AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 167; Siviş, S., *Who is (un)deserving? Differential healthcare access and the interplay between social and symbolic boundary-drawing towards Syrian refugees in Turkey*,

vices and primary healthcare such as family healthcare, vaccinations, mother and child healthcare, contraception and immunisation. TP holders can also access public secondary and tertiary healthcare services<sup>224</sup> with a reference from a primary care facility.<sup>225</sup> There is no time limit to the health insurance of Syrians registered under TP.<sup>226</sup>

Syrians must present their TP ID cards when accessing Turkish public hospitals.<sup>227</sup> Some NGOs provide assistance to Syrians regardless of their status.<sup>228</sup>

In practice, some medicine and medical procedures have not been covered.<sup>229</sup> Recently, the government introduced fees for procedures such as MRI scans and X-rays.<sup>230</sup> There is a list of medications subsidised by the government. Medications and medical equipment not on the list can be difficult to access for both TP holders and Turkish citizens.<sup>231</sup>

If a TP holder receives an official referral from a state hospital to another city, they can access that hospital.<sup>232</sup> Otherwise, Syrians can only access hospitals in their province of registration, unless it is a health emergency.<sup>233</sup> Emergency services are also available to unregistered Syrians.<sup>234</sup> A well-informed NGO working with refugees, however, noted that hospitals might be unwilling to treat a Syrian living outside of their province of registration if they do not possess a valid ID card, even in emergency cases.<sup>235</sup>

Many unregistered Syrian women give birth in hospitals, because it is considered emergency assistance. Afterwards, extra days spent at the hospital for complications or caution would not be considered emergency and will be charged accordingly. When families could not immediately pay the amount, in some instances, the mother and the new-born would not be allowed to leave the hospital until a payment or the promise to pay were made.<sup>236</sup>

Other challenges in accessing health services are related to capacity, language and communication. The latter has particularly affected the field of mental health and psychosocial support, as many hospitals do not

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2022, [url](#), p. 4034; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 80; A western official organisation: 17; An international humanitarian organisation: 20

<sup>224</sup> WHO, *Care process levels in dementia care coordination [primary/secondary/tertiary]*, n.d., [url](#)

<sup>225</sup> Siviş, S., *Who is (un)deserving? Differential healthcare access and the interplay between social and symbolic boundary-drawing towards Syrian refugees in Turkey*, 2022, [url](#), p. 4034

<sup>226</sup> An academic source: 17

<sup>227</sup> A research based NGO in the field of migration: 14

<sup>228</sup> A well-informed NGO working with refugees: 32

<sup>229</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); An international organisation in Türkiye: 14

<sup>230</sup> An international humanitarian organisation: 20

<sup>231</sup> A well-informed NGO working with refugees: 28

<sup>232</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 167-168; A Turkish NGO: 19; A local NGO working with refugees: 19

<sup>233</sup> A migration researcher: 21; A Turkish NGO: 19

<sup>234</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 80; An academic source: 18

<sup>235</sup> A well-informed NGO working with refugees: 29-30

<sup>236</sup> A well-informed NGO working with refugees: 29



hire interpreters.<sup>237</sup> A western official organisation observed the availability of Arabic-Turkish translation in hospitals. However, it depended on the province and the nationalities.<sup>238</sup>

Migration health centres have been established across Türkiye, which Syrian nationals can also attend. The migration health centres have Arabic-speaking personnel, nurses and doctors.<sup>239</sup> The purpose is to offload other hospitals and to avoid extensive use of interpreters.<sup>240</sup> A research based NGO in the field of migration noted that the centres opened because of verbal clashes between locals and migrants in the health sector.<sup>241</sup>

### 3.4 Access to accommodation

The Turkish authorities do not provide housing opportunities for Syrians under TP. Syrians must therefore cover for themselves in terms of accommodation.<sup>242</sup>

Syrians are not allowed to buy property in Türkiye, they can only rent.<sup>243</sup> Still, there have been cases where Syrians have overcome this barrier. For example, if a Turkish citizen of non-Syrian origin bought the property on behalf of a Syrian national, or if a Syrian national set up a company and bought the property by registering it to the company.<sup>244</sup>

The majority of Syrians have been living in urban settings on their own.<sup>245</sup> Some TP holders live in informal houses or TOKİ (Türkiye's Housing Development Administration) houses, which is a social housing.<sup>246</sup>

Housing is a general problem in Türkiye due to hyperinflation, where rents have gone up significantly. The Covid-19 pandemic additionally implied that many could not pay rent.<sup>247</sup>

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<sup>237</sup> Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 80; A well-informed NGO working with refugees: 26-27

<sup>238</sup> A western official organisation: 17

<sup>239</sup> A migration researcher: 23; A research based NGO in the field of migration: 14

<sup>240</sup> Siviş, S., *Who is (un)deserving? Differential healthcare access and the interplay between social and symbolic boundary-drawing towards Syrian refugees in Turkey*, 2022, [url](#), p. 4034; A migration researcher: 23

<sup>241</sup> A research based NGO in the field of migration: 14

<sup>242</sup> A well-informed NGO working with refugees: 47; A research based NGO in the field of migration: 20; A migration researcher: 24; A local NGO working with refugees: 13

<sup>243</sup> Independent, *Birçok konut aldıkları öne sürülen Suriyelilere kanunen taşınmaz mülk satışı yasak... Peki alanlar hangi yollarla satın alıyor? [The sale of immovable property to Syrians, who are alleged to have bought many houses, is prohibited by law]*, 23 April 2022, [url](#); Hürriyet, *'You shall not buy': Syrians and real estate ownership in Turkey*, 21 November 2016, [url](#); An international humanitarian organisation: 35; A western official organisation: 21; An academic source: 31; A Turkish NGO: 29; An international organisation in Türkiye: 43; International organisation: 1

<sup>244</sup> Independent, *Birçok konut aldıkları öne sürülen Suriyelilere kanunen taşınmaz mülk satışı yasak... Peki alanlar hangi yollarla satın alıyor? [The sale of immovable property to Syrians, who are alleged to have bought many houses, is prohibited by law]*, 23 April 2022, [url](#); An academic source: 31

<sup>245</sup> Erdoğan, M., *Syrians Barometer 2021*, November 2022, [url](#), p. 6; Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 71; A well-informed NGO working with refugees: 48; An academic source: 26

<sup>246</sup> Daily Sabah, *TOKİ breaks ground for 501 homes in Türkiye's quake-hit zone*, 5 March 2023, [url](#); Hürriyet, *State housing agency TOKİ building three 'container cities' for Syrians in south Turkey*, 18 April 2016, [url](#); A western official organisation: 21

<sup>247</sup> A Turkish NGO: 13; An academic source: 19

Syrians with vulnerabilities can approach the authorities to be settled in the Temporary Accommodation centres (TACs). This is done based on a needs assessment and a vulnerability assessment. After the earthquake, all TACs have been working over their capacity.<sup>248</sup>

Based on different criteria, Syrians can apply for financial assistance, e.g. Emergency Social Safety Net (ESSN), Conditional Education Help (ŞEY) and Social and Economic Support (SED), however, the amount is low.<sup>249</sup>

Since the earthquake in February 2023, Syrians have been struggling to find houses in the southeast, as the rent has doubled. An international humanitarian organisation still saw Syrians living in their cars.<sup>250</sup> A large number of Syrians in the affected areas ended up in informal tent settlements, where there tends to be less service than in official tent camps.<sup>251</sup> It has been more difficult for Syrians to access tents and containers in the earthquake region, as the government has served Turkish citizens as a first priority according to a western official organisation.<sup>252</sup> Some people face difficulties in accessing clean water.<sup>253</sup>

In addition, discrimination plays a part in the housing of Syrians. Landlords often increase the rent<sup>254</sup> or do not want to rent their houses to Syrians.<sup>255</sup> Moreover, the living conditions of Syrians tend to be poor and unhealthy.<sup>256</sup> HRW pointed to the under the radar and dire living conditions of Syrians who fled between 2011 and 2016.<sup>257</sup>

### 3.4.1 Address verification process

At the end of 2021, the Turkish authorities imposed an address verification process. The purpose was to certify that beneficiaries of IP and TP were in fact residing in their provinces of registration.<sup>258</sup> The law enforcement went to the registered addresses of beneficiaries and if they were not at home, the authorities inactivated their TP registration.<sup>259</sup> In other instances, if Syrians did not verify their addresses within a certain period, their TP status was inactivated. To reactivate the TP status, they had to show up at the PDMMs with their address and rental contract.<sup>260</sup> As of June 2023, this process was ongoing.<sup>261</sup> A local NGO working with refugees said that the re-activation process lasted until the end of 2022.<sup>262</sup>

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<sup>248</sup> An international organisation in Türkiye: 20; An academic source: 26

<sup>249</sup> A local NGO working with refugees: 14-15

<sup>250</sup> An international humanitarian organisation: 34

<sup>251</sup> An international humanitarian organisation: 30-31, 36; An academic source: 27

<sup>252</sup> A western official organisation: 22

<sup>253</sup> An academic source: 27

<sup>254</sup> An international humanitarian organisation: 33, 35; A Turkish NGO: 14

<sup>255</sup> An academic source: 20; A local NGO working with refugees: 13

<sup>256</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 156; A Turkish NGO: 15

<sup>257</sup> HRW: 6

<sup>258</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); UNHCR, *Address registry with PDMMs*, 1 April 2022, [url](#); A local NGO working with refugees: 2

<sup>259</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); UNHCR, *Address registry with PDMMs*, 1 April 2022, [url](#); A local NGO working with refugees: 3

<sup>260</sup> An international humanitarian organisation: 3; An international organisation in Türkiye: 12; A local NGO working with refugees: 3

<sup>261</sup> An academic source: 8; An international humanitarian organisation: 3

<sup>262</sup> A local NGO working with refugees: 4

## SYRIANS IN TÜRKIYE – THE TEMPORARY PROTECTION REGULATION AND ITS IMPLEMENTATION

In reality, many Syrians live outside of their province of registration. This collided with a high workload in the PDMMs, which caused a long waiting period for the Syrians with inactivated TP cards. This in turn implied that they could not benefit from health services, education and other services.<sup>263</sup>

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<sup>263</sup> A local NGO working with refugees: 4

## 4. Access to residence permits through family reunification

### 4.1 Family reunification with a Turkish citizen

According to the Law on Foreigners and International Protection (LFIP), family residence permits of maximum three years can be given to foreign spouses (men and women); foreign children or foreign children of their spouse; dependent foreign children or dependent foreign children of their spouse of Turkish citizens.<sup>264</sup>

In order to apply for a family reunification, a Syrian national must present a Syrian passport and an official marriage certificate. If the applicant receives a passport from the Syrian consulate in Istanbul, some local offices of Provincial Directorates for Migration Management (PDMM) ask the person to leave Türkiye and return, because they need a proof of legal entry stamped in the passport. Afterwards, by submitting an official marriage certificate, the residence permit on grounds of family reunification can be issued.<sup>265</sup> Syrian nationals with TP status who apply for Turkish residency through marriage must give up their TP status to gain residency.<sup>266</sup>

In case of divorce, a foreign spouse with a residence permit granted through marriage to a Turkish national will receive a short-term residence permit if they have resided on a family residence permit for at least three years.<sup>267</sup> A Turkish lawyer, however, opined that a foreign person cannot stay in Türkiye after a divorce unless he/she has a valid reason, such as TP status or a Turkish child born out of wedlock.<sup>268</sup>

### 4.2 Family reunification with a Syrian citizen

For Syrians under Temporary protection (TP), the TPR stipulates that Syrians can apply for family reunification in Türkiye to reunite with family members residing outside of Türkiye. This applies to spouses, children who have not reached legal age and dependent children who have reached legal age. Applications are evaluated by the Presidency of Migration Management (PMM).<sup>269</sup> According to an academic source, older family members can also apply for family reunification in Türkiye.<sup>270</sup> Procedures for family reunification shall be initiated immediately for unaccompanied minors without waiting for the request of the minors.<sup>271</sup> In practice, The Turkish Red Crescent (Türk Kızılay) handle the majority of family reunification applications in Türkiye. As of December 2022, The Turkish Red Crescent had received 110 applications, while only nine cases were allowed family reunification. The Red Crescent in Türkiye also conducts tracing of family members.<sup>272</sup> However, in most of the cases, the attempts to find the lost family members were unsuccessful.<sup>273</sup>

Syrian family members in Türkiye must write a petition to the governor in their city of registration and ask for a permission for their Syrian spouse to join them in Türkiye. It is required that the marriage is official,

<sup>264</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Article 34; A well-informed legal source: 4

<sup>265</sup> A local NGO working with refugees: 46

<sup>266</sup> Turkish lawyer working on the human rights of refugees: 9

<sup>267</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Article 34(6)

<sup>268</sup> Turkish lawyer working on the human rights of refugees: 9

<sup>269</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 49; AIDA and ECRE, *Country Report: Türkiye*, 2022, [url](#), p. 150; A well-informed legal source: 2; An academic source: 1

<sup>270</sup> An academic source: 1.

<sup>271</sup> A well-informed legal source: 3

<sup>272</sup> AIDA and ECRE, *Country Report: Türkiye*, 2022, [url](#), p. 150

<sup>273</sup> A local NGO working with refugees: 49

and thus, there can be challenges in terms of polygamous relationships. The petition must contain passport information and contact information of the spouse. The Red Crescent follows up with the governor and contacts the Ministry of Interior to get a pre-approval, which can take a long time. Afterwards, the spouse can approach the border. The situation depends on the conditions at the border, which may change from day to day, but in general, the person is allowed entry into Türkiye. The pre-approval is more difficult to get if the spouse does not live in the northern part of Syria.<sup>274</sup> The governorship informs the border officials about the entry into Türkiye of the spouse.<sup>275</sup> It is the same procedure for children, who are living in Syria, of TP holders living in Türkiye.<sup>276</sup>

If a Syrian under the TP is successful in bringing a family member to Türkiye through the family reunification process, the arriving family member has to register under the TP procedures. However, a well-informed NGO working with refugees had not observed many of such cases.<sup>277</sup> Another source noted that the authorities are supposed to grant easier access to TP in family reunification purposes. Yet, the source had not heard of people receiving TP based on this.<sup>278</sup>

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<sup>274</sup> A well-informed NGO working with refugees: 64, 66

<sup>275</sup> A local NGO working with refugees: 48

<sup>276</sup> A well-informed NGO working with refugees: 67; A local NGO working with refugees: 48

<sup>277</sup> A well-informed NGO working with refugees: 65

<sup>278</sup> An NGO working for refugee rights: 5

## 5. Access to Turkish citizenship

According to Article 25 of the Temporary Protection Regulation (TPR), Syrian nationals with temporary protection (TP) status do not have the right to obtain Turkish citizenship, regardless of how many years they spend in Türkiye.<sup>279</sup>

Generally, for non-TP holders and, according to the Turkish citizenship law, Turkish citizenship is acquired by bloodline. Thus, a child of a Turkish parent (man or woman) is considered a Turkish citizen by birth.<sup>280</sup> Foreigners who have been legally residing in Türkiye for five years without interruption can apply to become Turkish citizens, if they fulfil the additional requirements as stated in the law.<sup>281</sup> However, as stated above, this does not apply to Syrians under TP.<sup>282</sup>

Syrian TP holders can gain Turkish citizenship through marriage to a Turkish citizen or through ‘exceptional citizenship’<sup>283</sup> or in some cases through investments.<sup>284</sup> Sources assessed that the process of gaining Turkish citizenship is non-transparent.<sup>285</sup> The different ways for Syrians to gain Turkish citizenship is elaborated in section 5.1-5.3.

The number of Syrians who have gained Turkish citizenship varies, according to different sources. According to the Turkish Interior Ministry, 221.671 Syrians have gained Turkish citizenship by December 2022.<sup>286</sup> An academic noted that the majority of the Syrians who have obtained Turkish citizenship have acquired it through marriage.<sup>287</sup> A local NGO (Mülteciler Derneği) is compiling existing statistics and updating them on a regular basis. According to a recent info based on official statements, 223,881 Syrians obtained citizenship as of 19 December 2022.<sup>288</sup>

<sup>279</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 25; A well-informed legal source: 5; An NGO working for refugee rights: 11; A local NGO working with refugees: 53; A western official organisation: 5; Turkish lawyer working on the human rights of refugees: 18; A well-informed NGO working with refugees: 76; An international organisation in Türkiye: 41; International organisation: 1-2; A migration researcher: 53; Turkish lawyer working on the human rights of refugees: 18

<sup>280</sup> Türkiye, Mevzuat Bilgi Sistemi, *TÜRK VATANDAŞLIĞI KANUNU [TURKISH CITIZENSHIP LAW]*, 2009, [url](#), Articles 5-7

<sup>281</sup> Türkiye, Mevzuat Bilgi Sistemi, *TÜRK VATANDAŞLIĞI KANUNU [TURKISH CITIZENSHIP LAW]*, 2009, [url](#), Article 11; A local NGO working with refugees: 54; A well-informed legal source: 7

<sup>282</sup> A well-informed legal source: 5; Turkish lawyer working on the human rights of refugees: 18; An international organisation in Türkiye: 41; An NGO working for refugee rights: 11; A local NGO working with refugees: 53; A western official organisation: 5; Turkish lawyer working on the human rights of refugees: 18; A well-informed NGO working with refugees: 76; International organisation: 1-2; A migration researcher: 53

<sup>283</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 150

<sup>284</sup> An academic source: 31

<sup>285</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 149; An international humanitarian organisation: 11

<sup>286</sup> Sabah, *İçişleri Bakanlığı: 'Seçmen kütüklerinde 466 bin Suriyeli tespit edildi' iddiası gerçeği yansıtmıyor [Ministry of Interior: The claim that '466,000 Syrians were identified in the electoral rolls' does not reflect the truth]*, 2 December 2022, [url](#)

<sup>287</sup> An Academic source: 28: The source referred to: Mülteciler Derneği established by Sultanbeyli Municipality of İstanbul, based on another official statement by the former Mol on 14 April 2022, [url](#)

<sup>288</sup> Refugees Association, *Number of Syrians in Turkey July 2023*, 22 August 2023, [url](#); USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

## 5.1 Citizenship through marriage to Turkish nationals

According to the Turkish citizenship law, foreigners who have been married to a Turkish citizen for at least three years and who are still married can apply for Turkish citizenship. The applicant must prove that s/he is living in family unity, avoid acts not compatible with the marriage unity, and not pose a threat on national security and public order.<sup>289</sup>

An international humanitarian organisation had knowledge of cases where foreigners married to Turks have not been able to obtain Turkish citizenship. Turkish authorities interpret the three years of marriage as three years with a residence permit. Therefore, temporary protection (TP) holders must change their status to a residence permit, which requires a valid Syrian passport (see [section 5.4.3.1](#)) and new exit and entry stamps from one of Türkiye's border crossing stations. If a Syrian with TP status applies for Turkish citizenship, s/he will be asked to travel to another country in order to change their status to a non-TP status and subsequently return to Türkiye to file for permanent residency and then after three years of marriage apply for Turkish citizenship.<sup>290</sup> This procedure is difficult for applicants, because once TP holders leave Türkiye, their TP status is revoked.<sup>291</sup>

According to a Turkish lawyer working on the human rights of refugees, some enter such marriages in exchange for money and that can lead to cases of abuse against women. According to the Istanbul Convention, if a marriage ends by a judicial decision because of violence, the condition of staying married for three years in order to obtain Turkish citizenship is not required during the processing of the application. However, the applicant must have held a residence permit during the process. Furthermore, a proof of violence in the marriage is required.<sup>292</sup> In March 2021, Türkiye withdrew from the Istanbul Convention by a presidential decree.<sup>293</sup> Several women organisations and bar associations are currently contesting the legality of the decree at the courts.<sup>294</sup>

## 5.2 Exceptional citizenship

The Turkish presidency<sup>295</sup> can invite Syrians with certain qualifications to apply for Turkish citizenship based on unknown criteria.<sup>296</sup> According to the Turkish Citizenship Law, foreigners who are perceived as beneficial to Türkiye in terms of financial gain or in different fields such as science or culture<sup>297</sup> can be invited to apply for citizenship.<sup>298</sup> Furthermore, the profile of Syrians who have gained citizenship in this scheme are those who invested in Türkiye and who are well educated such as doctors, engineers, lawyers, nurses, business

<sup>289</sup> Türkiye, Mevzuat Bilgi Sistemi, *TÜRK VATANDAŞLIĞI KANUNU [TURKISH CITIZENSHIP LAW]*, 2009, [url](#), Article 16; A local NGO working with refugees: 54; A well-informed legal source: 6; A Turkish lawyer working on Human Rights: 18

<sup>290</sup> An international humanitarian organisation: 9

<sup>291</sup> An NGO working for refugee rights: 19; A Turkish NGO: 22

<sup>292</sup> Turkish lawyer working on the human rights of refugees: 17

<sup>293</sup> Türkiye, T.C. Cumhurbaşkanlığı Resmi Gazete, *Cumhurbaşkanı Kararı, Karar Sayısı 3718*, 20 March 2021, [url](#)

<sup>294</sup> AI, *Amnesty International Report 2022/23, The State of the World's Human Rights, Türkiye*, 2023, [url](#)

<sup>295</sup> A migration researcher: 56; A well-informed legal source: 11; A well-informed NGO working with refugees: 73; An international organisation in Türkiye: 42

<sup>296</sup> A migration researcher: 54; Turkish lawyer working on the human rights of refugees: 15; A well-informed legal source: 11-12; A western diplomatic representation: 6; An NGO working for refugee rights: 20; A Turkish NGO: 25; A well-informed NGO working with refugees: 74; An academic source: 29; HRW: 41; International organisation: 2; An international organisation in Türkiye: 42; A research based NGO in the field of migration: 6; A western official organisation: 5

<sup>297</sup> Türkiye, Mevzuat Bilgi Sistemi, *TÜRK VATANDAŞLIĞI KANUNU [TURKISH CITIZENSHIP LAW]*, 2009, [url](#), Article 12

<sup>298</sup> Turkish lawyer working on the human rights of refugees: 15



owners, religious leaders, sportsmen, scientists and university students.<sup>299</sup> In some cases, entire Syrian families were invited to apply for Turkish citizenship.<sup>300</sup>

Several sources indicated that the granting of exceptional citizenship to Syrians has stopped and very few Syrians have gained Turkish citizenship lately.<sup>301</sup>

### 5.3 Citizenship through investment

In terms of investments, Syrian nationals cannot buy property in Türkiye in order to gain citizenship.<sup>302</sup> Nevertheless, there are ways to overcome this barrier like establishing a company and registering the property to this company or buying properties by proxy.<sup>303</sup> If a Syrian national invests 500,000 US dollars in Türkiye; places a similar amount in a pension scheme; or establishes a business that employs at least 50 people, then they will be eligible for Turkish citizenship.<sup>304</sup> The conditions for acquiring Turkish citizenship for all foreigners including Syrians through investments are laid out in the Regulation on the Implementation of Turkish citizenship law.<sup>305</sup>

### 5.4 Syrian minorities

#### 5.4.1 Syrian Christians

According to a research based NGO in the field of migration, Syrian Armenians and Assyrians arriving in Türkiye were resettled in other countries in the beginning of the Syrian civil war.<sup>306</sup>

#### 5.4.2 Syrian Turkmens

Some sources believe that Syrian Turkmens, who are seen as having Turkish ethnicity, have easier access to Turkish citizenship compared to other Syrians.<sup>307</sup> However, this has changed, according to two sources, who indicated that Syrian Turkmens were having difficulties in gaining Turkish citizenship.<sup>308</sup> Further information could not be found.

A Turkish lawyer working on the human rights of refugees believes that Syrian Turkmens do not have a special status, according to the Turkish citizenship law<sup>309</sup>, but that they do get a privileged treatment by the authorities while applying for Turkish citizenship.<sup>310</sup> A legal source added that Syrian Turkmens are entitled to

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<sup>299</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 149; A migration researcher: 54; An international humanitarian organisation: 10; A research based NGO in the field of migration: 6; A western official organisation: 5; A well-informed legal source: 12; A well-informed NGO working with refugees: 74; A Turkish NGO: 25; A well-informed NGO working with refugees: 74; An academic source: 29; International organisation: 1

<sup>300</sup> A migration researcher: 54; A well-informed NGO working with refugees: 74

<sup>301</sup> A Western diplomatic representation: 7; An NGO working for refugee rights: 22; A Turkish NGO: 27; Turkish lawyer working on the human rights of refugees: 15

<sup>302</sup> An NGO working for refugee rights: 21; A research based NGO in the field of migration: 21,

<sup>302</sup> An academic source: 31; An international organisation in Türkiye: 43; An NGO working for refugee rights: 21; International organisation: 1c; A Turkish NGO: 29

<sup>303</sup> An academic source: 31

<sup>304</sup> An NGO working for refugee rights: 21

<sup>305</sup> Türkiye, *Regulation on the implementation of the Turkish Citizenship Law, 2022*, [url](#), Article 1

<sup>306</sup> A research based NGO in the field of migration: 37.

<sup>307</sup> A research based NGO in the field of migration: 7; Turkish lawyer working on the human rights of refugees: 19; A western official organisation: 7; A local NGO, working with refugees: 55; A migration researcher: 69; HRW: 41

<sup>308</sup> An academic source: 32; A well-informed legal source: 14.

<sup>309</sup> Turkish lawyer working on the human rights of refugees: 19

<sup>310</sup> Turkish lawyer working on the human rights of refugees: 19; A local NGO, working with refugees: 55



various rights such as the right to work freely in Türkiye in accordance with the Act on the Free Exercise of Professions and Arts, and Employment in Public, Private Organisations or Workplaces for Foreigners of Turkish Origin in Türkiye and the related regulation.<sup>311</sup>

### 5.4.3 Stateless persons

According to an international organisation in Türkiye, for Syrian stateless Palestinians there is no specific procedure to gain citizenship in Türkiye.<sup>312</sup>

According to the Temporary Protection Regulation (TPR), stateless persons coming from Syria can benefit from temporary protection in Türkiye.<sup>313</sup> An NGO working with refugees observed that for the past few months or years, stateless Palestinians have been applying for international protection, because they are stateless.<sup>314</sup> However, according to the TPR, applications for international protection are not considered if a person is granted TP status.<sup>315</sup> Two sources noted that some stateless Palestinians from Syria were resettled in France.<sup>316</sup>

The Turkish government does not keep figures for stateless persons.<sup>317</sup>

#### 5.4.3.1 Access to Syrian documents

Some Syrian nationals with TP status in Türkiye have difficulty in proving their Syrian nationality, if these individuals did not bring their Syrian IDs or passports with them to Türkiye.<sup>318</sup>

Several sources indicated that it is very difficult for Syrians in Türkiye to obtain Syrian documents at the Syrian general consulate in Istanbul.<sup>319</sup> A well-informed legal source believes that the Syrian consulate in Istanbul does not issue any passports for Syrians who have TP status in Türkiye.<sup>320</sup> The cost of issuing Syrian passports is very high and could cost the equal to the income of a Syrian family in Türkiye for several months.<sup>321</sup> This also might include paying bribes to the consulate staff.<sup>322</sup>

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<sup>311</sup> A well-informed legal source: 14

<sup>312</sup> An international organisation in Türkiye: 44

<sup>313</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Provisional Article 1

<sup>314</sup> An NGO working with refugees: 43

<sup>315</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 1

<sup>316</sup> An academic source: 33; A research based NGO in the field of migration: 37

<sup>317</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>318</sup> A migration researcher: 62

<sup>319</sup> A migration researcher: 62, 67; A local NGO, working with refugees: 46; An international humanitarian organisation: 12; A Turkish NGO: 23; A well-informed NGO working with refugees: 72

<sup>320</sup> A well-informed legal source: 16

<sup>321</sup> A migration researcher: 64, 66; A local NGO, working with refugees: 52; An international humanitarian organisation: 12; A Turkish NGO: 23; A well-informed NGO working with refugees: 72

<sup>322</sup> A Turkish NGO: 24; A well-informed NGO working with refugees: 72; An international humanitarian organisation: 12; A local NGO working with refugees: 52

## 5.5 Syrian children born in Türkiye

As stated previously, Turkish citizenship is acquired by bloodline. One of the child's parents must be a Turkish national in order for him or her to obtain Turkish citizenship.<sup>323</sup> The Turkish authorities consider Syrian children born in Türkiye to Syrian parents to be Syrian citizens.<sup>324</sup>

However, if the parents of a child born in Türkiye do not have any citizenship and the child risks becoming stateless, the child can acquire Turkish citizenship, according to Article 8 of the Citizenship Law.<sup>325</sup> An analytic report assessed that, in practice, the law has not been applied adequately to Syrian children who were born in Türkiye.<sup>326</sup>

Sources pointed to the risk of statelessness of Syrian children.<sup>327</sup> This is due to the fact that Syrian children born in Türkiye to Syrian parents will not automatically receive Turkish citizenship<sup>328</sup>, while at the same time it is very difficult for Syrians in Türkiye to obtain Syrian documents<sup>329</sup> (see section above [Access to Syrian documents](#)). Furthermore, an analytic source pointed to the fact that Türkiye is not a party to the 1961 Convention on the Reduction of Statelessness or the 1997 European Convention on Nationality. Finally, nationality legislation in Syria does not guarantee women the right to transmit their Syrian nationality to their children. The combination of these aspects creates the risk of statelessness for children born to Syrian refugees in Türkiye.<sup>330</sup>

A Turkish media source reported as of March 2022 that 750,000 children born in Türkiye were stateless. The same source also reported that, as of December 2022, 97,095 Syrian children had been granted Turkish citizenship.<sup>331</sup>

Parents with dual Turkish-Syrian citizenship will automatically pass on their Turkish citizenship to their children.<sup>332</sup>

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<sup>323</sup> Türkiye, Mevzuat Bilgi Sistemi, *TÜRK VATANDAŞLIĞI KANUNU [TURKISH CITIZENSHIP LAW]*, 2009, [url](#), Articles 5-7; USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>324</sup> A well-informed legal source: 16

<sup>325</sup> Türkiye, Mevzuat Bilgi Sistemi, *TÜRK VATANDAŞLIĞI KANUNU [TURKISH CITIZENSHIP LAW]*, 2009, [url](#), Article 8; A well-informed legal source: 15

<sup>326</sup> Institute on Statelessness and Inclusion and the European Network on Statelessness, *Joint Submission to the Human Rights Council at the 35th Session of the Universal Periodic Review, (Third Cycle, January 2020), Türkiye*, July 2019, [url](#), p. 6

<sup>327</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#); Institute on Statelessness and Inclusion and the European Network on Statelessness, *Joint Submission to the Human Rights Council at the 35th Session of the Universal Periodic Review, (Third Cycle, January 2020), Türkiye*, July 2019, [url](#), p. 6; A migration researcher: 62-63

<sup>328</sup> A well-informed legal source: 15

<sup>329</sup> A migration researcher: 62, 67; A local NGO, working with refugees: 46; An international humanitarian organisation: 12; A Turkish NGO: 23; A well-informed NGO working with refugees: 72

<sup>330</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 150

<sup>331</sup> Obianet via AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 150

<sup>332</sup> A well-informed legal source: 13; A migration researcher: 61; A local NGO, working with refugees: 51

## 6. Exit, deportation and re-entry into Türkiye

### 6.1 Exit from Türkiye

Pursuant to the Temporary Protection Regulation (TPR), a person who benefits from temporary protection (TP) will lose his/her status if s/he voluntarily leaves Türkiye.<sup>333</sup> Several sources confirmed that this was the case.<sup>334</sup> All persons under TP who wish to leave Türkiye are required to obtain an exit permit from the PDMM.<sup>335</sup>

#### 6.1.1 Legal exit

Registered as well as unregistered Syrians in Türkiye who wish to return voluntarily to Syria can approach the Provincial Directorates for Migration Management (PDMM) where they will be asked to sign a voluntary repatriation request form.<sup>336</sup> Consequently, the PDMM will issue a travel permission that expires after 15 days.<sup>337</sup> At the border control, the TP ID card will be confiscated and the registration as a TP holder will lapse upon crossing into Syria.<sup>338</sup> For more information on voluntary repatriation, please refer to [Voluntary return and deportations](#).

Temporary permissions to leave Türkiye were granted to Syrian TP holders who were victims of the earthquake that struck on 6 February 2023 from the affected provinces of Hatay, Gaziantep, Adıyaman, Malatya, Şanlıurfa, Osmaniye, Kilis, Kahramanmaraş, Adana, Diyarbakır, and Elazığ.<sup>339</sup> Around 65,000-70,000 Syrians were given temporary permissions to go back to Syria.<sup>340</sup> Unofficially, this group of Syrians were given a deadline of 15 September 2023<sup>341</sup> to return to Türkiye and if they did not, they would lose their TP status.<sup>342</sup>

In April 2022, the Turkish Minister of Interior declared that temporary Eid (in Turkish: Bayram) visits to Syria were no longer allowed. Syrians can only visit and stay at the safe zones, namely Çobanbey, Azez (Azaz), El Bab and Mare.<sup>343</sup> A migration researcher stated that until the Turkish municipal elections of 2019, Syrians were allowed to cross the border to visit Syria during the Bayram holidays; however, after these elections,

<sup>333</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 12, 1a

<sup>334</sup> Refugee Right Turkey, *Registration and Status, For Syrian Refugees and other persons under Temporary Protection, Questions and Answers*, July 2021, [url](#), p. 10-11; An international organisation in Türkiye: 39; A well-informed NGO working with refugees: 49; A local NGO working with refugees: 30; A research based NGO in the field of migration: 30; International organisation: 15

<sup>335</sup> Refugee Right Turkey, *Registration and Status, For Syrian Refugees and other persons under Temporary Protection, Questions and Answers*, July 2021, [url](#), p. 13; International organisation: 16; A research based NGO in the field of migration: 30, 31

<sup>336</sup> UNHCR Türkiye, *Key information for Syrians, Rights and obligations*, n.d., [url](#); Refugees Right Turkey, *Registration and Status, For Syrian Refugees and other persons under Temporary Protection, Questions and Answers*, July 2021, [url](#), p. 12

<sup>337</sup> UNHCR Türkiye, *Key information for Syrians, Rights and obligations*, n.d., [url](#)

<sup>338</sup> UNHCR Türkiye, *Key information for Syrians, Rights and obligations*, n.d., [url](#); An international organisation: 39

<sup>339</sup> An international organisation in Türkiye: 10; A local NGO working with refugees: 30; A research based NGO in the field of migration: 32; A well-informed legal source: 40

<sup>340</sup> A migration researcher: 5

<sup>341</sup> An international organisation in Türkiye: 11

<sup>342</sup> An international organisation in Türkiye: 11; A local NGO working with refugees: 30

<sup>343</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 21 March 2023, [url](#); ECRE, *CESSATION OF TEMPORARY PROTECTION Türkiye*, 14 July 2023, [url](#)

permission to return on grounds of religious holidays were no longer issued.<sup>344</sup> Other sources stated that during religious holidays, Syrians can obtain a time-limited permission to go to Syria.<sup>345</sup>

### 6.1.2 *Illegal exit – consequences if apprehended*

If a TP-registered Syrian attempts to exit Türkiye illegally, for example at the Greek border and is apprehended in the attempt, the authorities' reaction depends on the individual case. An international organisation in Türkiye observed cases in the past in which the apprehended were referred back to their province of registration in Türkiye.<sup>346</sup> According to the EU-Türkiye statement, Türkiye may allow TP holders who transited illegally to Greece, and who were readmitted to Türkiye, to be provided with TP status.<sup>347</sup> Another source opined that if a TP holder exited Türkiye and was apprehended, in such cases their TP status will be revoked.<sup>348</sup>

If an unregistered Syrian was apprehended in the attempt of exiting Türkiye illegally, s/he may be referred to the removal centres or the TACs.<sup>349</sup> The reaction of the authorities may also depend on the security check, including the number of times that the person in question attempted to exit Türkiye illegally, and s/he may also be considered as having committed a crime against public order.<sup>350</sup> In case they are not eligible for registration, they will be deported.<sup>351</sup>

### 6.1.3 *Re-entry into Türkiye*

If a Syrian, who exited Türkiye legally, wishes to re-enter into Türkiye and regain TP status, UNHCR warns on their website that s/he may face challenges. Reinstatement of TP may only be possible after a positive assessment by the authorities based on an individual interview with the applicant.<sup>352</sup>

For Syrians who returned to Syria and re-entered Türkiye, at the individual interview, the applicant will be asked why s/he went back to Syria and for what reasons s/he could not stay.<sup>353</sup> Several sources assessed that it was not an easy process nor an automatic process to regain TP status for someone who voluntarily repatriated to Syria.<sup>354</sup> According to a well-informed NGO, the application will be categorised as pending, unless there are reasons for the authorities to expedite the application, e.g. vulnerabilities.<sup>355</sup> Other sources assessed that it is not possible to reapply for TP status once it has lapsed.<sup>356</sup>

In practice, voluntary returnees are assigned the V87 restriction code for TP holders who voluntarily return to Syria. Due to this code, it is not possible for these persons to re-enter Türkiye, and even if they find a way

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<sup>344</sup> A migration researcher: 5

<sup>345</sup> A local NGO working with refugees: 30; A well-informed legal source: 23; International organisation: 16

<sup>346</sup> An international organisation in Türkiye: 37

<sup>347</sup> ECRE, *CESSATION OF TEMPORARY PROTECTION Türkiye*, 14 July 2023, [url](#)

<sup>348</sup> A local NGO working with refugees: 33

<sup>349</sup> An international organisation in Türkiye: 40; A well-informed NGO working with refugees: 51; A local NGO working with refugees: 27

<sup>350</sup> An international organisation in Türkiye: 40

<sup>351</sup> A local NGO working with refugees: 27; A well-informed NGO working with refugees: 51

<sup>352</sup> UNHCR Türkiye, *Key information for Syrians, Rights and obligations*, n.d., [url](#); A well-informed NGO working with refugees: 50

<sup>353</sup> An international organisation in Türkiye: 42; A well-informed NGO: 50

<sup>354</sup> An international organisation in Türkiye: 42; A migration researcher: 52; A local NGO working with refugees: 32

<sup>355</sup> A well-informed NGO: 49

<sup>356</sup> A research based NGO in the field of migration: 35; A well-informed legal source: 32

to re-enter Türkiye, it is not possible for them to be officially registered under the TPR scheme.<sup>357</sup> According to a circular issued by PMM in 2019, the PDMM was instructed to lift the V87-code for persons returning to Türkiye after having signed a ‘voluntary return document’, especially pregnant women, elderly persons and children.<sup>358</sup>

If a Syrian leaves Türkiye illegally and re-enters Türkiye from a third country without a visa, the treatment of the authorities depends on the individual case.<sup>359</sup> If such a person has never been registered, s/he may end up in a removal centre or in a TAC.<sup>360</sup>

## 6.2 Voluntary return and deportations

Article 4 of the Law on Foreigners and International Protection (LFIP) states that foreigners may not be returned to a place where they would be subject to torture, inhuman or degrading punishment or treatment, or where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion.<sup>361</sup> A legal source advised that it is also the case for Syrians and applies to both regime-controlled areas of Syria and the opposition-controlled areas.<sup>362</sup> PMM stated that from the beginning, Türkiye has fully complied with the rules, human rights and non-refoulement principles, and that Türkiye does not force people to leave the country.<sup>363</sup>

Turkish legislation stipulates several grounds for removal of foreigners. The most commonly given reasons by the authorities for removal of Syrian nationals are being a threat to public order, public health or being affiliated with a terrorism organisation or a benefit-oriented criminal organisation.<sup>364</sup>

A research based NGO in the field of migration pointed to the vagueness of the articles regarding removal, which depends on the officer in charge as well as the location, nationality and religion of the concerned person.<sup>365</sup> Sources described deportations as arbitrary and chaotic, and that the profiles of deportees is unclear.<sup>366</sup>

### 6.2.1 If registered and caught outside province of registration

There are no clear references in the TPR in relation to consequences of leaving the province of registration without a travel permit.<sup>367</sup> In practice, Syrians under TP may encounter problems if the authorities identify

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<sup>357</sup> A well-informed legal source: 32; European Commission, *Strategic Mid-term Evaluation of the Facility for Refugees in Turkey*, June 2021, [url](#), p. 37

<sup>358</sup> ECRE, *CESSATION OF TEMPORARY PROTECTION Türkiye*, 14 July 2023, [url](#)

<sup>359</sup> An international organisation in Türkiye: 41

<sup>360</sup> An international organisation in Türkiye: 41

<sup>361</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Article 4; A well-informed legal source: 30

<sup>362</sup> A well-informed legal source: 30-31

<sup>363</sup> PMM: 4

<sup>364</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Article 54(1b, 1d); Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 8(1d, 1e); Şahin-Mencütek, Z. et al., *Syrian Refugees in Turkey: Between Reception and Integration*, 2023, [url](#), p. 120; A migration researcher: 43, 50; HRW: 35; An academic source: 34, 36; A well-informed legal source: 28; International organisation: 9; A well-informed NGO: 48; A Turkish NGO: 30; A research based NGO in the field of migration: 39; A local NGO working with refugees: 25; An international organisation in Türkiye: 28

<sup>365</sup> A research based NGO in the field of migration: 39

<sup>366</sup> A migration researcher: 30-34, 40, 42; HRW: 40

<sup>367</sup> A well-informed NGO working with refugees: 58; A migration researcher: 30

that they do not live in the city of registration.<sup>368</sup> If a registered Syrian leaves the city or province of registration without a valid travel permit or overstays the permit and is apprehended by the police, the TP can be cancelled and/or the person can be taken to a removal centre.<sup>369</sup> Such a person could be at risk of deportation.<sup>370</sup>

In other cases, they receive an administrative fine or are sent back to the city of registration.<sup>371</sup> Afterwards, there is a risk that the TP will be cancelled.<sup>372</sup> Sometimes, Syrians caught outside the province of registration are placed under detention. A research based NGO in the field of migration had not heard of cases of deportation as a result of traveling outside the province of registration since 2019.<sup>373</sup>

### 6.2.2 *If caught unregistered*

Unregistered Syrians are at risk of deportation.<sup>374</sup> Syrians without legal status, who are apprehended by the authorities, can apply for TP upon arrest. They will be sent to a TAC where it will be decided whether they fulfil the requirements.<sup>375</sup>

In some cases, apprehended unregistered Syrians will be transferred to a removal centre.<sup>376</sup> At times, they are released, unless they are suspected of a crime. The risk of deportation is allegedly lower for unregistered Syrians who approach the migration authorities themselves.<sup>377</sup>

### 6.2.3 *If the apprehended is involved in crime*

Syrians under TP who commit crimes can lose the status, entailing that they will be in Türkiye without legal grounds. Subsequently, some have been deported.<sup>378</sup> In other cases, such persons will be released from removal centres after five to six months if they refuse to sign a voluntary return form. However, they will be required to report to the authorities at certain intervals and/or stay at an address known to the authorities.<sup>379</sup>

If a person apprehended outside the province of registration has been flagged with a security code in the system or has committed a crime, they may be referred to a removal centre.<sup>380</sup> In some instances, people accused of crimes or links to terrorist groups were acquitted but were nonetheless deported to Syria.<sup>381</sup>

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<sup>368</sup> An academic source: 7

<sup>369</sup> A Turkish NGO: 4, 31; An international organisation in Türkiye: 10

<sup>370</sup> HRW: 10; A Turkish NGO: 31; A local NGO working with refugees: 26; A migration researcher: 30; A well-informed NGO working with refugees: 51

<sup>371</sup> A research based NGO in the field of migration: 26; A Turkish NGO: 31; An international organisation in Türkiye: 10

<sup>372</sup> A research based NGO in the field of migration: 26; A Turkish NGO: 31

<sup>373</sup> A research based NGO in the field of migration: 26

<sup>374</sup> HRW: 10; A research based NGO in the field of migration: 40; A local NGO working with refugees: 27; A migration researcher: 26; A well-informed NGO working with refugees: 51; A western official organisation: 10

<sup>375</sup> A well-informed legal source: 27; An international organisation in Türkiye: 35

<sup>376</sup> A well-informed NGO working with refugees: 57; An international organisation in Türkiye: 35

<sup>377</sup> A well-informed NGO working with refugees: 57

<sup>378</sup> A well-informed legal source: 33; A western official organisation: 9; A well-informed NGO working with refugees: 55; An academic source: 34; International organisation: 9

<sup>379</sup> An NGO working for refugee rights: 26; International organisation: 10

<sup>380</sup> An international organisation in Türkiye: 10-11

<sup>381</sup> HRW: 17, 35



## 6.3 Procedures related to deportation

To carry out a deportation, the authorities must issue a deportation order that can be appealed within seven days at the Administrative Court. Syrians can only be placed in administrative detention in a removal centre once a deportation order has been issued. Subsequently, the authorities reach a final decision, which cannot be appealed.<sup>382</sup> In some instances, detainees appealed the deportation decision and were awaiting a decision from the court but were returned to Syria before the court's decision.<sup>383</sup>

Individuals awaiting deportation in removal centres are not always kept in detention, for example if the person is pregnant or has a disease. The authorities may not find it necessary to keep the person in detention, and they can be released from the removal centre with a court order. Yet, the deportation decision is valid.<sup>384</sup>

The Turkish authorities do not officially deport Syrians to Syria but classify returns as voluntary returns. Consequently, it is unclear which are voluntary returns, forced returns or deportations.<sup>385</sup> According to PMM, approximately 500,000 Syrians have returned voluntarily to safe zones in Syria.<sup>386</sup> However, there are cases of torture, enforced disappearances and arbitrary arrests of returnees in these areas.<sup>387</sup>

### 6.3.1 Deportations and forced or coerced returns

In practice, Syrians have been forced and coerced to return to Syria, for instance, by being forced or deceived to sign voluntary return forms.<sup>388</sup> Sources pointed to The European Court of Human Rights (ECHR) case of *Akkad v. Türkiye*, which describes the return of a Syrian under TP to Syria.<sup>389</sup> ECHR ruled that Akkad was forced to sign a voluntary return form and that he had been subjected to inhuman or degrading treatment and other violations of rights.<sup>390</sup>

<sup>382</sup> Türkiye, Mevzuat Bilgi Sistemi, *Yabancılar Ve Uluslararası Koruma Kanunu [Foreigners and International Protection Law]*, 2013, [url](#), Article 53(3); AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 143; An international organisation in Türkiye: 27, 29, 34; International organisation: 8

<sup>383</sup> An international organisation in Türkiye: 34

<sup>384</sup> Turkish lawyer working on the human rights of refugees: 29

<sup>385</sup> A research based NGO in the field of migration: 38; A well-informed NGO working with refugees: 53; International organisation: 14; An international humanitarian organisation: 15

<sup>386</sup> Daily Sabah, *500,000 Syrians return thanks to Turkey's safe zone efforts*, 22 March 2022, [url](#); An academic source: 37; A local NGO working with refugees: 23

<sup>387</sup> MEMO, *Turkey has forcibly deported 155,000 refugees back to Syria, report says*, 18 February 2022, [url](#); The Guardian, *'We fear leaving the house': Lebanon and Turkey step up deportations of Syrian refugees*, 27 June 2023, [url](#); A migration researcher: 41

<sup>388</sup> MEMO, *Turkey has forcibly deported 155,000 refugees back to Syria, report says*, 18 February 2022, [url](#); AI, *Turkey: Syrians illegally deported into war ahead of anticipated 'safe zone'*, 25 October 2019, [url](#); Al-Monitor, *Turkey forcibly departs dozens of Syrians*, 8 February 2022, [url](#); MEE, *Turkey accused of sending scores of refugees back to Syria*, 2 February 2022, [url](#); Council of Europe, *The forced return to Syria of a Syrian national with a valid residence permit was in breach of Turkish law and of the Convention*, 21 June 2022, [url](#); HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); Newlines Institute, *Protecting Syrian Refugees in Turkey from Forced Repatriation*, 16 May 2023, [url](#); A local NGO working with refugees: 23; An international humanitarian organisation: 16-17; A well-informed NGO working with refugees: 54; An international organisation in Türkiye: 30; HRW: 15; A migration researcher: 35

<sup>389</sup> An international organisation in Türkiye: 33; A well-informed legal source: 29

<sup>390</sup> Reuters, *Turkey violated rights of Syrian refugee by expelling him –ECHR*, 21 June 2022, [url](#)



Deportees included holders of TP.<sup>391</sup> There are examples of Syrians being arrested in their homes, workplaces or in the street.<sup>392</sup> They have been kept in detention and exposed to beatings and abuse and were furthermore forced to sign voluntary return forms. Subsequently, officials forced them to cross the border into northern Syria at gunpoint.<sup>393</sup>

Often, Syrians have the option to sign voluntary return forms or to stay in the removal centre.<sup>394</sup> As a consequence, many sign the paper and hope to return to Türkiye after the deportation<sup>395</sup>, or they opt to return to Syria to avoid the removal centre.<sup>396</sup> HRW only observed this in Adana.<sup>397</sup>

Some Syrians have been deported from TACs by force. HRW documented cases of Syrian minors being deported and the arrest of women.<sup>398</sup> A Syrian holder of a Turkish residence permit has also been deported.<sup>399</sup>

Sources pointed to the so-called “Banana case”. Syrians involved in a Twitter campaign were accused of insulting Turkish society and inciting hatred.<sup>400</sup> Consequently, it was announced that at least seven Syrians faced deportation.<sup>401</sup>

Others were deported because of noise complaints. A man was detained in a dog kennel for two days, as he refused to sign a voluntary return document. In the end, he signed it.<sup>402</sup>

The authorities may use the code G87 on the name of foreigners deemed to pose a threat to the public order, national security, and public health or have terror affiliations in order to cancel their residence in Türkiye and trigger their removal. The use of this code is described by HRW as being very arbitrary.<sup>403</sup>

An international organisation noted that deportation orders against Syrians are currently being issued stating that they could be deported back to safe third countries.<sup>404</sup> Corroborating information could not be found.

## 6.4 Conditions in removal centres

Removal centres or ‘foreigners’ removal centre is called ‘*Geri Gönderme Merkezi*’, which is a form of administrative detention prior to being removed or released.<sup>405</sup>

There is a lack of monitoring of removal centres. Although the UN Subcommittee against Torture, Human Rights and Equality Board and the European Committee for the Prevention of Torture (CPT) conducted site

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<sup>391</sup> BAMF, *Briefing Notes Summary*, 30 June 2023, [url](#), p. 2; MEE, *Turkey: After being vilified in elections, Syrian refugees are being deported en masse*, 27 July 2023, [url](#); Al-Monitor, *Turkey forcibly departs dozens of Syrians*, 8 February 2022, [url](#); HRW: 12

<sup>392</sup> A migration researcher: 35; HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#)

<sup>393</sup> HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); HRW: 15

<sup>394</sup> HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); A migration researcher: 36; An NGO working for refugee rights: 24

<sup>395</sup> AIDA and ECRE, *Country Report: Türkiye*, 14 July 2023, [url](#), p. 38; A migration researcher: 37

<sup>396</sup> An international organisation in Türkiye: 31

<sup>397</sup> HRW: 24

<sup>398</sup> HRW: 26, 32-34

<sup>399</sup> MEE, *Turkey: After being vilified in elections, Syrian refugees are being deported en masse*, 27 July 2023, [url](#)

<sup>400</sup> An academic source: 35; A migration researcher: 39

<sup>401</sup> Al-Monitor, *Syrians to be deported for eating bananas 'provocatively' in Turkey*, 28 October 2021, [url](#)

<sup>402</sup> HRW: 16

<sup>403</sup> HRW: 35-36

<sup>404</sup> International organisation: 14

<sup>405</sup> HRW: 13

visits to some centres, the reports have not been published.<sup>406</sup> NGOs cannot access removal centres and thus rely on information from lawyers and individuals who have visited the centres.<sup>407</sup> Only lawyers, notary approved interpreters and notaries have formal access.<sup>408</sup> The UNHCR reportedly had regular access to removal centres, but reports indicate that they have been barred access to individuals in risk of deportation by the authorities.<sup>409</sup>

Removal centres can be overcrowded and unsanitary; there can be a limited access to food or no healthcare.<sup>410</sup> Generally, detainees are divided by nationality.<sup>411</sup> There are reports of torture and violence in removal centres.<sup>412</sup> It can be challenging for refugees and foreigners to press charges in such cases. A Turkish lawyer working on the human rights of refugees heard of detainees being handcuffed for some days as a punishment.<sup>413</sup> Syrians have been handcuffed during transfers to the southeast or the Syrian border crossings.<sup>414</sup> According to a Turkish NGO, sexual assaults in removal centres have been reported.<sup>415</sup>

Refugees can also be kept in police stations or at police headquarters. Usually, they can be held there for maximum four days, but this period can become longer. The police are usually unable to provide sufficient food, and detainees do not have enough space to sleep or access to blankets.<sup>416</sup> Further information could not be found.

#### 6.4.1 Access to legal aid in removal centres

Syrians under TP can benefit from legal aid for all types of civil and administrative disputes. There is a separate legal aid framework for criminal matters, where lawyers are automatically assigned, if the defendant is underage or if the potential crime is considered serious.<sup>417</sup>

Pursuant to the TPR, Syrians can benefit from legal services if they can cover the costs.<sup>418</sup> Detainees are usually not aware of their right to appeal a deportation decision.<sup>419</sup> Therefore, deportation processes often occur without access to lawyers.<sup>420</sup>

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<sup>406</sup> HRW: 20-21

<sup>407</sup> HRW: 27; A Turkish NGO: 39

<sup>408</sup> A Turkish NGO: 39

<sup>409</sup> USDOS, *2022 Country Report on Human Rights Practices: Turkey*, 20 March 2023, [url](#)

<sup>410</sup> HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); HRW: 14, 22, 30; An international humanitarian organisation: 19; Turkish lawyer working on the human rights of refugees: 31-32; A Turkish NGO: 42

<sup>411</sup> HRW: 22

<sup>412</sup> HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); Turkish lawyer working on the human rights of refugees: 28

<sup>413</sup> Turkish lawyer working on the human rights of refugees: 33

<sup>414</sup> Council of Europe, *The forced return to Syria of a Syrian national with a valid residence permit was in breach of Turkish law and of the Convention*, 21 June 2022, [url](#), p. 3-4; AI, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees*, 25 October 2019, [url](#), p. 7; HRW: 31

<sup>415</sup> A Turkish NGO: 43

<sup>416</sup> Turkish lawyer working on the human rights of refugees: 30

<sup>417</sup> A well-informed NGO working with refugees: 59

<sup>418</sup> Türkiye, Mevzuat Bilgi Sistemi, *Geçici Koruma Yönetmeliği [Temporary Protection Regulation]*, 2014, [url](#), Article 53; A well-informed legal source: 34

<sup>419</sup> An NGO working for refugee rights: 30

<sup>420</sup> A well-informed NGO working with refugees: 56

There is not automatic access to lawyers or legal aid<sup>421</sup>, thus, detainees must inform the administration that they need a lawyer.<sup>422</sup> It can also be friends or relatives of the detainee who contact the local bar association.<sup>423</sup> An NGO working for refugee rights emphasised that if the detainee does not have relatives to contact the bar association, it is very difficult to access legal aid.<sup>424</sup>

If the detainee does not have the means to hire a lawyer, the bar association must assess whether the person is in need of legal aid and if so to provide it.<sup>425</sup> The duration of this process varies from city to city, sometimes it can take weeks or months, while there is a time limit of seven days to appeal a deportation decision.<sup>426</sup> A Turkish lawyer opined that it is easier for Syrians to access private lawyers if they have the means to pay themselves.<sup>427</sup> According to HRW, the majority of Syrians have less access to legal aid because they are underprivileged in terms of money and education.<sup>428</sup>

Bar associations provide free of charge legal aid.<sup>429</sup> Some do not extend their services to foreigners, particularly foreigners in detention, because of financial means, xenophobia or because they prioritise Turkish nationals.<sup>430</sup> According to a well-informed NGO working with refugees, the budget for state-funded legal aid is scarce and not distributed evenly among all provinces of Türkiye.<sup>431</sup> UNHCR and the Turkish Union of Bar Association have set up legal clinics.<sup>432</sup>

Lawyers can access removal centres to identify the person in need of legal aid. Afterwards, they conduct an interview and examine their files.<sup>433</sup> Sometimes, lawyers are unable to find the detainees for various reasons. For example, if the spelling of the name of the detainee is different in official records; if the lawyer does not have the personal number of the detainee; or because of language misunderstandings. Occasionally, security guards inform the lawyers that the person is not present in the removal centre even though the lawyer has spoken to the detainee there.<sup>434</sup>

Some deported Syrians were denied the right to appeal and the right to access a lawyer.<sup>435</sup> Often, refugees are not given documents regarding legal or administrative decisions in their cases.<sup>436</sup>

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<sup>421</sup> A Turkish NGO: 34

<sup>422</sup> Turkish lawyer working on the human rights of refugees: 25

<sup>423</sup> An NGO working for refugee rights: 27; A well-informed NGO working with refugees: 56

<sup>424</sup> An NGO working for refugee rights: 28

<sup>425</sup> An international organisation in Türkiye: 25-26; A well-informed legal source: 35

<sup>426</sup> Turkish lawyer working on the human rights of refugees: 25

<sup>427</sup> Turkish lawyer working on the human rights of refugees: 27

<sup>428</sup> HRW: 11

<sup>429</sup> A Turkish NGO: 35; Turkish lawyer working on the human rights of refugees: 27; A well-informed NGO working with refugees: 59

<sup>430</sup> A Turkish NGO: 35; Turkish lawyer working on the human rights of refugees: 27

<sup>431</sup> A well-informed NGO working with refugees: 59

<sup>432</sup> UNHCR, *Quality legal assistance changes the lives of refugees and asylum-seekers for the better*, 1 July 2020, [url](#); Turkish lawyer working on the human rights of refugees: 21; A Turkish NGO: 36

<sup>433</sup> A Turkish NGO: 39

<sup>434</sup> A Turkish NGO: 39-41; HRW: 19, 28

<sup>435</sup> HRW, *Turkey: Hundreds of Refugees Deported to Syria*, 24 October 2022, [url](#); An international organisation in Türkiye: 30

<sup>436</sup> Turkish lawyer working on the human rights of refugees: 24

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An international humanitarian organisation pointed to the short notice between the signing of a voluntary return document and the actual repatriation as a challenge. Lawyers assigned to the cases often do not have time to arrive to the removal centre before the deportation.<sup>437</sup>

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<sup>437</sup> An international humanitarian organisation: 18

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## Annex 1 – Meeting minutes

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### An Academic source

20 June 2023

The source is a political scientist who mainly works on migration governance, minorities, equality and the implementation of non-discrimination policies towards disadvantaged groups.

#### Syrians currently entering Türkiye

1. Currently, it is possible for Syrians to access Türkiye via family reunifications. If a member of the family has a TP status in Türkiye, they can request a family reunification. This especially applies if it concerns a spouse or an older family member.
2. If the Syrian in question has a chronic illness that cannot be treated in Syria, then the person can enter Türkiye through regular means in the border cities. However, Syrians' access to Türkiye in mass numbers has not occurred since 2016, especially through regular ways.
3. Asked if it is possible for Syrians without vulnerabilities to apply for TP, the source replied that they may be granted temporary protection on the basis of individual need for protection and not in mass as was the case previously. Furthermore, the source currently does not work as much in the border areas as she used to do. However, Syrians with vulnerabilities, e.g. disabilities, may be granted access.
4. To the knowledge of the source, Syrians need to apply for temporary protection at the local PMM (the provincial migration management) units, but if they arrive directly at the borders, the border guards must act as a reference point and direct them to the local authorities.
5. Istanbul has been closed for new TP registrations for almost two years.<sup>438</sup> The PDMM used to publish information about which provinces are closed for registrations, but they do not anymore. Some cities closed in 2022 but have now re-opened for registrations, for example Adana. Large urban cities, such as Ankara and Istanbul, have closed, but the surrounding cities are often open. According to a Turkish NGO the following cities are closed for new and renewed TP registrations: cities closed to TP registration: **İstanbul, Ankara, İzmir, Bursa, Kocaeli, Antalya, Hatay, Sakarya, Aydın, Çanakkale, Düzce, Edirne, Kırklareli, Muğla, and Yalova.**<sup>439</sup>
6. There are around 137.000 Syrians who have TP status and who live in Izmir.
7. Syrians under the TP scheme as well as people under international protection may encounter problems if the authorities identify that they do not live in the city of registration.
8. According to information from PMM, 1,169 neighbourhoods in various cities were closed for registration of people under TP, international protection and residence permit.<sup>440</sup> PMM also informed that **people under TP needs to make sure that they have an up-to-date valid address of residency. The process of "address confirmation" is ongoing.**
9. One can access all publicly available statistics on migration, including on the Temporary Protection via the website of Presidency of Migration Management (PMM).<sup>441</sup>

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<sup>438</sup> The source referred to: Statement by Ministry of Interior's on 8 October 2022 that Istanbul is entirely closed for new/renewed TP registration for a while now, [url](#)

<sup>439</sup> The source referred to: Hataya Destek, 12 April 2022: cities closed to TP registration: **İstanbul, Ankara, İzmir, Bursa, Kocaeli, Antalya, Hatay, Sakarya, Aydın, Çanakkale, Düzce, Edirne, Kırklareli, Muğla, Yalova,** [url](#)

<sup>440</sup> The source referred to: PMM, as of 1 July 2022, [url](#)

<sup>441</sup> The source referred to: PMM, Temporary Protection, [url](#)

### Regaining the TP status

10. The source knows some cases where Syrians have been in Türkiye before but they lost their temporary protection status, because they left Türkiye and/or went to Europe. Later, they wanted to return to Türkiye, for instance to obtain family reunification, etc. If Syrians previously in possession of TP cards have a very valid reason, and if they have certain vulnerabilities, it has been possible for them to regain the TP status in some cases, particularly if they have family members living in Türkiye. The TPR directive does not state that Syrians may not regain their status if they leave Türkiye and later return.

### Social services

11. According to the TP regulation, Syrians with TP status have access to employment in Türkiye as long as they have been registered for six months and live in the city of registration. However, the TP status does not provide automatic access to employment. The Syrian first needs to find a job, and the employer needs to agree to sponsor the Syrian. Thus, the work permit application takes place through the employer.<sup>442</sup>
12. In some cities, local governments facilitate the process. In Bursa for example, the local authorities help the employer with the brokering in collaboration with the Red Cross.
13. Some international agencies, in partnership with the local authorities, pay for the social security fee of the Syrians because some employers use the fee as an excuse not to go through the process.
14. The TP status also provides access to education, especially primary and secondary school. Schooling rates are quite high compared to high school enrolment rates. However, there are barriers affecting Syrians' access to education, such as issues related to livelihood. Problems related to steady income and steady employment lead many families to resort to negative coping mechanisms, such as child labour. Many children in families where the parents lost their jobs have started working and dropped out of school. There are no exact numbers of these cases, but it has increased during the Covid-19 pandemic and the economic downturn in Türkiye.
15. The Ministry of Education publishes data regarding dropouts on a yearly basis. For the past few years, dropouts have had a gradual increase. The enrolment rate in 2022 was around 75 percent in primary schools, 80 percent in middle schools and 42.6 percent in high schools.<sup>443</sup>
16. TP status grants access to all levels of education, including vocational school and higher education.
17. According to the source, until 2020 or 2021, health services were one of the most significant parts of the social integration process in terms of Türkiye's policy towards Syrians. For Syrians under temporary protection, there is no time limit to their health insurance as long as they are registered. For non-Syrian refugees aged +18, the health insurance is time-limited to one year. If they are unable to cover health insurance for certain reasons, they can apply to Migration Management Authorities.
18. Emergency cases are mostly treated without major problems, also for non-Syrian refugees and migrants with irregular status.
19. The situation related to housing has two main issues. Currently, housing is a general problem in Türkiye due to the hyperinflation. Rents have gone up very strikingly, also affecting Syrian refugees,

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<sup>442</sup> The source further referred to, UNHCR, Livelihoods and Economic Inclusion Programmes, n.d., [url](#)

<sup>443</sup> The source referred to: Ministry of National Education, 2022, Students under international protection in Türkiye (including Syrians under TP), [url](#)



- especially those living in urban cities. In 2022, during the pandemic, many Syrians had to evacuate their houses because they could not afford the rising rents. The landlords started increasing rents.
20. The second problem is social discrimination, which is a rising issue in Türkiye.<sup>444</sup> The source has heard from many Syrians that they were not able to rent proper housing because the landlords did not want to rent their houses to Syrians.

#### Provincial differences in access to social services

21. Labour market dynamics differ from city to city, mainly because of the city's own local economic dynamics rather than Syrians' access. In Gaziantep, for instance, there are more job opportunities because it is relatively industrialised, whereas the neighbouring city of Şanlıurfa has very high unemployment rates. According to the source, this has been improving. Previously in some cities, the local authorities were not particularly involved in refugee issues, but this has gradually changed. In many different cities, Syrians do have access to all these social areas.

#### Unaccompanied minors

22. Unaccompanied minors are under the protection of the Ministry of Family and Social Services. Syrian unaccompanied minors are treated under equal conditions as unaccompanied Turkish minors. Previously, there were specific camps for these children, but now there are special houses for Turkish, Ukrainian as well as Syrian unaccompanied minors.
23. The source was not sure whether Syrian unaccompanied minors can obtain Turkish citizenship.

#### Temporary accommodation centres

24. The source had access to temporary accommodations centres in 2016.<sup>445</sup> At the time, Syrians lived in tents or in containers in remote areas. Some of the camps had a self-sustainable model with a bazar and a marketplace where people could work. There were also social activity areas, and children could attend school. Furthermore, there was access to health services.
25. The remaining TACs are all container camps.
26. Since 2018, the capacity and populations of the temporary accommodation centres (TACs) have been minimal. There are now only nine camps left that are accommodating 61,300 people. The camps are in Adana, Hatay, Kahramanmaraş, Kilis, Osmaniye, Gaziantep, and Malatya.<sup>446</sup> Most TACs have been closed since Türkiye shifted its policy for refugees from encampment (providing camp accommodation to refugees) to non-encampment majorly. The non-encampment policy implies that it is now more development-oriented/ self-sustainable model: overwhelming majority of Syrians under TP live in urban areas, not camps alongside the host communities. There are still a couple TACs in the south-eastern cities for vulnerable groups, including single females, elderly people and families with disabled family members.
27. Because of the earthquake in February 2023, Syrians and Turkish people living in the affected cities have to live in tents. Some people face difficulties in accessing clean water.

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<sup>444</sup> The source referred to Syrian Barometer 2021, A FRAMEWORK FOR ACHIEVING SOCIAL COHESION WITH SYRIANS IN TÜRKİYE, Prof. Dr. M. Murat ERDOĞAN, [url](#)

<sup>445</sup> The source referred to a documentary from 2016 comparing the lives of Syrians living in camps and in urban areas : <https://youtu.be/76F6uAXSxbE>

<sup>446</sup> The source referred to: PMM, Distribution of Syrian Refugees in the scope of temporary protection according to shelter centres, 15 June 2023, [url](#)

### Access to citizenship

28. The most common way for a Syrian to obtain Turkish citizenship is through marriage with a Turkish national. According to the Ministry of Interior, around 169,000-170,000 Syrians have obtained Turkish citizenship and the majority of these have been acquired through marriage. The source commented that the total number of citizenships granted so far is based on statements from the authorities. A local NGO (Multeciler Dernegi established by Sultanbeyli Municipality of Istanbul) is compiling existing statistics and updating them on a regular basis. According to a recent info they shared based on official statements, 223,881 Syrians obtained citizenship as of 19 December 2022.<sup>447</sup>
29. Another type of acquisition of citizenship is exceptional citizenship, which is also granted to Syrians. This especially applies to Syrians who have invested in Türkiye or if they are university students or graduates. The source knows many students from the south and from Istanbul who acquired Turkish citizenship in this manner. However, there are no specific definition or criteria for how to qualify for exceptional citizenship. Previously, it was given to entrepreneurs and Syrians with professions.
30. The third possibility to obtain Turkish citizenship is through a residence permit. Some Syrians entered Türkiye with their passports and have acquired houses or bought real estate.
31. To the knowledge of the source, according to the law, Syrians cannot buy property in Türkiye. According to secondary sources, there are a few ways to overcome this barrier: a Turkish citizen (non-Syrian origin) may buy the property on their behalf or they may first set up a company and buy the property by registering it to the company. The source was unable to verify this with real life examples.
32. Asked if it easier for Syrian Turkmens to obtain Turkish citizenship, the source replied that Syrian Turkmens have experienced challenges in this regard. It was easier in the early years, in 2013-14. However, since 2018-2019, some Turkmens have found it more difficult to obtain Turkish citizenship and have been waiting for four or five years
33. The source had limited information regarding stateless Palestinians from Syria. The ones the source had information about either had passports or went to France.

### Deportations and voluntary returns

34. There have been official cases of deportation of Syrians who have violated certain rules, for instance, if they were involved in terrorism or committed a crime. 19,336 Syrians were deported due to security reasons.<sup>448</sup>
35. In 2022, there was an incident with some young Syrians who were involved in a Twitter media campaign, the so-called 'banana case'. They were accused of insulting Turkish society. Subsequently, there were rumours that the Syrians were deported. Allegedly, there were a couple of others cases as well. However, the source could not verify these cases.
36. Asked if the deportations have a legal basis in the Temporary Protection Regulation, the source replied that the legal grounds for deportations include unlawful behaviour such as crimes or terror-related crimes and if the Syrian poses a threat to the integrity of the Turkish society.

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<sup>447</sup> The source referred to: Multeciler Dernegi established by Sultanbeyli Municipality of Istanbul, based on another official statement by the former MoI on 14 April 2022, [url](#)

<sup>448</sup> The source referred to: Multeciler Dernegi established by Sultanbeyli Municipality of Istanbul, based on another official statement by the former MoI on 14 April 2022, [url](#)

37. Apart from those deportations, most of the returns are categorised as voluntary returns. According to recent numbers, about half a million Syrians have voluntarily returned to Syria.<sup>449</sup> However, the source does not have information about how many of these have been forcibly returned or voluntarily returned.
38. Asked about the conditions in deportation centres, the source said that they do not have much information regarding Syrian cases. In general, in most deportation centres, individuals have access to lawyers if they ask for it. There are also cases where access to legal assistance is very limited, especially if the person has very limited information about the Turkish asylum system. In such cases, the non-Syrian persons in question could in fact be deported even if they have the legal basis to apply for asylum.

### The protection framework

39. The Turkish system is very centralised. The local authorities have a rather limited role and if they want to play a role, it is usually under their own mandate. The central government never forces them to provide certain assistance or services to refugees. In reality, Syrians are based in urban centres and thus, the local governments had to include them in their services. However, there have been some issues.
40. The first issue is budget constraints. The budget that the local authorities receive from the central government is based on the number of Turkish citizens living in their cities. Therefore, they do not receive extra funding for the refugees they have been accommodating for the past 10 years.
41. The second issue is legal constraints. There are no laws or legislation stating that municipalities or local authorities have direct responsibilities. As a result, it mainly depends on the leadership of the mayor. Some mayors collaborate with international organisations or opens community centres for refugees. Some pro-government municipalities have been more proactive in their approach, whereas opposition municipalities have been more lay low. However, this is also changing because of the funding they receive.
42. Many municipalities now have collaborations with IOM, UNHCR, the Danish Refugee Council and GIZ. Regardless of their political affiliation, many municipalities realised that with their limited budgets, they can still provide certain services, which also include their own host communities. Gradually, the municipalities have become more active. Currently, the central government is trying to make them more responsible for the migration management.

## A local NGO, working with refugees

7 June 2023

### The address verification process, 2022

1. In 2019, the source did not observe general problems with the registration of the Syrians. However, in 2022 after the regulations and the address verification was imposed, serious problems with the registration of Syrians arose.
2. The address verification process began in the beginning of March of 2022, when the Turkish authorities began verifying the home addresses of the registered Syrians in Türkiye. The verification was done by checking if the registered Syrians actually lived at the address on which they were reg-

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<sup>449</sup> The source referred to: Multeciler Dernegi established by Sultanbeyli Municipality of Istanbul (based on an official statement from 5 October 2022 according to which around 527,000 Syrians voluntarily returned to Syria), [url](#)

- istered. This verification of the home addresses was made possible through the Temporary Protection Regulation (TPR) scheme under which the Syrian nationals inform about their address upon registration at the Provincial Directorates of Migration Management (PDMM) office.
3. The address verification of the Syrians was undertaken by the law enforcement that went to the registered addresses of the beneficiaries. In case the registered Syrians were not at home, their TP registration was inactivated by the Turkish authorities. The number of inactivated TP cards was high. When the Syrians subsequently wanted to reactivate their registration, they had to go to the PDMM to make an appointment to have their TP cards reactivated.
  4. The Syrians in Türkiye are registered in a specific province; in case they wish to visit another province, they need a permit from PDMM. They cannot go to the other provinces without a reason, a specific travel time, or a travel permit from the PDMM. However, in reality many of the Syrians are living outside of their registration province. This collided with a high workload in the PDMMs, which caused a long waiting period for the Syrians with inactivated TP cards. This in turn implied that they could not benefit from health services, education and other types of services related to the TP scheme. The verification took place during the first quarter of 2022. However, the re-activation process lasted until the end of 2022. In addition, a new regulation was implemented as of June 2022 issued by the Presidency of Migration Management (PMM). According to this regulation, the unregistered Syrians had to approach the Temporary accommodation centres for the registration process.
  5. [Information updated on 7 September 2023 by the source]: Türkiye has been hosting a significant number of Syrian refugees since the start of the Syrian civil war. Syrians who fled to Türkiye were granted temporary protection (TPR) status. This status allowed them to stay in the country legally and access certain services. Syrian refugees in Türkiye were required to register with the Turkish government to access essential services and legal protection. Registration centers, often run by the Presidency of Migration Management (PMM), were set up in various cities to facilitate this process. However, the registration had been completely postponed after the earthquake, especially in the E/Q region. Recently, assessments have been made for people with special needs who are declared to have a very high vulnerability (GBV, persons with disabilities, LGBTI+, unaccompanied children, newborn registration, etc.) by PDMMs. However, this situation can vary by province. Moreover, as of June 2022, after the publication of the circular on registering newcomers under TPR, registration procedures had been undergoing in TACs, except for newcomers with high vulnerability. Until the earthquake, the registration of newcomers had been led with a TAC focus. After the earthquake, there was a gap in the placement of earthquake victims in the TACs, and referrals could not be made. Applications of people without identity cards could not be processed. Recently, referrals have started in some TACs (such as Kilis and Adana), and evaluation has started for registration processes.

### Exceptional groups

6. Furthermore, there are some exceptional groups such as people who are medically unable to travel and their caregivers and companions; those whose physical and/or mental health conditions are not suitable for accommodation in a centre; those with visible disabilities; those with a disability report of forty percent or more; people with severe chronic diseases, such as cancer, for whom access to regular treatment is essential; women who have been subjected to gender-based violence or who are in temporary accommodation centres/referral centres; people at risk of exposure in their centres; and LGBT+ persons.

7. These exceptional groups can go directly to the PDMMs and be registered under the TPR. However, the source had observed that some PDMMs did not follow this procedure. The source gave an example on a PDMM that did not register a pregnant woman, who is in the category of exceptional groups, and who was taken to a temporary accommodation centre instead of registering her right away. There are seven temporary accommodation centres in Türkiye.
8. Pregnant women were not given the opportunity to ask for temporary protection as they should have been, because the PDMMs refused to register them. So, members of these exceptional groups were told to go to the temporary accommodation centres in order to be registered. No reason for this deviation from the procedure was given.

#### **Administration of the TP scheme**

9. There are some rules and laws about the registration procedures, but every PDMM make their decisions by themselves. The source had observed very different implementations of the rules, province by province.
10. For example, in one city or province, the exceptional groups are registered by the PDMM, but in other cities and provinces they are not registered by the PDMM but at the temporary accommodation centres.

#### **Social conflict**

11. Social conflict is a serious problem, specifically before the election. According to the discourses of some political parties, there is a serious conflict between the local community in Türkiye and the Syrian community. The source also observed some verbal and physical attacks on Syrians in different provinces. The source pointed to the Altindag incident in 2021 in Ankara as well as incidents in Konya and Izmir where Syrians were exposed to violence by the local community.

#### **Closed neighbourhoods**

12. The source also pointed to the problem of the closed neighbourhoods, in the sense that they are closed for registration which imposes more difficulties to all people under international protection and temporary protection, because they are not allowed to register to every neighbourhood. The number of closed neighbourhoods is about 1,169 according to official numbers. This increases the rent that is already extremely high and it lessens the options for refugees to find housing, because they cannot be registered without having a place to stay in.
13. As an example, the source pointed to the neighbourhood of Altindag in Ankara where most of the population is Syrian and the rent is low. However, due to the cap of asylum seekers and refugees in each neighbourhood, some Syrians were asked to leave Altindag and move to other neighbourhoods where the rent was much higher and the property owners do not want Syrians to stay in their houses. House rents are generally paid out of pocket.

#### **Assistance for house rents**

14. It is possible to apply for assistance to pay the rent for those who fit the criteria. The amount of the assistance is very low, especially due to the inflation. The source mentioned some programmes to which people under international protection and temporary protection can apply for assistance, for instance ESN, ŞEY and SED. However, the amount of the help is at the level of 100-300 liras per person, which is not much help to the beneficiaries. Both people under international protection and temporary protection can apply for this.

15. The criteria for being granted assistance is for example, the number of children, disabled or elderly people in the family etc. According to these criteria, the Syrians and others can benefit from the ESSN program funded by Echo; the implementing partner is the Turkish Red Crescent and beneficiaries can apply for this assistance. If they fulfil the criteria, they can benefit from this assistance, for example, a five-member family can only receive 1,500 lira every month which is very low.

### **Social services**

16. According to the law, as long as the Syrians are properly registered and they have an active ID card under international protection or temporary protection, they have access to health services, educational services etc. However, what the source encounters is that in some places, it is extremely discretionary, for example some principals of schools imposed a quota for foreign students in their school so they refuse to enrol, for instance, Syrian children. This implies that parents have to enrol their child in a school much further from the place they live in. Sometimes they cannot send their child to school because they do not have any means to go by bus and they do not have a car. Moreover, there is also a high degree of peer bullying in schools, which is also a significant reason for dropouts.
17. In order to enrol a child outside the province where the family lives, they can fill in a guest student application. The rule is that in order to be registered as a guest student, one must provide a travel permit valid for the entire school period that will be the object of the enrolment. A 60-day travel permit has been implemented after the earthquake and is often given to earthquake survivors who have fled their province of origin. In other situations, the travel permit is only given for a few days.
18. In general, as a Syrian, one can only benefit from the health, education and social services in the province of registration.
19. As for access to health services in other provinces than the province of registration, as long as a Syrian has the proper travel permit or a paper from the hospital saying that the beneficiary needs the checkouts at another hospital, they can have access to the services as a TP card holder.
20. In terms of Syrian children not attending school, the source noted that the number increased after 2021 and after the earthquake in 2023. The main reasons for this are the economic situation and peer bullying.
21. Many Syrian children need psychological support because of the discriminatory discourses against the Syrian population. For the last two years, another serious problem for Syrians is the worsening economic situation in Türkiye, because it is getting worse. Job opportunities for Syrians are very limited and most of them are working illegally. They often cannot get a work permit and work for low salaries; along with this problem the sources also observed a serious increase in child labour, specifically among the Syrian population as well as an increase in childhood and early forced marriage. In some cases, some of the Syrian women had to agree to survival sex.
22. When a person under international protection and temporary protection wants to work outside of the province of registration, he/she needs a travel permit. When asked about the consequences of not having a work permit or permission to travel outside of the province of registration, the source replied that the PDMM can issue an administrative decision which can result in a deportation decision. When a Syrian national is issued a negative administrative decision and deported to Syria, and if the deportee returns to Türkiye through legal ways, the registration for the second time is very difficult and in most cases impossible.

### **Deportation**



23. For the last 18 months, the Turkish government has been conducting a voluntary repatriation process. The source, however, observed that some of the repatriation processes are not voluntary, but rather, the beneficiaries are forced back to Syria. The source did not have exact numbers on deportations of Syrian nationals, because the governmental institutions do not share the numbers. According to the official statements from the PMM on 22 May 2023, 554,107 Syrians registered for TP ID holders returned to Syria by voluntary repatriation.
24. UNHCR and some of the INGOs are observing the voluntary repatriation procedures. For example, UNHCR is represented at the Syrian border crossing points and they are checking if the repatriations are in fact happening on a voluntary basis.
25. The legal grounds given for deportations is very often ‘the public good’. There was a decree issued in 2016 stating that the TP will be revoked if a person is posing danger to the public order, to the national health, to the security, or if the TP holder has terror connections. The source confirmed that this decree is still being implemented.
26. In general, the lack of fulfilment of the obligations, such as applying for a travel permit when leaving one’s province of registration, is one of the reasons for negative administrative decisions and the other one is the offenses against the public order.
27. Unregistered Syrians will first go to the Temporary accommodation centres and after the security check, if they are not eligible for registration, they are deported.

#### **Loss of TP status**

28. When a Syrian loses his or her TP status and the applicant receives a negative administrative decision, the applicant has 10 to 30 days to object to this decision before the Administrative Court. The applicant has also the right to object to the decision of the Administrative Court before the Court of Appeal. This decision is final and cannot be subject to another appeal. After the decision becomes final, a deportation decision is issued. The applicant has seven days to object to this decision. The decision issued after the objection is final.
29. When a court decision on deportation is final, the following procedure is not clear to the source.
30. The UNHCR pays visits to the removal centres but they do not have a permanent presence there.
31. In general, when a Syrian national leaves Türkiye, he/she loses their TP status. The source mentioned one exception to this: after the earthquake, a number of Syrians received permissions from the PDMMs to go to Syria for a limited period of three months after which they must return to Türkiye. If they do not return, they lose their TP status.
32. During religious holidays, the PDMMs will issue a time limited return permission.
33. In case the Syrians with TP status leave Türkiye without a permission and, for instance, go to Greece and are apprehended and pushed back to Türkiye by the Greek authorities, their TP status will be revoked. In order to regain their TP card, the process is very difficult and especially within the last years, the Turkish authorities do not reactivate the TP cards of Syrians, who attempted to cross the border illegally.
34. The source is closely following the migration at the western borders and have observed an increase in the number of irregular migrations there.

#### **Issuance of TP**

35. [Information updated on 7 September 2023 by the source]:  
The situation of big cities being closed to the registration of TPR is still valid. Individuals with special



needs mentioned above are not registered even in these big cities (though there may be exceptions). Therefore, these individuals are directed to areas with a low Syrian population. Central Anatolia is one of these regions.

36. [Information updated on 7 September 2023 by the source]:  
Currently, PDMMs have largely resumed their normal functioning in the earthquake region. Therefore, the procedures are mainly continuing as they were before the earthquake. Due to the fact that there are still earthquake survivors in the TACs, there are still uncertainties regarding the registration process in some of those centers. No change was observed in the process outside the earthquake zone.
37. The main issue after the earthquake is the extension of the travel permits. Most of the PDMMs do not extend travel permits after the earthquake, which implies that the Syrians must return to the earthquake region in Türkiye from where they came. They will have to go to the tent areas or container areas, which is difficult because the capacity of most of the tent areas is full.
38. UNHCR is not involved in the registration process of Syrians, which is undertaken by the Turkish government. In regard to the role of UNHCR, the source further explained that during 2018 and 2019 UNHCR provided funds to PDMMs in order to continue the validation of people residing in Türkiye; UNHCR hired staff through a company and provided necessary computers and other equipment.
39. Syrians, who do not have any type of ID documents when they apply for TP, can make a statement and then the TP status is based on that statement.
40. Syrians under the TP scheme are not required to renew their status. International Protection IDs have an expiry date and must be renewed regularly. This period can be two or three months as it can be a year. It depends on the PDMM that issued the ID.
41. There is only one kind of TP card.
42. There is no electronic platform on which Syrians can apply for a TP card, and the card is not displayed in any electronic form either. Via e-devlet, in some cases, it is possible to book an appointment with the PDMM and also to apply for travel permits.
43. For the past few months or years, the source observed that stateless Palestinians are applying for international protection because they are stateless. The temporary protection is issued for everyone that came from the Syrian territory; it is not only for Syrian citizens. Until 2019, the TP was also issued for many Iraqis coming from Syria and for stateless Kurds.

#### **Registration of children**

44. With regard to registration of new-borns under the TP scheme, the source explained that new-born babies are one of the exceptional groups under the regulation of 20 June 2022. This means that the registration can take place at the PDMM offices. The new-born is registered in the file of its parents with a birth certificate. The source observed some problems with the registration of new-born babies and the registration of unaccompanied children in metropolitan areas.
45. A birth certificate is very important for registration of new-born babies, but some Syrian families prefer not to give birth in the hospitals, but rather in their own homes. This implies that they are not issued with a birth certificate, which causes problems for the registration of the new-born baby. Afterwards, it is very difficult to have the child registered. In some cases, the baby stays unregistered for many months. Some of the PDMMs request a DNA test, which is very expensive. Unregistered individuals, including new-borns, cannot benefit from health services, education, social assistance and other services in Türkiye.

### Family reunification

46. In terms of family reunification for a Syrian spouse married to a Turkish national, the source stated that this procedure was not part of their working field. The source, however, shared that in order to apply for family reunification, a Syrian national must present a Syrian passport. In order to obtain a Syrian passport the applicant must address the Syrian consulate which is a long process. If the applicant succeeds in getting a passports from the Syrian authorities, some of the PDMs ask the person to leave Türkiye and to return because they need a proof of legal entry stamped in the passport. Afterwards, by submitting an official marriage certificate, the residence permit on grounds of family reunification can be issued.
47. On the possibility for family reunification between two Syrian spouses, the source noted that the governorships at the Syrian border together with the Syrian Red Crescent are responsible for the procedure for the transfer of the spouse living in Syria to Türkiye.
48. The procedure of the beneficiaries is to address the governorship at the Syrian border to document the marriage. Then the governorship informs the border officials about the entry to Türkiye of the spouse. It is the same procedure for parents and children.
49. The TRC is responsible for finding lost family members of Syrians in Türkiye. However, in most of the cases the attempts to find the lost family members were unsuccessful.

### Citizenship

50. Children born to Syrian parents in Türkiye do not automatically obtain Turkish citizenship. In order for a child to become a Turkish citizen, one of the parents must be a Turkish national.
51. If one of the parents has dual citizenship, for instance Turkish-Syrian, the citizenship can be transferred to his or her child. In cases where a Syrian parent becomes a Turkish citizen, his or her children will also gain Turkish citizenship.
52. It is very difficult for Syrians living in Türkiye to obtain a Syrian passport. Issuance of passports is based on bribes. The price is approximately 1,000 USD or more to the staff at the consulate and this is besides of the fees that they have to pay to the Syrian government.
53. The TP scheme does not allow Syrian couples to gain Turkish citizenship after three years.
54. According to Turkish law and practice, a foreigner needs to have minimum five years of residency to gain citizenship. If they are married to a Turkish national, they will get citizenship after three years of marriage.
55. In terms of citizenship to ethnic minorities from Syria, the Syrian Turkmens for instance, the staff in local authorities tends to make the process easier for them.

### Resettlement

56. Vulnerable groups from Syria, such as religious minorities, Christians and other smaller religious minorities, were to a large extent resettled outside Türkiye. More than ten thousand Syrian families were resettled in third countries. The group includes religious minorities, LGBT+ or persons with serious, medic

## Turkish lawyer working on the human rights of refugees

8 June 2023

The source is a lawyer in the Turkish bar association with a specialisation in the rights of LGBTQ+ refugees.

### Syrians applying for temporary protection Türkiye

1. It is possible for Syrians to enter Türkiye and apply for temporary protection (TP). There are temporary accommodation centres for refugees in Türkiye (the centres are in Adana, Kilis, Kahramanmaraş, Hatay, Gaziantep, Osmaniye, Malatya. However, the source did not know if all of them are actively serving) where Syrians have to stay.
2. They cannot freely travel to other places in Türkiye. However, if a Syrian has a specific condition, for example, if he or she suffers from HIV and only can get treatment in Ankara or other cities, they can stay in those cities. This also applies to Syrians who have a spouse or a first-degree relative living in another city and he or she is able to prove the marriage through a valid document. However, the source cannot say that this happens in every single case.
3. Asked which provinces no longer issue TP cards, the source replied that such decisions are not publicly announced and can change. To the knowledge of the source, the whole of Türkiye is closed off to newcomer Syrians under temporary protection status, except for Syrians living in the temporary accommodation centres.
4. Hatred is rising against refugees in Türkiye.
5. The source does not have access to the temporary accommodation centres but has heard of child abuse committed by teachers in the centres, which could not be verified.
6. Asked if a Syrian who has lived in a third country can enter Türkiye and apply for TP, the source replied that if there is no problem in accessing asylum procedures in that European country, it is not possible for the person to make an application in Türkiye. However, in practice, the source was not certain if there is an exception for TP.
7. It is not possible to apply for TP by proxy. If there is a family of five, the leader of the family can be the one conducting the interview, but the authorities still want to see everyone because they have to submit fingerprints for the TP card. In addition, it is required that other adult family members must give consent to allow the application to be made by proxy.

#### **Syrians applying for residency and family reunification in Türkiye**

8. It is possible for Syrians under TP to apply for a residence permit; however, it is unknown whether the Turkish authorities will grant the residence permit. In order to apply for a residence permit, it is necessary to have a valid Syrian passport. It is also a requirement to have health insurance. Sometimes, the authorities ask applicants if they have enough money to live in Türkiye.
9. Marriage with a Turkish national can lead to a residence permit for Syrian nationals. However, it does not guarantee that the Syrian national can stay in Türkiye endlessly. [See section on citizenship] When applying for a residence permit on grounds of marriage with a Turkish citizen, a Syrian national must give up his/her temporary protection status. If the person is staying with a residence permit for example (Those short residence permits last around one year), he/she will switch to family residence after marriage. Because after the end of the residence permit period, he/she will switch to family residence so that he/she will be able to continue to stay in Türkiye. A reason is required for a person with a residence permit to continue to stay here after a divorce. A person cannot stay in the country after a divorce unless he/she has a valid reason. If the person already has a TP status from the start, that would be a valid reason. Another reason can be having a Turkish child born out of the marriage.

#### **Freedom of movement**

10. After the earthquake in February 2023, the Turkish authorities said that people affected by the earthquake could relocate for 90 days. It was later shortened to 60 days. After this, the authorities

said that there would be no extension of the period. However, applications for extension are decided individually based on each person's situation. As far as the source knew, the authorities decide on the damage status of the houses through the system, but there is a lot of uncertainty as to what the practice and implementation is.

11. Asked if permissions to leave Türkiye are time limited for TP holders, the source replied that there is no legal basis for periods where Syrians are allowed to leave. The PMM decides this. After the earthquake, people were allowed to go to Syria for a while. The source was unaware of what would happen if a Syrian returned to Türkiye after the expiration date of a travel permit.

#### **TP cards**

12. There are two different ID cards: one is for refugees under TP. The other one is a regular residence permit for people staying in Türkiye, for example as students or people who married Turkish citizens. Syrians can obtain a residence permit as well, but they can only stay in Türkiye as long as the ID card is valid. The source knows Syrians with residence permits.
13. Syrians with TP cards do not have an expiry date for the temporary protection status.
14. The identification number of all foreigners in Türkiye starts with 99, including Syrian TP holders. In order to place all foreigners in one category and to make sure that people stay in the cities they were assigned, the authorities announced that all cards were to be renewed.

#### **Access to citizenship**

15. A possible way to obtain Turkish citizenship is called 'exceptional citizenship', which the Turkish government is able to grant. The number of granted citizenships are unknown to the source. Currently, the government does not grant this kind of citizenship.
16. The source gave an example of the process: a Syrian who arrives under the temporary protection regime and obtains a TP card marries a Turkish national and applies for a residence permit. After three years, the Syrian can apply for Turkish citizenship.
17. Some marriages that the source has seen are marriages entered into in exchange for money. In some cases, the source has seen that the women face abuse, and therefore the marriages end in divorce. According to the Istanbul Convention, if a refugee has to end a marriage because of violence, and there is a judicial decision regarding this, the condition of staying married for 3 years is not required during the citizenship application, however, the person must have held a residence permit during this process, and cannot apply if he or she still has a temporary protection identity card. A proof for the violence in the marriage is needed, for example, a restraining order or a divorce decree based on violence.
18. The source added that persons under temporary protection cannot apply for Turkish citizenship no matter how long they stay married with a Turkish citizen during the period of this status. According to the law, people can apply for Turkish citizenship if they have been married for 3 years with a family residence permit.
19. Syrian Turkmens do not have a constitutional right to become Turkish citizens. It is easier for them to obtain citizenship because of their origin, but it is not stated in the refugee law.

#### **Deportations**

20. The source gave an example of a deportation decision of one of their Syrian clients. The client did not personally inform the source about the situation, but the source assumed that this happened based on the available information. The Syrian committed a crime and was sentenced to five

months in jail for a minor offence, but the sentence was suspended and thus, the Syrian was not jailed. If the Syrian did not commit a crime in the next five years, the conviction would be expunged from his record. The Syrian was placed under administrative custody, and the authorities decided to deport him. He stayed in a removal centre in Ankara for a while, after which he was sent to the removal centre in Gaziantep.

21. A lawyer from the legal clinics set up by UNHCR and the Turkish union of bar associations had him sign a petition which the lawyer then used to launch a lawsuit. The Syrian lost the case launched against the decision to deport him. One month later, he was released from administrative custody. The source was informed by the client that he owed the migration management 5,500 liras in debt. Afterwards, his TP card was revoked and he could not access health services or other services.
22. The source shared this case as an example of how difficult it is for lawyers to reach the correct and detailed information in these cases.
23. In another case, two children allegedly tried to steal a bicycle. Consequently, both their parents were taken into custody. Both families now stay in a removal centre facing deportation. There is a universal principle that a crime is individual, but that rule does not work in this case according to the source.
24. The refugees are not given documents regarding legal decisions or administrative decisions in their cases. Therefore, lawyers have to make assumptions from the anecdotes, stories and reports that refugees give the lawyers.

#### **Access to lawyers and legal aid in removal centres**

25. A person in a removal centre can inform the administration that they need a lawyer. If the administration decides to communicate this information to the bar association, the bar association assigns a lawyer. The duration of the process varies for each city. It can take weeks or months, while there is a time limit of seven days when it comes to initiating a case against the deportation decision.
26. Asked if Syrians in removal centres have access to lawyers in practice, the source replied that it is a grey area. For example, the migration authority informed lawyers that seven or eight Turkmenistan nationals required lawyers, and lawyers were appointed. However, the source does not know when the seven or eight individuals in fact notified the migration authority that they needed lawyers. The source believed that the limited duration that they had to appeal against their decision had passed.
27. Asked about provincial differences in access to legal assistance in the removal centres, the source replied that conditions in Ankara and Izmir are better than in the rest of the country. In some cities, lawyers are not assigned to foreigners either due to the limited budgets in the cities or it might be examples of discrimination. It is easier for Syrians with the means to pay for a lawyer.

#### **Conditions in removal centres**

28. According to a Turkish prosecutor whom the source talked to, there are four cases involving torture in a deportation centre. However, the source does not know the details of the cases. It is a challenge for refugees or foreigners to press charges in such cases.
29. Individuals awaiting deportation in the removal centres are not always kept in detention. If there are special circumstances, for example if the person is pregnant or has a disease, they might not spend six months in a removal centre. It might also be the case that the authorities may not feel the need to keep the person in detention, and they can be released from the removal centre with a court order, but the decision to deport them is still valid.

30. Refugees are not only kept in removal centres. They are also kept in police stations or at police headquarters. Usually, they can be held there for four days maximum, but this period can become much longer. Conditions there are not good. Police stations and police headquarters are unable to provide sufficient food, and detainees do not have enough space to sleep or access to blankets.
31. With respect to removal centres, one of the source's clients who had a baby said that they could only get one carton of milk for 200 millilitres daily.
32. The removal centres can be very crowded and thus, people do not have sufficient and decent space to sleep.
33. The source has heard of cases where detainees in a removal centres were handcuffed as punishment for some days.

#### **Syrians who apply for TP for a second time**

34. Applicants for international protection and TP holders can submit a second application. When a person applies for international protection, the law calls for this person to submit signatures to the authorities at regular intervals. If the applicant fails to fulfil that requirement, it is assumed that they have withdrawn their application. They can restart the process later. The source knows of cases where people have successfully regained international protection.
35. Asked about Syrians who exit Türkiye illegally and later return to Türkiye, the source said that there is a provision in the Temporary Protection Regulation (TPR) that allows people who exit and come back to apply for temporary protection. In these cases, the Presidency of Migration Management (PMM), and not the provincial migration management officers (PDMM), makes the decision; however, this does not mean that a positive decision will be taken in every second application.
36. One of the source's clients received a one-year entry ban, but still came into Türkiye and did not leave again.
37. When asked if a person living with HIV can be deported, the source replied that in such cases the authorities might categorise the case under the heading of "threatening public health". In such a situation, it is argued by commentators that living with HIV does not pose a threat to public health.
38. In order for a Syrian to apply for TP for a second time, he or she must not have committed a serious crime. Since the authority to make a decision about the issuance of TP lies with PMM, the justification for the decisions are not clear. Sometimes PMM states that it is against public order to issue a TP to a specific person.
39. When asked why Syrians have to leave the country and apply again, the source replied that it is because the voluntary return forms are forcibly signed at removal centres. The source elaborated and said that instead of staying in a removal centre for months or even a year, people can consent to sign a voluntary return form and be sent to Syria. Especially refugees from Syria can come back to Türkiye illegally through the border. The sources added that some refugees who think they can come back to Türkiye may sign this document.
40. According to the law on Temporary Protection Regulation, the temporary protection scheme is terminated by the decision of the presidency. The law on Foreigners and International Protection clearly states that it is the president who makes a decision on access to rights.
41. The president has the authority to end the TP scheme.
42. The source has seen cases where a Syrian received a TP card when applying for a second time, but it was three years ago in a city in southern Türkiye. The second TP card was not time limited.

#### **Unaccompanied minors**



43. There are unaccompanied minors from many nationalities in Türkiye. There are also LGBTI+ children among them.
44. PMM and the Ministry of Family and Social Services should be contacted to ensure that the minor is placed under protection. According to the source, this is not what happens on the ground. However, there are also good examples
45. Children, especially transgender persons, do not want to stay in dormitories or homes reserved just for boys or just for girls. Two LGBTI+ minors, one Iranian and one Syrian, faced serious violence and discrimination in the orphanage they were staying.
46. When there is an Afghan national with no documents to prove their identity, authorities prefer to keep them in removal centres, even if they are minors.
47. If the minor, including Syrian minors, does not have an identity card and does not match the declared age and physical appearance, authorities conduct a bone age test. According to Turkish law, that person should be assumed to be 16 years old and not 20. However, that is not the case. Even if this person was proved a minor, he or she would be placed in the lower floors of the removal centre but would still stay in the same building.

## An international humanitarian organisation

9 June 2023

Tasks of the source focuses on bettering the lives of refugees within the Turkish borders.

### Economic situation

1. The source, as part of their work, makes assessments among Syrian refugees to know to what extent their needs are covered. According to these assessments, the situation in terms of coverage of socio-economic needs is getting worse. Approximately, 84 percent of the Syrians said that they cannot cover one of their basic needs, either rent, to rent shelter, schooling, food and clothing. Out of the 84 percent, around 30 or 40 percent said that they cannot cover their basic needs at all. This means that they do not have enough money for any of these needs.

### TP status

2. When asked to what extent it is possible for Syrians to apply for TP status, the source replied that for a while it has not been possible to obtain TP status. It has become more restricted through a series of circulars.
3. The source referred to the address verification exercise in which Syrian TP holders were asked to prove that they lived at the address on which they were registered, and if they did not, their TP status was put on hold. The only way the TP status could be reactivated was by showing up at the PDMM office to show their address and the rental contract. The address verification is an ongoing process.
4. For Syrians living in Türkiye more and more provinces were closed for registration of TP and shortly before the earthquake, all provinces have now been closed for registration. For Syrians who are not an 'extremely vulnerable case', which is not defined, it is completely the prerogative and subjective decision of the PDMM official who interviews the Syrian in question to determine whether or not he or she is an extremely vulnerable case. For those who are not granted TP status, they are almost certainly deported.
5. Unaccompanied minors is a category that has consistently been determined as the most vulnerable, which implies that they do obtain temporary protection. Other pathways for minors to obtain



TP status depends on whether they have any sort of family in the country and if they can be reunited with them or if they have to be in the custody of the Department of Family and Social Services which is a case by case assessment. Newborns usually get TP status. Single women and heads of household are also likely to get TP status.

6. When asked if it is possible to apply for TP by proxy, the source replied that for instance the head of the household can apply for TP on behalf of his or her family. In other cases for instance non-family related proxies, the source did not have information.
7. The TP status is not time bound. In some cases of permits for entering Türkiye only for medical treatment, a separate ID card different from the TP card is issued. The ID card issued for medical treatment is time bound and is contingent on finishing the medical treatment and then returning.
8. In terms of the number of Syrians living in Türkiye, PMM's website states that there is around 3.3 million Syrians holding TP status. The source perceives these numbers to be underestimated.

### **Residence permit and citizenship**

9. When asked to what extent Syrian TP holders can marry a Turkish national and then after three years apply for Turkish citizenship, the source replied that they personally know a few Syrians who are married to Turkish women who had children with them and who have not been able to obtain citizenship. It is extremely complicated. If a Syrian TP holder applies for citizenship, he or she will be asked to travel to another country in order to change the status to a non-TP status and subsequently come back into Türkiye to file for permanent residency and then after three years apply for citizenship. The source elaborated that a Syrian TP holder who marries a Turkish national cannot apply for a change of status to permanent residency the day after the wedding. The source further opined that since not many countries will allow a Syrian refugee with only a Syrian passport and a TP card as ID documents to enter their territory, it adds to the difficulties in obtaining permanent residency.
10. Another way for a Syrian national to obtain permanent residency is to work or operate a business or somehow generate an income in a formal way, then he or she could get a work permit and a residence permit.
11. The source opined that pathways to citizenship are very opaque by design and the process is non-transparent.
12. Asked if it is possible to apply for and be granted a Syrian passport from the Syrian consulate in Istanbul, the source replied that it is difficult. It is extremely difficult to get an appointment at the consulate if the Syrian does not bribe someone. The passport fees are very high. The whole process to get the passport could cost up to four thousand USD.
13. A child born in Türkiye by Syrian parents does not automatically become a Turkish citizen. Concerning the risk of the child becoming stateless, the source noted that for all Syrian children born in Türkiye with a Turkish birth registration, there is a process whereby the parents can submit the birth registration of the child to the consulate and in principle, they would be able to obtain a Syrian passport if the parents can afford it.
14. As long as the parents and the child are living in Türkiye they will have their TP status, but if they return to Syria they will have no documentation on who the child is and where it is from.

### **Deportations**

15. In principle, Türkiye would never admit that anyone is being deported. Türkiye officially adheres to the non-refoulement principle. This implies that it is not possible to find trustworthy information in

deportation cases because officially it does not take place. It is accepted by both the government and by organisations working in the country that voluntary repatriation is ongoing en masse. The practice of the voluntary repatriation has changed many times over the years, and with every new circular, the practice changes again.

16. The source does not have access to detention centres, detention facilities or deportation centres and emphasized that their knowledge on deportation is anecdotal and stems from their partners that have partial and limited access to these centres. The process to deport Syrians used to be pressure tactics where a detainee would not be given any clarity on how long he or she would be staying in the centre, how long their case would take and, through an accumulation of frustration, some psychological tactics. Eventually, they would sign a voluntary repatriation form and be repatriated to Syria.
17. If the application for TP status is rejected, the applicant does not have access to services or any meaningful right. Once an application is rejected, it is easy to convince the Syrian that their best option is to return to Syria as opposed to actually deporting the person. In practice, being repatriated or deported does not make that much of a difference because at the end of the day, whether you sign a paper under duress or because the person is convinced, the process is the same. The person will be loaded onto a bus and driven to a border crossing point and taken to the other side of the border.
18. In principle, UNHCR can access the removal centres through their lawyers, but in practice they never do. There is a very short notice between the signing of the voluntary repatriation form and the actual repatriation. The lawyers assigned to the cases of deportation cases do not make it to the centre in time before the individual is deported.
19. With regard to the conditions in the deportation centres, the source only had indirect observations to share. Usually issues have to do with overcrowding, access to the outside world through phone calls; during the COVID shutdowns, there were also issues related to personal hygiene equipment, including disinfection gel etc. Other than that, the source did not have information on the treatment of the detainees such as handcuffing etc.

#### Health care

20. Syrian holders of TP status can get health care treatment in the government hospitals free of charge. Recently, the government started introducing minor fees for certain procedures such as MRI scannings, and X-rays. The source did not know if there is a mechanism within Türkiye through which Syrians can search for their lost family members.

#### Employment

21. Refugees in all of Türkiye have the right to work which is part of the legal framework that has been enshrined for them. There are no provincial differences in legal and labour rights. However, there are many challenges when it comes to employing Syrian refugees, including acquisition of a work permit, which is both costly and lengthy and given the level of skills that is available among the host community members, usually employers are not interested in employing Syrian refugees.
22. The source's organisation among other things works on incentivising employment of refugees. If the Syrian individual's skills already match the market, then there is a demand for a certain level of semi-skilled jobs in Türkiye. The source tries to support formal employment as much as possible.

23. For Syrians who are not skilled or do not have skills that match the needs of the market, the other option is to join a training program organised by the source, where they offer pre-employment training on areas in the market assessed to be of relevance and in demand.
24. Once the skills of the Syrian individual are up to a certain level and they receive a certification by the Ministry of National Education, for example in furniture making, then they would be eligible for job matching with furniture makers.
25. Other fields in which the Syrian may find a job, the source pointed to any sort of home improvement, for example electrical wiring, bricklaying, construction work due to the earthquake and the post-earthquake reconstruction.
26. Without this type of support, unless a Syrian refugee is highly skilled and possesses skills that cannot be found amongst the host community members, it is extremely hard to get a formal job and less so an informal job. Even when it comes to informal jobs, Turkish employers will be more inclined to hire Turkish employees. Many Syrian refugees are mainly working in informal employment in Türkiye as a whole as well as in the southeast.

### **Women's access to job market**

27. Many women from Syria are less skilled than the men due to their role in the family in Syria, as being the caretaker of the children and the home and not necessarily the breadwinner. Nevertheless, the Syrian women are often expected to make an income to supplement the man's income. The source has a program to support women to become competitive in the job market and to start a home-based business, for instance tailoring. However, they may not necessarily be at the level that they would be employed by a company. The company might be far away from their home and they still have to care for their children or do not wish to be in an environment dominated by men.

### **Access to education**

28. The TP status grants access to school for children for the mandatory education in Türkiye, which covers up to the last grade of high school, however, it does not cover access to university. Syrians have the right to enrol at the university after high school subject to payment.
29. In the schools of the earthquake affected areas only 40 percent of children are attending school.

### **Housing**

30. Housing is becoming more expensive and there are many layers of complexity. In the southeast, the provinces where the houses were not heavily impacted by the earthquake are in demand among the displaced Syrians.
31. Many Syrian refugees in the southeast are struggling to find a house. The rent of houses in the southeast has doubled since the earthquake.
32. Another layer of complexity is the travel permit. Syrians who are living in earthquake affected zones must have a travel permit to travel anywhere in the country. In order to obtain a travel permit, the Syrians need a reason to travel. Finding a house in another province is not within the reasons to which the authorities will issue a travel permit. The acceptable reasons for leaving the province is employment, an invitation by a family member whose address is verified and it would be time-bound to three months.
33. Furthermore, the address verification implied that Syrians cannot rent a house in neighbourhoods in which more than 25 percent are foreigners. This implies that if Syrian nationals find another place to live in a different province with less than 25 percent of foreigners living in a district, they

- will often be isolated and live in a more expensive neighbourhood. The landlords in these neighbourhoods increase the price in order to demotivate Syrians or to get as much money as they can. Finally, there is a tendency in Türkiye to demand six months or a year in advance of rent payment.
34. It is extremely difficult to find housing and the source is still seeing couples who are living in their cars after the earthquake. These are people with a job in an international organisation, who speak the Turkish language and who would be able to pay the rent.
  35. In the experience of the source, discrimination takes place in the sense that the first question a landlord would ask someone who wants to rent a house is if the person is Syrian. The Syrian TP holders are not allowed to buy property in Syria, they can only rent houses.
  36. The majority of Syrian refugees living in the earthquake areas stayed in the provinces and ended up in informal tent settlements, and there tends to be much less service than in the official tent camps managed by a fund, the Turkish Red Crescent or by the volunteer municipalities responding to the crisis.

### Freedom of movement

37. After the earthquake, Syrians were allowed to travel to any province for an initial period of 60 days that has been extended by another 60 days and since again extended. The source expects that by August 2023, no more extensions will be made and the Syrians will be expected to go back to the devastated province they had to leave after the earthquake. Currently, Syrian people living in the devastated provinces in the southeast cannot go anywhere in Türkiye without a travel permit.
38. Syrians living in the earthquake-hit areas were permitted to go back to Syria for a time limited period. Around 50,000 Syrians took the option to go back to Syria. The source did not have information on people who came back and believed that the Syrians who went back to Syria are permitted to come back from now on and until September.

## A research based NGO in the field of migration

5 June 2023

### Introduction

1. Many people do not trust the official number of Syrians in Türkiye. Some claim that the actual number is unknown. This started with the second round of recent elections when Sinan Oğan, the right wing leader, stated that there are 13 million refugees in Türkiye. Kemal Kılıçdaroğlu said 10 million refugees.
2. On the website of DGMM, the Directorate General of Migration Management, legal migrants with residence permits, Syrians under TP, those with applications of international protection add up to around 5 million. Therefore, if the numbers of 10 or 13 million refugees are correct, there is an extra five to eight million irregular migrants in the country, which is quite unrealistic according to the source.
3. Most likely, the entrance and exit numbers of people into and from Türkiye are included. These numbers, however, also include short-term resident visitors. For example, a Danish citizen can easily come to Türkiye without a visa and stay in the country for 90 days.
4. After the recent elections, hate speech and anti-migrant sentiments peaked.

### Citizenship

5. The process of granting citizenship in Türkiye is not transparent. Persons applying for citizenship do not know the stages of their process.
6. Around 200,000 Syrians have received Turkish citizenship by invitation. Religious leaders, educated people and individuals with capital receive citizenship. The application process and the profiles of those invited are unknown. The total number of individuals granted citizenship is announced by the Ministry of Interior.
7. Turkmens living in the region most likely receive Turkish citizenship much easier than others.

#### **Syrians in Türkiye and access to social services**

8. It is still possible to apply for TP in Türkiye. Some provinces are, however, closed for registration. However, according to rumours from NGO stakeholders in the field, if a Syrian applying for TP is not sick, disabled or have an advanced pregnancy etc., they are not allowed to register at all. The source was not able to confirm this.
9. Normally, a neighbourhood will be closed for registration if the population of foreigners exceeds 25 percent of the entire neighbourhood population. Only the governor and the migration management are aware of the numbers of each neighbourhood. For example, the neighbourhood of Kadıköy is closed because of the high number of expats living there.
10. Until recently, the number of Syrians under the TP regime was announced to 3.5-3.6 million, but authorities decreased it to 3.3 million because half a million people allegedly returned to Syria.
11. The TPR grants access, albeit with challenges, to health, education and different types of monetary aid provided through different funding agencies, among others the EU.
12. For example, there is something called a social safety net card. 1.6-1.8 million received this card. In the past, it was 120 lira per month per person. Now, it increased to 250 lira per person.
13. If Syrians register their children for school, they receive funding through different schemes. However, the criteria are unknown.
14. There is some kind of segregation in terms of access to health services. Migrant health clinics have been established with Arabic-speaking doctors and facilitators. This happened because of verbal clashes between locals and migrants in the health sector. However, Syrians can also access Turkish public hospitals. They have to present their TP card for identification.
15. Türkiye has a national education system. There are, however, issues with students who enter the system from the mid years. The government states that registration numbers are very high, but field officers argue that the attendance level is quite low.
16. In some instances, Turkish parents do not want Syrians in their children's classes. To the source's knowledge, such clashes have not led to Syrians being denied access to either health or education.
17. With the earthquake, the situation grew worse because there are Syrians in every province of Türkiye. Almost half of them were registered in the areas affected by the earthquake.
18. Syrians in Türkiye can apply for a work permit, but it is not a right to work. Employers must sponsor their work permits and there is a quota system in place. For every Syrian the employers hire, a number of Turkish citizens must be hired as well.
19. According to the source, the problem is not about the Syrians, but a matter of the nature of the economy. In Türkiye, there is a very large informal economy. Before the Syrians, it was the case for the Kurdish people. They are usually employed without social security and get their money in cash, which paves the way for exploitation in many cases.
20. Migrants in Türkiye are not provided with housing. Initially, there were certain camps open for accommodation but they were closed over time. Most of the Syrians in Türkiye are urban refugees. They have to find their own accommodation and pay for it.

21. Asked if there are restrictions for Syrians to rent or buy real estate, the source replied that the buying of property depends on the location. Since 1938, Syrians have not been allowed to buy property in the province of Hatay. In other provinces, Syrians are allowed to rent and buy property.
22. Some Syrians came to Türkiye with capital and have established their own companies and restaurants.

### Freedom of movement

23. Syrians under TP cannot move freely around within Türkiye. Before the earthquake, if Syrians wanted to travel within the country, they had to get a permit from the PMM by going to the governor's office with the TP card.
24. Syrians can only access social services in their provinces of registration. If they want to send their children to school in Istanbul, they have to be registered in Istanbul.
25. When Syrians buy tickets for different types of transportation outside their own province, they will be asked for a travel permit.
26. On paper, if a person leaves the city of registration without a travel permit and is apprehended in another city, they receive an administrative fine or are sent back to the city of registration. If they fail to give sign-ins in three consecutive weeks, it will be assumed by the PDMM that they withdrew their TP and are then considered irregular. In other cases, they can be placed under detention. The source has not heard of cases of deportation as a result of travelling outside the province of registration after 2019.
27. Because of the earthquake, authorities made an exception to this. If a Syrian came from one of the 10 affected provinces, they could move freely around for 60 days. This was later extended for another 60 days, which is about to end. Syrians from earthquake-affected regions could therefore move to any other city and try to re-register there.
28. According to the source, Turkish authorities are less strict with Syrians in this regard compared to other beneficiaries of international protection.
29. The source had not heard of cases where a Syrian lost their TP for leaving their province of registration without a permit. Generally, Syrians applying for a travel permit receive it.

### Syrians with TP who exit Türkiye

30. If a TP holder exits Türkiye, their TP will be revoked.
31. In one case, a Syrian with TP in Türkiye received international protection in Europe and moved there. His mother was sick, so he returned to Istanbul and did not face any challenges when entering Türkiye. However, when exiting the country, he was stuck in the airport and was informed that he was acting against the TPR.
32. After the earthquake, some Syrians returned to Syria with permits, to bury loved ones. They had six months to return to Türkiye. The six months have not passed yet. Therefore, the source was unaware whether they have been able to return.
33. Some Syrians travelled to Syria without a permit. According to anecdotal cases, they faced issues when trying to enter Türkiye again. Some of them sneaked back in.
34. According to the source, the earthquake is leading to irregularity in the region.
35. Asked if it is possible to reapply for TP, the source did not believe it is possible. However, there was an exception during the Edirne incidents in 2020 when migrants trying to cross the border to Greece were pushed back by the Greeks back into Türkiye. These migrants stayed in the no-man's



zone until the (Covid-19) pandemic occurred. After that these migrants were allowed to go back to their registered cities (inside Türkiye).

#### **Differences in ethnicities of Syrians entering Türkiye**

36. After 2015, Syrians passing through the Kurdish regions into Türkiye have often been shot with firearms or have been blocked in more instances compared to Sunni Arabs. However, the source did not know this for sure. The source did not know whether there are systematic obstacles to their registration or stay in Türkiye.
37. In the beginning, Syrian Armenians came to Türkiye and were quickly resettled in Canada and France. Assyrians were usually resettled in Germany, Sweden or France. Christian Palestinians who used to live in Syrian refugee camps were usually resettled in France through humanitarian visa.

#### **Deportations and voluntary repatriation**

38. The Turkish authorities do not officially deport Syrians but classify them as voluntary returns. Afghans on the other hand, who are irregular migrants, are being deported. Therefore, it is unclear how many of the returned Syrians are actually voluntary returns, how many are forced to sign the voluntary return document, and how many of them are deported.
39. The Law on Foreigners and International Protection outlines the three grounds of deportation: harm to public health; harm to public order; and being part of or facilitator of a terrorist organisation. The articles are vague, and, according to the source, it is difficult to say who poses a threat to public health or order. It depends on the officer in charge, the location, the nationality and religion of the concerned person.
40. The source confirmed that a Syrian not under TP status, who is apprehended, will be deported.
41. There were some lawsuits in Türkiye, where the international terrorist fighter code of G87 used by Interpol was given to a five-year old girl, an 80-year old woman and a nine month pregnant woman. The code prevents them from entering and leaving the country and makes it possible for them to be apprehended in identity checks. The code is only available for the police to see through the ID number on the TP card.

## **A Western diplomatic representation**

5 June 2023

#### **Temporary protection regulation (TPR)**

1. The Western diplomatic representation did not have first hand knowledge about the implementation of the administration of TPR scheme.
2. The source did not know what kind of processes the Turkish authorities have to verify the documentation and the identity if a Syrian national is applying for a TP card. The TP card is equipped with low-level security features that makes it easy to counterfeit them.
3. When asked if the Syrians can re-enter Türkiye and re-apply after having left the country, the source replied that to their knowledge, when Syrians try to re-enter it mainly takes place illegally. The source opined that the Turkish authorities would probably not allow them to re-enter legally. It is possible to apply for TP and to appeal a rejection and to ask a lawyer to interfere. According to applicants at the Western diplomatic representation, during the appeal process the authorities in Türkiye cannot deport the Syrian national.



4. For Syrians under the TP scheme, their freedom of movement is limited to the province in which they were registered. They need a police permit to go to another province which is easily done. The Western diplomatic representation will in their cases send an invitation to the applicant concerned, who addresses the Turkish authorities in their province of registration and in the experience of the source, the permit is issued for a limited time.
5. During or after the earthquake, the Turkish authorities lifted the travel ban inside Türkiye for Syrians and allowed all Syrians to travel within Türkiye for a limited time. If they could prove that they have friends or relatives in another province, even in Istanbul, which has been closed for the Syrians for a longer period, the permission was valid for a limited time. The source was unaware if this possibility was still open to Syrians under the TP scheme.

### **Citizenship**

6. The Western diplomatic representation heard from other sources that during the 2010s Syrians were selected for Turkish citizenship through unknown criteria. The source was unaware of the exact number of Syrians who were given citizenship during this period, but it may be tens of thousands or more.
7. During this period, the Turkish authorities tried to influence the provinces in granting citizenship for Syrians; for instance, thousands of Syrians in Izmir were granted Turkish citizenship, however, it was unknown to the Western diplomatic representation the exact number and under which conditions. This type of selection for citizenship is no longer open.

### **Syrian documents**

8. Based on internal statistics related to applications for residence permit, the Western diplomatic representation explained that in 2015 and 2016 they detected many fake Syrian documents. The representation observed many applicants who brought altered or counterfeit passports (i.e. biopage substitutions) but with their genuine, real identity. Cases of identity fraud were rarely detected. Often the applicants are not able to obtain real documents for various reasons. The numbers of detected fraudulent documents came down significantly in 2018 and the years after. Currently the number of detected bogus identity documents has decreased even more. Some applications are denied due to technical reasons, for example, a missing signature, an invalid or damaged passport. The detected forgeries consisted of photo and biopage substitutions, Q passports, formally known as Syrian opposition passports, counterfeit ID Cards, counterfeit extension stickers, fake border control stamps, counterfeit breeder documents and fake language certificates. The source emphasised, that the number of detected forgeries was very small compare to previous years.
9. The Western diplomatic representation takes the biometrics of the applicants. However, in many cases the passports are not signed. The source then asks the applicants to either sign the passport or in case they cannot write to put their finger print instead.

### **Movement out of Türkiye**

10. When asked about the Syrians' possible plans for moving on to other countries in which they might have better conditions, the Western diplomatic representation said that in their experience, the Syrians in Türkiye tend to stay in the country for two main reasons. One reason might be the cul-

tural similarity with the Turkish population that makes it relatively easy for Syrians to live in Türkiye. Another reason could be that their options for resettlement to a third country is limited to very vulnerable groups; the possibility for family reunification may also be limited for most Syrians.

## A western official organisation

9 June 2023

### Issuance of TP

1. Some Turkish provinces have officially stopped issuing TP, for instance Istanbul, Hatay, Antep, Antalya, Bursa, Kilis, and Ankara. The full list of closed districts can be found on the website: <https://www.goc.gov.tr/mahalle-kapatma-duyurusu-hk2>
2. The temporary protection registration of the Syrians is handled by the Turkish authorities.
3. Since 2016, the temporary protection regulation (TPR) cards were no longer issued with an expiry date. Thus, the TP card does not need to be renewed. This change was made because the Turkish authorities considered that there was no certain day when Syrian nationals could return to Syria. Before 2016, the TP was issued for one year.

### Residence permit

4. In order for foreigners in general to be granted a Turkish residence permit on grounds of tourism, investment or other purposes, it can be issued for a maximum of three years and he/she will need a passport.

### Citizenship

5. Syrian nationals under the TP scheme are not allowed to apply for Turkish citizenship on their own initiative. However, the immigration authorities can, in accordance with unknown criteria, select Syrians who are perceived as suitable to apply for Turkish citizenship based on 'exceptional grounds'.
6. The source gave an example of a Syrian national holding TP running her own business. During two years she had an income of more than 1 mil. EUR per year. She was granted a green passport in Türkiye that implies that she no longer needs a visa for many countries when she goes abroad. The Turkish state supports businesses to a high extent.
7. To the knowledge of the source, Syrian Turkmen can obtain Turkish citizenship based on being ethnic Turks.
8. Stateless Palestinians are granted a status as stateless individuals. The source did not know any examples of stateless Palestinians from Syria who obtained citizenship in Türkiye.

### Deportation

9. As far as the source knows from an immigration office in Gaziantep, deportation of Syrian nationals take place if the Syrians do not comply with Turkish rules. However, in some cases deported Syrians re-enter Türkiye and apply for temporary protection.
10. After the municipality elections in Türkiye two or three years ago, for instance in Istanbul, where the leadership changed and the new leadership wanted to show force, the new authorities picked up some of the unregistered Syrians living in Istanbul. The source heard from the Syrian networks that those who were picked up were often deported; however, the information is unconfirmed. A

credible source, however, informed the source that those picked up were mainly sent to their cities of registration in Türkiye and the number who were actually deported to Syria was very low.

11. The source added that among their Syrian employees and among their Syrian beneficiaries, they never experienced that they were deported. However, among Syrians there is a constant fear about being deported.

### Access to employment

12. There are two types of work permits relevant for Syrian nationals:
13. Firstly, for Syrians under the TP scheme, companies must apply for a permit for their employees. This work permit is solely issued for the province where the employee is going to work in and for the specific employer. The processing time is four to six weeks. The organisation's employees did not experience problems with the issuance of this type of work permit.
14. Secondly, holders of residence permits that are time limited for at least six months: They can apply for themselves in case they have their own work place, or an employer can apply for them for a work permission. This type of work permit applies to any province in Türkiye. The processing time is four to six weeks. They are all registered under a social security once they receive the work permit.
15. Typically, TP holders work in the fields of construction, agriculture, textile, seasonal work and NGO work. Many Syrians work in Türkiye without having a work permit.
16. For Syrian women it is difficult to access the regular job market because they are from a traditional background and their husbands do not like the wives to take up work. The source mentioned two cases of female single headed households with three children each; they lived in very small apartments semi-underground with hardly any furniture. One of the women's two sons started working at the age of 14. The women were trying to get married early to get support.

### Health and education

17. In terms of social services, TP holders can use the health system for free and go to any government hospital. In the beginning of the implementation of the TP scheme, there was a challenge in meeting the needs for Arabic-Turkish translation, but currently when the source visits hospitals they observed the availability of translation. But it depends on the nationalities and the provinces.
18. TP holders can access education (school, high school, universities) under the same conditions as the Turkish population. Until a few years ago, there was a positive selection of Syrians at university level in the sense that the Syrians were exempted from completing the access exam that normally must be passed in order to be enrolled in a university. Nowadays, Syrians must also pass the same entrance exam as Turkish citizens. The organisation receives job applications from Syrians with Turkish university degrees.
19. In Türkiye, school is compulsory until the age of 16. However, there are many dropouts after the age of 14. During the COVID period, many pupils dropped out of school, as some of them could not access the online courses and they never went back to school afterward. The earthquake caused more dropouts. The source did not know the exact number of dropouts. When asked if the source could confirm that 500,000 Syrian children were not in school, they replied that this number might be correct if it includes the 13 years plus children.
20. In Türkiye, there are early childhood schools (starting at the age of 3 years). The government wants more Syrian children to attend in order to learn the Turkish language before they begin school.

### Housing

21. Syrians are not allowed to buy property in Türkiye. They can rent houses, but it is not supported by the state. However, there are programs where they can apply for financial aid, such as ESN, the EU social program. Moreover, the authorities allowed many Syrians with TP to live in 'TOKI houses' (a type of social housing in Türkiye). Some Syrian are living in informal houses.
22. In the earthquake region, the government is serving the internally displaced Turkish citizens as a first priority. They expect the international community to take care of the Syrian nationals in the region. It is more difficult for the Syrians to access accommodation in terms of tents and containers in the earthquake region.

### Social cohesion

23. In the experience of the source, the work that has been done by the international community to improve the social cohesion between the Turkish population and the Syrians has to some extent not been successful. As an example, the source pointed to secular Turkish women feeling threatened by Syrian women who are traditional.
24. Large numbers of immigrants came to Türkiye in a period of economic instability, especially in the parts of the country where the income is low and where there is less opportunity for employment. The worsened economic situation makes people in Türkiye feel threatened by the high number of immigrants. Many Turks perceive this situation as being unsustainable even though immigrants and host communities receive support from international organisations. According to the source, there is tension in Türkiye towards immigrants, but realistically it is not much considering the large amount immigrants living in the country. The government makes a lot of effort, for instance to stop negative speech on social media from spreading.

## Human Rights Watch (HRW)

6 July 2023

HRW has been working on refugee rights protection in Türkiye for many year. The Syrians are on the focus because of the large number of Syrian nationals in Türkiye. The organisation has recorded mass pushbacks on the Syrian-Turkish border; especially after the border was closed in 2015 and onwards.<sup>450</sup>

### Temporary Protection Regulation (TPR) Status

1. On paper, the temporary protection for Syrians in Türkiye exists. However, in practice it has been very difficult for Syrians to enter Turkey after the closure of the border in 2015 and increasingly over subsequent years to get registered in Turkey because the possibility of registration in many provinces has been blocked.<sup>451</sup>
2. The border is closed to new comers unless they require urgent medical treatment as a result of bombing for example.
3. Those who cross into Turkey have to take a hazardous journey with smugglers with no guarantee of managing to enter. Turkish border guards have routinely violently blocked Syrians trying to flee hostilities and dire conditions, shooting at, beating, and summarily expelling them back to Syria.<sup>452</sup>

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<sup>450</sup> HRW, Turkey: Syrians Pushed Back at the Border, 23 November 2015, [url](#)

<sup>451</sup> HRW, Turkey Stops Registering Syrian Asylum Seekers, 16 July 2018, [url](#)

<sup>452</sup> HRW, Turkish Border Guards Torture, Kill Syrians, 27 April 2023, [url](#)

4. Syrian nationals could only apply for TP registration in certain cities in Türkiye but we understand that the system is now basically mostly closed and that anyone now applying gets housed in a temporary shelter camp while their application is further examined. Some people from these camps have been deported and deportations are ongoing.
5. The satellite system that has precluded Syrians from accessing temporary protection in particular areas. Syrians who registered in far-flung satellite cities without employment opportunities find it difficult to have a dignified life in these places.
6. Some Syrians are taking the risk and living in places that they can work in and earn money and where they do not have proper registration. The living conditions of the people who fled between 2011 and 2016 and to whom HRW spoke were often living in dire conditions and under the radar.
7. Therefore, HRW found that it is de-facto very difficult to register for a TP status in Türkiye, because there are many places where the registration is closed
8. If the number of foreigners in an area exceeds 20% of the population, then that area will be closed for the registration of new foreigners. This regulation was introduced in 2022. It is difficult to see how the authorities determine the 20%. There are public lists for these areas. There was some relaxation of such rules after the earthquake. Syrians were allowed to leave their areas of registration and move to their families and relatives in other parts of Türkiye, because they were made homeless, but that was a temporary exemption for 60 days only.
9. However, there are many obstacles that the Syrians are facing in areas that are not their registration cities or who are not registered at all. As an example they lose cash payments for the children in the family through the (Kizilay Card as it is called), they lose also their disability allowances if they have members in the family with disabilities. Furthermore, the family cannot send their children to the local school.
10. Syrians who are unregistered or who are living outside of their cities of registration and who are detained are in risk of being deported. If the detained Syrians or their families cannot afford to hire an attorney then they do risk being deported by the Turkish authorities.
11. There is an inequality for the access to legal information and protection in the sense that those who are underprivileged in terms of money and education have less access to legal aid and this applies to the majority of Syrians in Türkiye.

#### Deportation

12. HRW has documented cases of Syrians being deported from Türkiye who did have TP status. Some had lived there for up to ten years. Others were legitimately living and working in their correct cities of registration. The majority were apprehended on the streets of Istanbul. They were “lost” in the system, sometimes detained at regular police stations first then then quickly moved to removal centres across the country.
13. In Turkish language, the removal centres or ‘foreigners’ removal centre’ is called ‘Geri Gonderme Merkezi’. It is a form of administrative detention prior to being removed or released.
14. The centre that most people went through is a removal centre in Tuzla near Istanbul. This centre works as a “clearing house” for the apprehended foreigners in the country. From there these foreigners will be sent to other removal centres and people spent between two days and up to three weeks. Sometimes people were sent directly from Tuzla to the border with northern Syria and forced to cross. The conditions there are massively overcrowded and unsanitary. None of the detainees were told what was happening to them; most of the time they were told that they were

- having their record checked and that they would be released at some point. These Syrians were not allowed to contact their relatives or lawyers.
15. The Syrians to whom HRW spoke said that they were coerced to signing the voluntary return forms either at the removal centre or at the border crossing point. In some cases, the signing happened after people were beaten or witnessed other people being beaten. Others were lied to about the contents of the form. After the signing people were handcuffed and put in busses. No information was provided by the Turkish authorities about the destination of the busses. Some people were handcuffed during the transport to the Syrian border crossings at Bab al-Salam and Bab al-Hawa.
  16. Some of the deported people were living and working in the city of their registration while others were not. Some were arrested simply because the neighbours complained against the noise from the Syrians' homes and then deported. In one case a father who was the head of a family of two children was detained and sent to the removal centre in Gaziantep where he was kept in a dog kennel for two days because he refused to sign the voluntary return form. In the end, he did have to sign the form.
  17. In a couple of cases people were accused of having links to terrorist groups and even after being acquitted from any wrongdoing they were deported to northern Syria.
  18. In the understanding of HRW, in the cases they looked into there is likely to have been a detention order and a deportation order. However, the detainees do not know what procedure they are going through while detained.
  19. There are also many difficulties for judicial help to reach such detainees. In some cases, lawyers have difficulty finding their clients in time in order to challenge the detention or deportation decisions.

#### Conditions in the removal centres

20. There is a lack of monitoring of these removal centres. The official human rights body called Human Rights and Equality Board (TIHEK) did conduct a site visit to Tuzla (removal centre), but they have not published the report. According to other sources, the Board did find some bad things at the centre.
21. The UN subcommittee against torture did do some visits to removal centres in September (2022). CPT has also made visits to some removal centres. None of these reports have been published because they can only be published with the permission of the Turkish state.
22. HRW has documented the conditions in some of the removal centres in Türkiye. Generally, the conditions in the removal centres that are known to be bad in the sense that they are overcrowded, there is limited access to food and limited or no healthcare. Generally, the detainees are divided by nationality.
23. At the detention centre (by 'detention centre' HRW means a regular police or gendarmerie stations not specifically for foreigners).
24. In Adana people were given the choice between being detained for two years or signing the voluntary return form and return back to Syria. HRW did not document this in any of the other centres.
25. HRW interviewed people who have spent time at the removal centres visited by UN Subcommittee against Torture and CPT, and there are bad examples of some practices at these centres.<sup>453</sup> This implies that it is not only in the removal centres in Tuzla or Adana that the conditions are bad. The conditions in a centre in Gaziantep are not good.

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<sup>453</sup> For further information on the conditions in the removal centres, HRW referred to this report: HRW, "No One Asked Me Why I Left Afghanistan", 18 November 2023, [url](#)



26. HRW has also documented cases of Syrians minors being deported to Syria and the arrest of women.
27. It is hard for NGOs to document the conditions at the removal centres because they are not given access to them. They rely on the observations of the lawyers who go and visit their clients at these centres and individuals who have spent time in the centres and describe the conditions.
28. The lawyers face difficulties in contacting their clients. If a lawyer misspells the name of his or her client with one letter then they will be told that this person is not at the centre. There is no good will in helping to track people down when they are at the removal centres.
29. At the time of the interview there were five foreign nationals detained at removal centres after joining Pride events. One of them is an Iranian who has been registered for international protection in the Turkish system.
30. A big red flag is the issue of having so many Syrians at these removal centres.
31. Often people are sent on buses from Istanbul to Diyarbakir in the southeast. So the whole bus is loaded with refugees and migrants and they are handcuffed during the whole journey. One such bus had an accident in Sivas and two people died while several others were badly injured because they were handcuffed and were unable to protect themselves.
32. There are seven accommodation centres(camps) in Türkiye that people are sent to and it may be a sign that a foreigner is going to be deported if they are sent to one of these seven camps. HRW has heard of people being deported from the temporary accomodation centres of Apaydin and Elbeyli. In Turkish language 'temporary accomodation centres' is 'gecici barinma merkezi'.
33. During the Kurban Bayrami (Eid al Adha) holidays, 130 Syrians were deported through the border crossing in Kilis. At least 30 of them did have temporary protection cards. The rest did have a pre-registration card, which means that a foreigner is registered in the system as being a protection seeker. They were deported from the Elbeyli temporary accommodation centre (camp) in Kilis near the Syrian border. They were sent across the border to Azaz in Syria.
34. They were presented with the (voluntary return documents) as ready to be signed. It seems that there have been a lot of force used against this group and one of the deported had his leg broken.
35. The authorities may put the code G87 on the name of the foreigner who are deemed to pose a threat to the public order, national security, and public health or have terror affiliations in order to cancel their residence in Turkey and trigger their removal. The use of this code is very arbitrary. There are people who have been acquitted from committing any illegal activity but they have still been deported to Syria.
36. HRW believes that the code G87 is used randomly just to get rid of people and deport them.
37. A couple of years ago there was a xenophobic attack against the Syrians in Ankara. In relation to that incident, 16 Syrians were arrested and were being put to trial for posts on the social media and WhatsApp. These people are likely to be acquitted if there is a proper legal process because they did not commit any crime. There is no guarantee that all these people will not be deported even after being acquitted.

#### Risk of losing TP status

38. If a foreigner leaves Türkiye illegally and is pushed back or returns to Türkiye then it depends on the individual case whether the foreigner will be deported or sent back to his or her city of registration. This is one of the problems with the practices of TPR rules and practices. There is no clear pattern on how the rules are being implemented.
39. The Syrian refugee community is terrified in Türkiye because of rising hatred and xenophobia. People have told HRW that they are fed up with the situation in the country and want to leave.



40. The profile of Syrian nationals who are being deported from Türkiye is not clear and the practice of deportation rules is chaotic.

#### Turkish citizenship

41. The criteria for gaining Turkish citizenship by Syrians with TP status are completely mysterious. HRW believes, based on official statements by the Interior Ministry, that around 230,000 Syrian nationals have Turkish citizenship now. Syrian Turks have easier access to citizenship. HRW did not have any information about any Syrian Kurds who have gained Turkish citizenship.
42. Some foreigners can buy properties and gain Turkish citizenship through that or through making investments in the country. However, HRW knew of an example of a troubling case of a Syrian businessman who resides in Kayseri and who had gained Turkish nationality. Later his citizenship was withdrawn and this has caused him to lose access to many rights including sending his child to a school.

## An NGO working for refugee rights

9 June 2023

An international non-governmental organisation that works with refugee rights in different cities in Türkiye.

### Temporary Protection Regulation (TPR)

1. A new regulation was issued in early 2022 according to which Syrian TP applicants are sent to temporary accommodation centres in five or six provinces where Syrians are still allowed to apply for TP status like for instance Kahramanmaraş and Sanliurfa. These individuals face an indefinite investigation with no time limit to when they will get an answer from the Turkish authorities.
2. The Turkish armed forces carried out military operations inside Syria and have created an area that the Turkish authorities consider safe. Therefore, Syrians who arrive in Türkiye and apply for TP status are deemed to have come from areas that are under the Syrian regime's control or the control of some other elements (Kurdish controlled areas). The Turkish authorities treat such individuals as a threat to the national security. That is one of the reasons why the authorities have stopped issuing TP cards for Syrian nationals. It is virtually impossible to get a new TP card for newly arrived Syrians.
3. Currently, there are many challenges facing Syrians who want to apply for TP in Türkiye. In some provinces, they can present applications but they will not be granted TP. There are cases of Syrians who presented their applications one and half years ago and they are still waiting.
4. According to official sources, certain neighbourhoods with over 20 percent of their population being foreigners, including Syrian nationals, will be closed to Syrians i.e., Syrians cannot register a new address in these neighbourhoods. The Turkish government might implement stricter eligibility criteria for residency permits, considering factors such as financial stability, employment status etc.
5. The authorities are supposed to give easier access to TP to vulnerable groups based on old age or disease, family reunification purposes and education. Yet in practice, the source has not heard of people receiving TP status for these reasons.
6. The source believes that the Syrian nationals who are newcomers to Türkiye and who are staying at the temporary accommodation centres are mainly young men who are economic emigrants who either come to Türkiye to work or use Türkiye as a transit point to travel to Europe.

7. Furthermore, the Turkish authorities perceive these individuals as people who have lived in security in Syria for 13 years since the war began. The authorities cannot see why these individuals now after all these years need protection.
8. For all these reasons, the source states that applying for TP in Türkiye is closed in practice even if this has not been publically announced and this is the case in all the 81 provinces of Türkiye.
9. If the authorities decide to grant TP status to an applicant, then they are sent to the provinces that are still open for Syrians to stay in. Others are placed in voluntary return centres while some end up in removal centres.
10. There are also cases of TP cards being revoked based on suspicions of criminal activities even when the person is acquitted. Other examples can be the TP card is revoked because of a mistake by the Turkish authorities; the card is still not reinstated. One of the source's clients, a Syrian refugee with a TP card, was accused of involvement in a theft case. Although he was acquitted by the court and found innocent, the Turkish authorities still revoked his TP card, causing significant hardship for him and his family. Another client had his TP revoked due to a mistake by the Turkish authorities. The client is a Syrian refugee who had lived in Türkiye legally with a valid TP card since 2013. However, due to an administrative error by the Turkish authorities, his card was mistakenly marked for revocation. Despite his attempts to clarify the issue, the card was not reinstated, leaving him in a state of uncertainty and vulnerability.
11. TPR gives access to education and health care. However, it does not provide its holder access to other rights such as travel, permanent residency, or citizenship.
12. The duration that the refugees spend in Türkiye under the TP is not included when the authorities process citizenship or work permit applications. Turkish employers need to apply for a work permit for TP card holders. However, this is sometimes difficult and those applications are often rejected. When a Syrian national is granted residency in Türkiye and thus is no longer a holder of TP status, the Turkish authorities will include the period during which the applicant held residency. The fundamental difference is how the Syrian individuals entered Türkiye. If they enter the country illegally then they gain TP but if they enter legally, they can apply for residency.

### Residency

13. There are many types of residence permits; this includes student residencies for those who are studying in Türkiye and residencies for tourism reasons. This is the main grounds on which most Syrians gain residency in Türkiye. Because of the large number of applications for tourism residencies, the conditions to gain this type have become stricter than it used to be. The source has observed cases in which the authorities either do not issue residency permits or do not prolong already issued residencies. Just as the authorities have restricted access to TP, they have made similar tightening on other types of residencies for Syrian nationals.
14. Syrian nationals who are newcomers to Türkiye might face challenges in obtaining tourist residence permits. The authorities may be more stringent in granting tourist residencies to those who have recently arrived in the country. Even for Syrians who have already been granted tourist residence permits, the renewal process may be subject to stricter conditions. Instead of the previously more extended periods, such as one year, the renewed permits may now be limited to shorter durations, typically ranging from 4 to 6 months.
15. Syrian nationals who enter Türkiye through land border gates are no longer eligible to apply for residence permits. The authorities may now require that Syrians only apply for residence permits if they entered Türkiye through airports.

16. Not all Turkish provinces accept applications for residency in Türkiye. There are only certain provinces that are open for settling Syrian nationals.
17. Those who have residency in Türkiye, have the right to apply for citizenship after five years of being on a work permit in the country. However, this is not the case for TP carriers.
18. The law in Türkiye allows foreigners to gain permanent residency after a certain period of time, however, but in practice, the source has never seen such cases. The source has observed that the residencies are given for a year or two. This, however, does not apply for TP holders.

### **Citizenship**

19. Not all those who have TP status entered Türkiye illegally. In fact, many people who entered Türkiye legally opted for TP for several reasons, one of which is that it does not require passport renewal. The tricky part has to do with the conditions of the acquiring Turkish citizenship through marriage. The sustenance of the marriage for 3 years is interpreted by authorities as "3 years with a residence permit." Therefore, TP holders are asked to move from the TP status to residence permit, which requires, by extension, a valid Syria passport and fresh exit and entry stamps from one of the country's ports. Once a TP holder leaves Türkiye, their TP status is revoked, so technically, a TP status holder can never acquire Turkish citizenship through marriage.
20. Since 2016, a new regulation has been implemented allowing exceptional Turkish citizenship for Syrian nationals. The so-called 'exceptional citizenship' is a way to obtain citizenship that is only being applied in Türkiye where foreigners are invited to apply for citizenship. This is the main path for Syrians to gain Turkish citizenship. However, the source does not believe that this procedure complies with Turkish laws and administrative procedures. The whole process is completely controlled by the Turkish state, so when the state makes a decision in such cases, it is impossible to appeal that decision in the courts.
21. Syrian nationals cannot buy property in Türkiye in order to gain citizenship. Yet, if a Syrian national invests 500,000 US dollars in Türkiye or places a similar amount in a pension scheme then they will be eligible for Turkish citizenship. Acquiring Turkish citizenship through investment is available to all nationalities
22. Several hundreds of Syrians that the source knows applied for and gained Turkish citizenship five or six years ago through the exceptional citizenship process or by having worked in Türkiye for several years through legal work permits. However, this changed a few years ago and the citizenship cases were being delayed. In 2019, the process was completely halted and no Syrian who the source knows has gained Turkish citizenship.
23. According to data from the Turkish Ministry of Interior, 231,000 Syrians gained Turkish citizenship and 80-90 % of them was through the exceptional naturalisation process.

### **Deportation and removal centres**

24. If a deportation decision is issued against a Syrian national, the person is placed in a removal centre under custody. If the person signs a voluntary return form, he or she will be returned to Syria. If the person does not sign the form, then they will have to stay in the removal centre.
25. The Syrians holding TP status or residency will be revoked during this time. If there is a suspicion of any terrorism relations, the person will not be released if he or she gets a visa to a third country. Such a person risks staying under administrative custody for up to a year.

26. If these persons are placed in removal centres for other crimes or reasons than terrorism and they refuse to sign the voluntary return form, then they will be released after five or six months. However, they will be required to show up in certain intervals and submit their signature. They will also be required to stay at a certain address known by the authorities.
27. People in the removal centres can get legal aid through legal aid departments at the local bar associations. It is the friends or relatives of the detained who must contact the bar associations and inform them of the need for legal aid to the detainee. The bar associations then appoint a lawyer who will visit the detainee in the removal centre and start working on their case.
28. If the detainees in the removal centres do not have relatives, friends or NGOs to contact the local bar associations, it is very difficult for such individuals to access legal aid.
29. Some directors of removal centres have close relations with the local bar associations and they inform them when there are cases in need of legal aid on their own initiative.
30. People in the removal centres are usually not aware of their right to appeal against deportation decisions. It is up to the civil servant who is processing the case to inform the individual of their right to appeal within seven days after such decision is made.

## International organisation

6 June 2023

The organisation works in the field of regular and irregular migration issues in Türkiye.

### **The Temporary Protection Regulation and citizenship**

1. The term “temporary” is not efficient to use in order to describe the Syrians living in Türkiye under the Temporary Protection Regulation (TPR). More than ten years have passed since they first arrived and the TPR does not give them a path to Turkish citizenship. Syrians who entered Türkiye legally (possessing their valid travel documents/visas) and who are residing in Türkiye with a residence permit, or who are working in Türkiye with a work permit could apply for citizenship under different grounds:
  - a. After residing in Türkiye for 5 years without interruption.
  - b. If they are married to a Turkish citizen, after 3 years of marriage
  - c. Under exceptional circumstances such as investment/creation of employment, Syrians do not have the right to acquire citizenship through purchasing real estate in Türkiye; this is a way to acquire Turkish citizenship for other nationalities, however Syrians are not eligible for this ground due a bilateral agreement between Türkiye and Syria.
  - d. Through kinship if they do have a Turkish mother or father
2. Syrians under temporary protection do not have the right to acquire Turkish citizenship stemming from their protection status. They cannot apply for citizenship through marriage with a Turkish citizen or through residing in Türkiye for 5 years with their TP status. However, they can apply for a citizenship under exceptional circumstances.
3. TPR gives the Syrians access to territory, access to status, access to legal stay, protection from refoulement (non-refoulement principle), access to registration procedures, alongside with labour market, health services and education, they do have access to social services and social assistance.
4. The source does not have access to the field and does not know how the TPR is being implemented.

5. The concentration of nationalities of immigrants and refugees in Türkiye is different according to the province they reside in. Sanliurfa as an example has a large Syrian community while Konya has a large Syrian and Iraqi community. There are also statistics on Syrians staying in Türkiye with a work permit, however, the latest statistics is from 2021. The number of work permits issued to Syrian nationals in 2021 is 91.500.<sup>454</sup>

#### The borders between Türkiye and Syria

6. Currently, there is only one legal crossing point between Syria and Türkiye: Cilvegözü Border Gate which is in Hatay province of Türkiye under the control of the Turkish military. However, the border between the two countries is extended and uneven. This allows many illegal crossings.
7. The wall that is being constructed on the border between Syria and Türkiye is expanding and getting more impregnable. The Turkish authorities are interested in the safe return of the Syrian refugees back to Syria. According to official PMM numbers, 554.107 as of 24 May 2023 Syrians have already returned to the buffer zone in Syria.<sup>455</sup>

#### Deportations and voluntary returns

8. Individuals could be taken under administrative detention; 1) If they have a deportation order against them in compliance with Art. 54 of Turkish Law on Foreigners and International Protection; and 2) if there is legitimate cause for their administrative detention (grounds for administrative detention is stipulated in Art. 57/2 of LFIP).
9. For Syrians, the source observes that the deportation (removal) decisions could be taken for various grounds: for example those who were released from prison after serving their time; those made their living from illegitimate means during their stay in Türkiye; those who are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations; those who are leaders, members or supporters of a terrorist organization or a benefit oriented criminal organization; those who pose a public order or public security or public health threat, and in some cases those who breach the terms and conditions for legal entry into or exit from Türkiye). However, Syrians who are taken under administrative detention are mainly considered to be a threat to public order, security or public health.
10. Syrians being considered a threat to public order, security or public health results in being placed under administrative detention at the removal centres. The administrative detention does not last for long because the Turkish government officially only practices voluntary returns back to Syria. Once they are released from the detention centres the Syrians are asked to report to the authorities every week or two. Alternatively, they will be asked to provide a residency address that would be checked by the authorities. Or in some cases, they might be asked to fulfil both obligations at once; they might be asked to provide a residency address and also be asked to report to the authorities in determined intervals.
11. There are two different clauses in TPR for termination of TP. Under article 11 of TPR, the overall termination of TP is defined; this means that TP will be terminated for all, by a presidential decision.

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<sup>454</sup> The source referred to [T.C. Çalışma ve Sosyal Güvenlik Bakanlığı | Resmi İstatistik Programı \(csgb.gov.tr\)](https://www.csgb.gov.tr), p. 14

<sup>455</sup> The source referred to a Twitter account by the Turkish government, posted on 24 May 2023 on the number of Syrians who returned voluntarily: <https://twitter.com/Gocidaresi/status/1661393385834381312?s=20>

12. Under article 13, the grounds for termination or cancellation of TP on an individual basis are stipulated: a) if the individual leaves Türkiye on a voluntary basis, b) if the individual is under the protection of a third country c) if the individual is admitted to a third country under humanitarian reasons or resettlement or leave for a third country ç) if the individual is deceased d) if the individual has gained the right to stay in Türkiye under a different type of regime e) if the individual acquired Turkish citizenship.
13. Also, there is another clause for exclusion: it means that either this individual will never be granted TP or his/her/their status will be cancelled (if granted before); this is Art. 8 of TPR, and these are the grounds: "a) Those with respect to whom there are serious reasons to consider that they are guilty of actions defined in Article 1 (F) of the Convention Relating to the Status of Refugees dated 28/7/1951 amended by the 1967 Protocol Relating to the Status of Refugees; b) Those regarding whom there are reasons indicating that he or she has committed cruel acts outside of Turkey for any reason whatsoever; c) He or she has taken part in the commission of crimes or acts as specified in subparagraphs (a) and (b) of this paragraph or incited others to commit such crimes or acts; ç) Those who took part in armed conflicts in his or her country and did not permanently ceased such activities; d) Those who are identified as having committed, planned to commit or participated in acts of terrorism; e) Those who are considered to be a threat to public due to being convicted of a serious crime and those who are considered to pose danger to national security, public order, or public security; f) Those who have previously committed a crime or crimes for which imprisonment sentence would have been given if committed in Turkey and have left their country of origin or country of residence in order to avoid punishment for that crime; g) Those who are convicted of crimes against humanity by international courts; ğ) Those who have committed one of the crimes laid down in Chapter Seven of Section Four of the Turkish Penal Code No. 5237 of 26/9/2004."
14. Officially, the Turkish authorities are not deporting people back to Syria. In 2017 or 2018 there were some deportation decisions that were annulled by the administrative court because there was no area in Syria that was safe. Currently, deportation orders against Syrian nationals are being issued stating that they could be deported back to safe third countries.

### Leaving Türkiye

15. If an individual with TP status leaves Türkiye unofficially and without the knowledge of the Turkish authorities then they might be able to retain their protection status.
16. All international asylum applicants, including Syrian TP holders, must obtain a permission in order to leave Türkiye. The permission is different from case to case. As an example, if an individual is being resettled then it is the PDMM who will issue an exit permit. A public announcement will be made about giving temporary exit permission to the individuals who want to visit Syria during Eid or other religious holiday reasons.  
Any individual carrying TP status will not be able to leave Türkiye without a permission because they will be asked to show their exit permissions at the border crossing. If these individuals leave Türkiye illegally and want to return to Türkiye, their cases will be assessed individually. However, it would be difficult to regain the TP status.

## A well-informed legal source

6 June 2023

1. Turkish laws that are in force can be found on a governmental website only in Turkish (Mevzuat Bilgi Sistemi).



### Access to family reunification

2. A Syrian national can obtain temporary protection if he/she is married to a Syrian national holding TP status as well as children of a Syrian parent holding TP status. The source referred to the Temporary Protection Regulation, article 49 that explicitly provides that foreigners within the scope of the TPR may apply for family reunification in order to reunite in Türkiye with their spouse, minor children and dependent adult children in another country. These applications will be evaluated by the General Directorate and necessary actions may be taken in cooperation with relevant public institutions and organisations, international organisations and non-governmental organisations.
3. Procedures for family reunification shall be initiated immediately for unaccompanied minors without waiting for the request of the minors.
4. A Syrian man or woman who is married to a Turkish national can obtain residence permit pursuant to the Foreigners and International Protection Act (6458), article 34. This also applies to the children of the Syrian man or woman married to a Turkish national. The permit is granted for a maximum of three years.

### Access to citizenship

5. The Temporary Protection Regulation does not grant the TP status holders a residence permit, nor does it grant TP holders the right to apply for citizenship; there is an explicit provision (article 25) in the regulation on this.
6. After three years of marriage, a Syrian national married to a Turkish national can apply for Turkish citizenship pursuant to the Turkish Citizenship Act (5901), article 16. As an additional requirement for citizenship, the lawyer said that the spouses must prove to the authorities that the family union has been established and that it is not a so-called 'fake marriage'.
7. A part from family reunification, another way to obtain Turkish citizenship is under the general rules for naturalisation in Türkiye, according to which a foreign national holding a residence permit under other regulations than the TPR, can apply for citizenship after five years of uninterrupted residency in Türkiye.
8. There is a third way for foreigners to purchase an immovable / invest to acquire citizenship for those who can afford it. In practice, it is seen that the Syrian holders of TP status make use of this method as well.
9. Article 12 of the Turkish Citizenship Act regulates exceptional circumstances in the acquisition of Turkish citizenship and Article 20 of the Regulation on the Implementation of the Turkish Citizenship Act provides the documents required for the application and the transactions to be made.
10. Pursuant to the Regulation, a foreigner who fulfils any of the following conditions may acquire Turkish citizenship by the decision of the president of Türkiye:
  - a. It is determined by the Ministry of Industry and Technology that it has realised a fixed capital investment of at least 500.000 USD or equivalent foreign currency amount.
  - b. It is determined by the Ministry of Environment, Urbanisation and Climate Change that it has purchased the immovable property amounting to at least 400.000 USD or equivalent foreign currency on the condition that the title deed records are annotated not to be sold for three years, or that condominium ownership or condominium easement has been established; and that the sale of the immovable property is promised with a notarised con-



tract, provided that at least 400.000 USD or equivalent foreign currency amount is deposited in advance and the commitment that it will not be transferred and abandoned for three years is annotated in the title deed registry.

- c. It is determined by the Ministry of Labour and Social Security that it provides employment for at least 50 people.
  - d. It is determined by the Banking Regulation and Supervision Agency that it has deposited at least 500.000 USD or equivalent foreign currency deposits in banks operating in Türkiye on condition that they are kept for three years.
  - e. It is determined by the Ministry of Treasury and Finance that it has purchased government debt instruments amounting to at least 500.000 USD or equivalent foreign currency on condition that they are kept for three years.
  - f. It is determined by the Capital Markets Board that it has purchased real estate investment fund participation shares or venture capital investment fund participation shares amounting to at least 500.000 USD or equivalent foreign currency amount with the condition of keeping them for at least three years.
  - g. It is determined by the Insurance and Private Pension Regulation and Supervision Agency that it has invested at least 500.000 USD or its foreign currency equivalent in the private pension system, provided that the contribution amount is kept in the funds whose scope is determined by the Insurance and Private Pension Regulation and Supervision Agency and that it remains in the system for three years.
11. Furthermore, the president of Türkiye has some discretion to grant some foreigners citizenship. In practice this type of citizenship has been granted to scientists or sportsmen or others, and it is valid for the Syrians as well. As already mentioned, TP holders cannot apply for citizenship, however, by the discretion of the president, it could be possible.
  12. In addition to the issues in already mentioned, in the cases listed in Article 12 of the Turkish Citizenship Act, a foreigner may exceptionally acquire Turkish citizenship. Provided that there is no obstacle in terms of national security and public order, the following foreigners may acquire Turkish citizenship with the decision of the president of Türkiye;
    - a. Persons who provide industrial facilities to Türkiye or who have rendered or are expected to render extraordinary services in scientific, technological, economic, social, sportive, cultural, artistic areas and for whom a proposal with grounds has been made by the relevant ministries.
    - b. Foreigners who have a residence permit pursuant to subparagraph (j) of the first paragraph of Article 31 of the Foreigners and International Protection Act (6458) and foreigners who have a Turquoise Card and their foreign spouses, their and their spouses' minor or dependent foreign children.
    - c. Persons deemed necessary to be naturalised.
    - d. Persons recognised as immigrants.
  13. A father or mother with Turkish-Syrian dual citizenship will automatically pass on their Turkish citizenship to his/her children.
  14. While all TP holders are generally treated similarly, foreigners of Turkish ethnicity, Turkmen for instance, are entitled to various rights, such as the right to work freely in Türkiye in accordance with

the Act on the Free Exercise of Professions and Arts, and Employment in Public, Private Organisations or Workplaces for Foreigners of Turkish Origin in Türkiye and the related regulation. It is explicitly regulated in the regulation that the registry records of foreigners shall not constitute a presumption that the person is a Turkish citizen and shall not confer any right for citizenship.

15. In terms of children of Syrian TP holders, who are born in Türkiye, they will not be granted Turkish citizenship. It is a general rule in Türkiye that citizenship is acquired by blood relations rather than by place of birth. Unless the mother or father is a Turkish citizen, children born in Türkiye cannot acquire citizenship. However, there is an exception in cases where the mother and father do not have any citizenship and their child is born in Türkiye and is in risk of becoming stateless, then according to the law they can acquire Turkish citizenship.
16. According to Turkish legislation, if a child of foreign parents is entitled to the citizenship held by their parents, these children are not stateless. As for the Syrians' possibility to apply for a Syrian passport, there is only one consulate in Istanbul, and to the best knowledge of the source, they do not issue passports to Syrian nationals holding TP status. In such cases, the Turkish authorities would grant them Turkish citizenship, but it depends on if the mother and father of the child would be entitled to passports in their own countries. As mentioned above, if the child is stateless, the child may exceptionally acquire Turkish citizenship. In this case, a Turkish passport is issued for the child.

#### **Issuance procedure of the TP card**

17. The issuance of TP cards is regulated in the Temporary Protection Regulation and the presidential decrees. There is only one type of TP card. Applicants from Syria are the only people benefitting from the TP scheme.
18. The procedure to follow when applying for TP is to address the temporary accommodation centres at the border or the city where they entered Türkiye. The registration process takes place at the temporary accommodation centres.
19. As a first step in the procedure, the Turkish authorities will determine their identity and their country of origin, as a next step they will go through a health check. Afterwards, at the actual registration, they must fill in a registration form.
20. The authorities will take the personal declaration of the applicant as a basis in the application, unless or until the applicant submits documentation for his/her identity. The source emphasized that in case the applicant does not possess any documents, a declaration saying that the applicant is from Syria is sufficient as identification. Their biometric data will be obtained and filed in an electronic system.
21. In this registry, information on births, deaths, marriage, divorce and voluntary return demands is updated. After this procedure, the applicant can be granted their TP card.
22. Children born in Türkiye shall be registered immediately to gain the same status as their parents. Syrian parents with Syrian citizenship will need to actively register their child for TP. Afterwards, the child is registered in the birth registry system of Türkiye, but with different numbers than the numbers given to Turkish citizens. As per the Civil Registry Services Act (5490), in addition to the Turkish identification number given to every Turkish citizen, foreigners within the scope of Act numbered 6458 are also given an identification number. While both numbers have 11 digits, foreigner identification numbers usually start with '99'.
23. Before the conflict in Syria, applicants from Syria could enter Türkiye during religious holidays as the border has always been open for this kind of application. To the best of the source's knowledge, currently, even if the border is closed, the same implementation continues. The source

emphasized that in order for Syrian nationals to obtain the TP status they will have to come to Türkiye to apply for the status.

24. If a Syrian comes from a third country, for instance a country in Europe, they will need to come to Türkiye to apply for a TP status. Pursuant to the TPR, temporary protection is applied to foreigners who have been forced to leave their country, who are unable to return to the country from which they left, who arrive at or cross our borders en masse or individually during this period of mass influx in order to seek emergency and temporary protection, and for whom individual international protection status determination cannot be made. Foreigners who will not be included in the scope of temporary protection are also regulated in the TPR, and there is no provision here that a person coming from a third country will not be granted TP status. Therefore, the source is of the opinion that a Syrian from a third country can obtain TP status if the conditions are met.
25. The Turkish central government decides whether or not TP status can be issued from a province or a city. The local authorities cannot decide this themselves. The source did not have an updated or official information on the closed provinces.

### Deportation

26. Valid for all Turkish borders is that a foreigner who enters Türkiye without any visa shall be deported. However, for the TP holders there is an exception: If Syrian nationals come to the Turkish borders, they will not be treated as foreigners, who entered the country without a valid visa, but most probably they shall be subject to TP registration.
27. Syrian nationals without any legal status who are apprehended by the Turkish authorities can claim TP status upon arrest. They will then be sent to the temporary accommodation centres where it will be checked whether they fulfil the requirements or not. The source noted that it is not always easy to find out whether a person is a member of a terrorist organisation or not, but investigations should take place and the decision should not only rely on a declaration from the applicant.
28. Pursuant to the Foreigners and International Protection Act, article 54, foreigners who are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation will be subject to deportation. This article applies to Syrian nationals who hold TP status as well.
29. The source referred to the judgment of the European Court of Human Rights dated 21.06.2022 in the case of Akkad v. Turkey (Application No: 1557/19) The ECHR stated that the voluntary return form was signed without the presence of the attorney of the applicant, representatives of non-governmental organisations or representatives of the United Nations High Commissioner for Refugees. It was emphasised that although the form contained the signature of an interpreter, it was not clear whether the interpreter was actually present at the time of signature.
30. There is an explicit provision in the law saying that foreigners holding protection status cannot be forced back to their country and this applies to the Syrians as well. If they do not sign the document of voluntary return, the authorities cannot send them back to Syria. Pursuant to article 4 in the Foreigners and International Protection Act, foreigners may not be returned to a place where they would be subject to torture, inhuman or degrading punishment or treatment, or where their life or liberty will be threatened on account of their race religion, nationality, membership of a particular social group or political opinion.
31. According to this very explicit provision, no exception can be made to either regime-controlled areas of Syria or the opposition-controlled areas.

32. Foreigners within the scope of the Regulation who have left or will leave Türkiye are subject to the general provisions regarding the prohibition of entry. Therefore, a person who loses his/her TP status by leaving the country may re-obtain this status if the conditions are fulfilled. However, in practice, it is claimed that voluntary returnees are assigned the V-87 restriction code (V-87 is the restriction code assigned to foreigners under temporary protection status in Turkey who voluntarily return to their country); due to the V-87 restriction code, it is not possible for these persons to enter Turkey, and even if they come back to Turkey in some way, it is not possible for them to be officially registered and to be taken under temporary protection.
33. Syrian nationals with TP status, who commit crimes, can lose this status which implies that they will be in Türkiye without legal grounds. Subsequently, they are deported right after they lose their status.
34. Pursuant to the Temporary Protection Regulation, article 53, Syrian nationals can benefit from legal services if they can pay the price for a lawyer. This is an administrative act, which implies that Syrian nationals who are denied the TP status should be able to go to a court for the cancellation of any adverse decision.
35. For Syrian nationals who do not possess the means to pay the lawyer themselves, they can obtain support from the union of bars according to the provisions of judicial aid. Judicial aid is subject to different procedures in criminal and civil proceedings. In civil proceedings, judicial aid is a principle introduced to support those with insufficient financial capacity to be deprived of the right to file a lawsuit. It is the payment exemption of litigation fees and expenses for persons with insufficient financial capacity and the appointment of a lawyer for them free of charge by the bar association (depending on the outcome/ righteousness on the claims, reimbursement may be necessary)..
36. In criminal proceedings, judicial aid is the free of charge access to the services of a lawyer for all suspects and accused persons who declare that they are not in a position to choose a lawyer, as well as for victims or complainants of certain offences. In such cases, a public defender may be appointed.

#### **Cessation of TP**

37. Pursuant to article 12 of the Temporary Protection Regulation, a Syrian national with TP status can lose the status if they voluntarily leave Türkiye; if they benefit from the protection of another country; if they are resettled to a third country; if they pass away; if the authorities later find out that the TP status was granted on false grounds; and if they do not fulfil the notification obligation three times in a row.

#### **Loss of TP card**

38. In case a Syrian national TP holder loses his/her card, he or she can obtain a new card by addressing the authorities and prove that they have the status. The authorities can easily find the TP holders in the electronic system and issue a new card. The person is found in the registry by name and the names of family members.

#### **Freedom of movement**

39. Syrian nationals with TP status can only travel to another province if he/she was granted a permission from the authorities in the province where he/she was registered. The requirements for obtaining such a travel permit is to prove that it is necessary for them to move to another province. Otherwise, it will not be possible.

40. After the earthquake, many Syrians living in Türkiye travelled back to Syria with a travel permission from the Turkish authorities and they will be able to return according to the permission. The source was not sure for how long the permission will last.

#### **Access to services**

41. According to the Temporary Protection Regulation, the Syrian nationals can benefit from health service and education in Türkiye; there are specific provisions in the Temporary Protection Regulation (article 26, 27, 28, 29, 30) for this.
42. In practice, during the elections some Turkish people were complaining about the Syrians being granted more services than the Turkish. The source did not see any problem for the Syrian nationals in obtaining social services.

#### **Access to employment**

43. The Syrian nationals also have the right to work under some conditions. In order to work, the TP holder must apply for a work permit. The application for a work permit is processed in two ways with both by the employee and also the employer. Therefore, there should be an employer request enclosed to the application. A work permit under the TP scheme only applies to the employer that submitted the application and for the province where the employment is located. pursuant to the International Labour Force Act (6735), foreigners under temporary protection may apply for a work permit six months after the date of issuance of the temporary protection identity document. The positive opinion of the Ministry of Interior shall be required in granting work permit to foreigners. If the application is approved, the foreigner shall be granted a work permit provided that he/she works in a specific workplace belonging to an individual or legal person or a public institution or organisation or in a specific job in their workplaces in the same line of business, provided that it does not exceed the duration of the employment or service contract. With the work permit, it would be possible for the foreigner to change the province of residence lawfully.

## **A Turkish NGO**

9 June 2023

The organisation is doing provision of legal and protection counselling to Syrian and non-Syrian refugees, asylum seekers and migrants in Türkiye. Their main focuses are capacity building and advocacy about implementation, practices and legal framework in the asylum and migration fields.

#### **Syrians currently entering Türkiye**

1. Under the current rules, it is theoretically possible for Syrians nationals coming from Syria to enter Türkiye and apply for temporary protection regulation (TPR). In practice, however, it is not possible. TP registrations have been formally closed for about a year (since June 2022). Since 2019, 15 provinces were closed to TP registrations for newcomers and those wishing to change their city of registration. Since June 2022, all 81 provinces have been formally closed. The government migration management has since announced that registrations will only be completed in temporary accommodation centres (TACs) close to the border with Syria. In practice, these registrations do not take place either. According to the source, Syrians have a right to apply for TP in removal centres, but the source did not come across any example so far.

2. In the TACs, some Syrians had pre-registrations, but none of them resulted in a TP card.
3. The source heard that some Palestinians from Syria experienced challenges when registering for TP. However, in 2014, they were able to register.
4. If a Syrian registered in Gaziantep leaves the city without a written valid travel permit or overstays the permit, and is apprehended by the police, the TP registration is cancelled. Such a person will be taken to a removal centre and then transferred to a TAC in Kilis, Adana, Hatay and Kahramanmaraş. The source added that this is also valid for applicants or holders of international protection in line with the Law on Foreigners and International Protection Art. 77/1ç.
5. When Syrians started being transferred to TACs in June 2022, authorities were reportedly to identify whether they had a need for temporary protection registration. However, most Syrians were forced to sign voluntary return documents and were subsequently deported to Syria, although they formally were not deported. Others stayed in the TACs for months without any administrative or court decisions for detention. In some cases, the source provided such persons with legal support through their contracted lawyer. When the lawyer made a judicial appeal, the order could not be examined as no detention order had been issued by the administration in the first place.
6. The detainees were not allowed to go outside. The camps were divided into two: there were also the regular residents of the camps, who were free to go outside.
7. After the earthquake in February 2023, the detainees were released by different methods. In Hatay, 200 people were detained in a camp (TAC) that was supposed to be unused. According to the source, these persons were beaten before being released without any documents. In Adana camp, the detainees were kept for a few days after the earthquake. In the end, they were told that they could leave without any documentation or stay in the camp.
8. When the released detainees wanted to register for TP in other cities, although they had an ID number that is allocated for foreigners under temporary protection but not an ID card and were informed to go back to the province where foreigners ID number was issued (i.e. to the province where TAC was located).
9. In Kilis, on the other hand, detainees were provided with documents and then released.
10. The source did not know the actual number of Syrians killed in the earthquake because many Syrians stayed in Türkiye without valid registrations. According to the source, unregistered refugees is a general and serious issue in Türkiye.
11. After the earthquake, Syrians with TP in the affected areas received a travel permit for 60 days allowing them to go to other provinces. After the first 60 days, the extension of the travel permit has been challenging in particular for IP application/status holders. For example, in Izmir although TP holders had less difficulty in extending their permits, some IP application/status holder were not able to extend their stay. Some preferred to return before or when their 60 days period expired. PDMMs do not renew the stay permits of the refugee earthquake victims for a third time. If their stay permit is not extended and if they refused to go, their registrations will be cancelled.

### **Access to social services**

#### *Accommodation*

12. TP registration is compulsory for access to other rights, entitlements and services.
13. Shelter is a main problem, especially during the Covid-19 pandemic when this problem grew. Many businesses were closed and many lost their jobs and thus their daily income, which means that they cannot pay rent. Many have to work without a work permit.

14. Because of prejudices and discrimination, it is very difficult for Syrians to find apartments to rent. In addition, landlords ask for higher rents for foreigners.
15. The living conditions for Syrians are usually very poor. They live in unhygienic houses. Often, more than one family lives together in the same house.

#### *Education*

16. Bullying and discrimination by other children, teachers, the school management and other parents are a serious problem.
17. Access to education is problematic. About 40 percent of the Syrian children are not attending school. Dropouts are very high because of the pandemic and the economic conditions in Türkiye. Instead, children have to work for their family income.
18. The Ministry of Education no longer provides statistical numbers, which they used to do. Although there were mistakes in the numbers, they were helpful in understanding the situation (i.e. it was important to state that even in official figures, 40 percent of Syrian children at school age were out of school).

#### *Health services*

19. Syrians with TP can only access health services in their city of registration. Unregistered Syrians and Syrians living outside of their city of registration, cannot access health services (except for emergency treatment, which possibly would lead to the cancellation of their TP registration), social services and education. If a Syrian receives an official referral from a state hospital to another city, they can access this hospital.

#### *Labour market*

20. To access the labour market, Syrians with TP need a work permit from their employer. . According to the 2021 figures of the Ministry of Labour a total of 91,500 Syrian nationals (either in residence permit or TP regime were given work permit. 86,165 of them were males and 5335 of them were females.<sup>456</sup> However, the source was not sure about this as the Ministry of Labour no longer provides the numbers. Most of the work permit applications are rejected, which is why many Syrians end up working without a permit.
21. Some employers prefer not to apply for work permits because they want to keep the wages and expenses to a minimum, e.g. to avoid paying for insurances.

#### **Permanent residency in Türkiye**

22. Marriage to a Turkish citizen will not automatically grant a Syrian permanent residence in Türkiye if they are TP holders. Although the legal framework on gaining citizenship states that a foreigner who is married to a Turkish citizen could apply for citizenship after the 3rd year of the marriage (with no requirement of formal residence in Turkey during this 3 years), in practice while assessing the citizenship applications, the authorities require a formal residence permit for 3 years in Turkey. But staying in Turkey with TP or IP registration is not considered as a residence.

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<sup>456</sup> Türkiye: Ministry of Labour, *Work permits of foreigners*, 2021, [url](#), p.16



23. The access to permanent residency in Türkiye for Syrian nationals depends on how the Syrian entered Türkiye. According to the Turkish migration management, there are 92,595 Syrians with residence permit in Türkiye. Most of them received their residence permits in the beginning following the war in Syria. Since then, it has been difficult to renew the residence permits because a valid passport is a requirement. The Syrian embassy and consulate in Ankara have closed; there is only a Syrian consulate in Istanbul, but it is challenging and expensive to renew passports there. According to what the source has heard, the price for renewal of a Syrian passport is around 10,000 USD through intermediaries.
24. Some try to renew their passport through bribery in Syria.

### Citizenship

25. The only way for Syrian nationals to obtain Turkish citizenship is through exceptional citizenship. The criteria for an invitation to this kind of citizenship is unknown to the source. Often, Syrians with work permits and high education degrees are invited to apply for citizenship.
26. During the pandemic in 2020, hundreds of Syrians in the middle of the citizenship process had their citizenship cases cancelled. Some appealed this decision at the administrative court to see why their applications were denied. Sometimes it was because of an alleged intelligence report which is not open to the person herself/himself.
27. As far as the source knew, citizenship based on exceptional grounds are currently rarely granted. The source thought that the procedure had stopped altogether, but from time to time they see new invitations for citizenship and cases where Syrians obtain citizenship in this manner.
28. In the beginning, Syrian Turkmens enjoyed more favourable terms in obtaining Turkish citizenship.
29. Syrian nationals cannot buy property in the whole of Türkiye according to an agreement between the governments of Syria and Türkiye. While it has been popular for other nationalities to buy property and thus citizenship in Türkiye, it is not possible for Syrians based on a law dated 1927.

### Deportations

30. Deportations of TP or IP holders can take place if an individual constitutes a risk to public order, public health or is connected to terrorism.
31. If a Syrian travels outside of their city or province of registration without a travel permit or an expired travel permit and they are apprehended, they will be placed in a removal centre. In most cases, the deportation process will begin. In some cases, however, the person is released from the removal centre and told to return to the city of registration. When they return, they often receive a notification of the cancellation of their TP status.
32. If a Syrian loses his or her TP status and is in contact with the PMM or is apprehended by the Turkish authorities or the police, they can be sent to a deportation centre. In some cases, Syrians find themselves in a limbo after losing the TP: they cannot register again because their second applications would be denied, as a result they end up living unregistered and anonymously in Türkiye.
33. According to Turkish law, Syrians have to be officially notified if their TP status is cancelled. However, sometimes they do not receive such a notification. The source elaborated that the decision itself is in Turkish but notifications are bilingual (the possibility of a notification in a foreign language is for non-Syrians rather than Syrians i.e. a Somalian could be given a notification in Arabic and Turkish.) In other cases, the person is not able to read. Afterwards, they have an appeal period of 30 days at the administrative court. The deportation decision can be taken simultaneously.

34. There is no automatic access to lawyers or legal aid. Most Syrians are not aware of their right to appeal or how to get in touch with a lawyer. If the Syrian in question has the financial means, they can access a private lawyer. Access to legal aid lawyers is dependent on the provincial bar association and may be different from city to city. In Izmir, the bar association appoints lawyers, but in other cities it can be more difficult.
35. Bar associations provide free legal aid to detainees. Some bar associations, however, do not wish to extend their legal services to foreigners in general or particularly for those in detention because of financial means, xenophobia or because they prioritise Turkish nationals.
36. There is an ongoing project between UNHCR and the Union of Bar Associations in Türkiye, which provides financial support by UNHCR to provincial bar associations for taking on cases of foreigners, especially detainees. Syrians detained for posing a risk to public order, public health or with connections to terrorism are not provided with legal aid under this project.
37. The bar association in Istanbul benefits from the financial support, but there are some additional criteria when appointing a lawyer in Istanbul. For instance, they need the foreigner's ID number, the number of the deportation decision, etc.
38. Some bar associations do not accept the information given by NGOs and request that information comes directly from the removal centre authorities.
39. No NGOs have access to removal centres, nor does the UNHCR. The detainees themselves or family and friends of the detainees call the NGO to inform about the situation of the person in the removal centre. The only persons with access to removal centres are lawyers, notary approved interpreters and notaries. If the name and other ID details are provided, lawyers go to the removal centres to identify the person in need of legal aid, after which they conduct an interview and examine their files. The source then contacts the bar association. Sometimes neither the lawyers appointed by the bar association nor private lawyers are able to find the detainee. For example when the spelling of the name of the detainee is different in official records. Sometimes bar associations do not appoint a lawyer, and sometimes they initiate an appeal case.
40. Removal centres are often far away from the city centres, which contributes to challenges in access to lawyers. Sometimes lawyers are informed that the person they are supposed to give legal aid to is not present in the removal centre. This could happen because of language misunderstandings, e.g. how the detainees name is spelled in Arabic in contrast to how it was registered. In other cases, the lawyer is not aware of the personal number given to the detainee. There have been problems with getting a power of attorney in some instances in order to file an appeal against a deportation order or rejection of asylum claim etc. before the court.
41. Occasionally, the security guards outside the removal centres tell the lawyers that a specific person is not in the removal centre, even though the lawyer has spoken to the person in question previously.
42. Removal centres can be very crowded, so that people have to sleep on the floor. Some detainees experience hygiene problems and a lack of access to required health services. Detainees have access to 0.5 litres of drinking water three times a day. Children do not have access to supporting activities.
43. There are cases of violence committed by officials and security guards against foreigners in removal centres. The violence could be beating, kept in isolation, shouting, swearing in the presence of the detainee etc. Even if it is not that common, sexual assaults are also reported. These conditions apply to Syrians and non-Syrians. The source had not heard about Syrians being handcuffed while being transferred from one removal centre to another. The source added that on the general condi-

tions in the removal centres there are limitations on access to telephone or fresh air, or not providing hygiene materials.

### **Unaccompanied children**

44. Unaccompanied children have been seen in removal centres, which is against the law according to the source. The source explained that they use the term ‘child’ and not ‘minor’, because being a ‘child’ is a legal status; however ‘minor’ has no legal connotation.
45. If an unaccompanied child is apprehended, they must be taken to an official government institution for children according to the law. In this institution, the child must be registered and receive a foreign number (a 99 number). A foreign number always start with 99\*\*\*\*\* regardless of their legal status i.e. TP holders, IP applicants/status holders and residence permit holders have all a personal ID number starting with 99. In practice, some unaccompanied children and other children have not been registered correctly. The source emphasized that unaccompanied children are neglected both inside removal centres and also outside of removal centres.
46. The process of registering unaccompanied children take a long time, and the children often have to stay in the removal centres during the processing of their case.
47. It is common that the ages of unaccompanied children are registered as above 18, even though the child has documentation that proves their real age. Once the age has been registered, it is difficult to appeal it. Age tests bone tests are often very unreliable in this regard.

## **A migration researcher, 7 June 2023**

### **Introduction**

1. During the two rounds of elections, many politicians inflated the numbers of Syrians in Türkiye in their campaigning process. According to the official numbers published by the Presidency of Migration Management (PMM), there are 3.3 million Syrians in Türkiye, and this number has been declining since around September-November 2021 when the pandemic happened. After this, the earthquake happened which affected the voluntary repatriation.
2. The source had doubts about if there actually is 3.3 million Syrians in Türkiye and believed it to be less. Half a million Syrians reportedly returned since 2015, but the number of Syrians in Türkiye never reached 3.8 million in official statistics. There could have been undocumented Syrians among the returned, but on the other hand, around 600,000 undocumented Syrians allegedly went to Europe between 2015 and 2016. Reportedly, not a single documented Syrian crossed to Europe back then?
3. It could mean that the number was in fact bigger, or there never was 3.57 million Syrians in Türkiye. There needs to be a certain threshold of numbers of Syrians to keep receiving funds from EU.
4. According to the Turkish authorities, half a million Syrians went back to Syria and an equal number went to Europe in 2015 and 2016, which the source found doubtful.
5. Previously, there might have been some voluntary repatriation movements and some forced repatriation movements, but when the pandemic happened, the borders were closed. Before, during the municipal elections of 2019, it was decided that Syrians could not cross the border to visit Syria during the Bayram holidays. However, when the earthquake occurred, the borders were opened and around 65,000-70,000 Syrians went back to Syria and were given six months to return.
6. The source has not seen an increase in the numbers of Syrians in Türkiye so far.

7. During local, general and presidential elections in Türkiye, there are spikes in anti-migration rhetoric. At times, it leads to violence between Syrians and the hosting community to a point where murders can be committed. The peak occurred two years ago in Altındağ in Ankara, where the government did not willingly intervene to put an end to it, at least in the beginning. Several videos circulated on social media, showing the police opened barriers and allowed groups of Turks to attack the properties of Syrians.
8. There has always been anti-migration sentiment in Türkiye – it rose since 2011, but spikes at certain moments because of a political discourse or incidents, but it is not on an upward trend. It is a reflection of Türkiye's economic and political situation.

### Access to social services

#### *Labour market*

9. Millions of Syrians have access to the Turkish labour market, but many choose to work informally if they are eligible to receive the monthly financial support.<sup>457</sup> In other cases, they are forced to work informally since they have no agency in obtaining a work permit directly.
10. A work permit is a prerequisite to work formally in all sectors with the exception of working as a seasonal agricultural worker or in jobs related to animal rearing.<sup>458</sup> The regulation was introduced in 2016 and allows you to work formally only in the province of registration. This was to avoid competition and to protect major economic hubs. It was assumed that if anybody could work wherever they wanted, everybody would go to Istanbul or other industrial hubs. It has, however, not been very effective.
11. Up until 2016, the Turkish authorities did not know what to do about the Syrians in terms of legal employment. Türkiye had a regulation on foreign labour before 2016, but the legal status of Syrians was not covered in the already existing regulation of 2009. In the first five years after the arrival of the Syrians, the government believed that the situation would only last for a short period. With more years passing by, the authorities realised that Syrians need to fend for themselves and make ends meet. Syrians gradually started looking for jobs without having a work permit. In 2016, there were already hundreds of thousands of Syrians working informally.
12. Syrians do not have an agency to obtain the work permit. The agency lies in the hands of the employer. If the employer decides to hire a person, the employer can apply to the Ministry of Labour to obtain the work permit. The ministry can reject the application, which has happened for many employers in different provinces. The rejection often does not come with a justification and it takes time. The ministry states that it takes two months. According to the source, it takes at least four months. In this period, the person cannot work formally according to the regulation. In the end, the employers hire the person informally because there is no time to wait for the application, or if the application returns with rejection.
13. The overall conditions for Syrians in Türkiye have been the same for the last few years. Around one million Syrians are estimated to work informally in the labour market. Informal work has caused frictions within the Turkish labour market with claims that Syrians are taking away the jobs of Turks. As a counter-argument, some employers say that Syrian labour force is needed in the Turkish labour market as flexible labour, which is a disguise for cheap labour.

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<sup>457</sup> On the requirement to receive the monthly financial support, the source referred to a [brochure by ESSN](#) informing about

<sup>458</sup> On work permits for wage employment, the source referred to further details at [UNHCR's website](#)

14. The Turkish economy has been facing difficulties since 2018. The issue of informal labour market has been the case for decades and has nothing to do with the arrival of Syrians.
15. The arrival of Syrians and them working informally in the labour market has shed light on shortcomings in sectors such as textile, agriculture and construction. They have been highly unregulated sectors in the economy since the 1980s. Until the arrival of Syrians, it was Kurds who were being accused of taking away the jobs of Turks. Now, it became Syrians taking away the jobs of both Kurds and Turks.

#### *Education*

16. About 1.2 million Syrian children are in the schooling age, while around 750,000 go to school.
17. It is difficult to know the precise number of Syrian children in the Turkish schools. Being enrolled in a school does not necessarily mean that you are attending school.
18. One of the ways to ensure school enrolment and attendance was the conditional cash transfer for education. UNICEF introduced this program in the early 2000s.<sup>459</sup> With the arrival of Syrians, the program was expanded to include Syrian students as well, but the financial support given to students is limited and barely covers the needs of a child on a monthly basis. It is an incentive to keep students attending school. The structure of the supporting program favours the attendance of girls in schools by giving them a bit more money compared to their male counterparts.
19. In 2011-2012, Syrians were allowed to learn Arabic and a modified Syrian curriculum was introduced in education centres. In 2014, the Ministry of Education decided to integrate or close the centres and enrolled all children in Turkish schools.
20. Subsequently, peer pressure and bullying by students and teachers started occurring.

#### *Health services*

21. Syrians under TP have been enjoying access to health and education. They go to public hospitals but face the same issue as with education; you are only allowed to attend the schools and go to hospitals in the province of registration, unless it is a health emergency.
22. The EU covers all of the expenses. An important misinterpretation is that the government pays for all of the costs and does not look out for the Turks, but it is all funded through EU money signed for in the deal in 2016.
23. Migrant health centres have been established across the country through the EU-Türkiye deal. Whether Syrian nationals go to these centres is a matter of choice. The distinction of the migrant health centres is that they have Arabic-speaking personnel, nurses and doctors. If hundreds of people go to a hospital per day, several interpreters would be needed. Instead of doing that, the authorities complimented the existing public health services by opening migrant health services. Through the Ministry of Health, they employ Syrian nurses and doctors on a yearly basis to offload the other hospitals.

#### *Accommodation*

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<sup>459</sup> For further information on the Conditional Cash Transfer for Education (CCTE), the source referred to the <https://www.unicef.org/turkiye/en/conditional-cash-transfer-education-ccte-programme>

24. In Türkiye, there is no government policy in terms of access to accommodations supported by the government. Syrians have to find a place to rent themselves and pay the rent out of their own pocket.
25. In practice, the social services are generally available for Syrians under TP. However, the issue of access is there for all Syrians across the country depending on the capacity of the services. There are provincial differences concerning the services that are being provided. Large provinces with greater populations tend to have more schools and hospitals, while smaller provinces tend to have smaller scales of services, hospitals and schools.

### Deportations

26. Currently, both registered and unregistered Syrians in Türkiye risk deportation back to Syria. Syrians are still being deported, although it is not as widely communicated as in certain times in the past.
27. Back in 2019, when the government party lost the first round of local elections, it launched a campaign against irregular migration. Some Syrians, who were apprehended while working irregularly in Istanbul, were deported to Syria. The authorities, however, realised that it was a mistake and asked them to go back to their provinces of registration. Some NGO's and lawyers managed to bring back a few of them to Türkiye. Others have tried to come back to Türkiye because they have family members in the country.
28. A Syrian has to secure a travel permission to leave the province of registration before going elsewhere. The duration of the travel permission is 15 days and the PDMM must be notified upon return. Such a person would have to apply for permission from the provincial directorate of migration management (PDMM) in the province of registration. Then they would receive a document to present when leaving the province, and they need to inform the authorities when they return.
29. The Law on Foreigners and International Protection says that a removal decision could be taken against someone working without a work permit. In practice, however, proving the case is rather difficult unless one is apprehended in a workplace without a work permit. The source referred to Article 54 in the Law on Foreigners and International Protection.
30. In connection to residing out of the province of registration, the mere fact that the person is present in a province other than the province where that person is registered cannot lead to a deportation/removal decision. There has to be a connection with the reasons of deportation provided in the law. In practice, if one is caught out of province of registration, he/she might have their TP status cancelled due to their presence in another province. This is likely an arbitrary thing. In that case, once the status is cancelled, the person becomes an irregular foreigner and turns into a deportable person. But this is not due process and seems not to be consistent with the law. The source gave examples on how deportations of Syrians are very arbitrary:
31. During the elections in May 2023, the source came across the cases of three or four Syrians, one of which was undocumented and not under TP. He was apprehended in Istanbul and later deported.
32. A Syrian who stayed in Türkiye for 11 years with a residency permit was deported without being aware of the reason.
33. Another person under TP status with a work permit was apprehended in Istanbul between the two rounds of elections. He was deported back to Syria.
34. The source was unaware as to which justification the police have to deport Syrians, because it is arbitrary.
35. In larger population centres like Istanbul, Gaziantep, Ankara or Izmir, police can make raids in public areas like metro stations in order to specifically target Syrian looking people. These individuals



- would be stopped for random identity checks. If it turned out that a person was staying in a province outside of their registration province, the police would bring them to a removal centre. Next, they could be asked to sign voluntary return documents by the police or authorities. However, they were not informed about what the document actually contained because it is only in Turkish language. The source has seen a template of the document in Arabic on social media. However, and according to the source activists still report that detained Syrians pending deportation cannot read Turkish and do not know what they are signing.
36. In many cases documented by NGOs and human rights activists, Syrians have been given two options: to sign the voluntary return document or stay in the removal centre for good.
  37. Subsequently, many sign the paper in the hope of being able to return to Türkiye after the deportation.
  38. There is no one particular reason as to why deportations take place. The authorities can abuse the law when deporting Syrians by using justifications such as Syrians being undocumented or working/residing in a province outside the province of registration or causing stir in public. Sometimes it is a response to societal sentiments.
  39. In 2021, some Syrians made sarcastic videos about bananas on social media, causing stir between the Syrian and Turkish communities. Later, some of these Syrian social media influencers were deported. The legal justification was for stirring hatred in the public.
  40. Deportations have been arbitrarily taking place since 2015. Amnesty International and Human Rights Watch have been reporting about similar cases since 2015, but it did not really reach public attention until in 2016 or 2017 where a group of Syrians were deported in a collective way. At that time the war in Syria was at its peak and the public started wondering why the Syrians were being deported. After this, the issue of deportations grew.
  41. The Turkish government states that Syrians are not sent back to areas under government control, but back to safe zones. However, these zones are not very safe: there are cases of kidnapping, ransom and arbitrary arrests by groups in these areas.
  42. Asked about the profiles of the deportees, the source replied that there is no certain pattern when it comes to targeted groups. Deportees could be of any age and could be arrested for a number of reasons. If you are a male between certain ages, and if you are registered in one province and caught outside of it, you usually end up being deported. It is not structured or systematic, but very arbitrary in its nature. Registered Syrians are being deported as well as unregistered Syrians.
  43. The article in the Law on Foreigners and International Protection that allows the deportation of Syrians on the grounds of being a risk to the national security, national health, or having contact or connections to terrorist groups is still valid and these remain the three main reasons given by the authorities for deportations. It will stay valid as long as the temporary protection regime is valid.
  44. In 2021 when the Taliban took over in Afghanistan and tens of thousands of Afghans came to Türkiye, the Turkish opposition campaigned on the borders being unprotected. After months of very big campaigns from the opposition, the Twitter account of the PMM began publishing the number of apprehended irregular migrants and how many of them were sent back which is also true for today.
  45. The applications of irregular migrants have to be processed to determine whether they qualify for international protection. In border provinces in the east of Türkiye, as an unofficial practice it has been decided that Afghan males of any age are not eligible to apply for international protection. Very rarely, Afghan women with children or single women are allowed to submit an application.



46. The source does not believe that all 550,000 Syrians who returned to Syria did so on a voluntary basis. Some Syrians might have decided that at least they would be living in a community where they can speak Arabic. However, deportations are happening.
47. The alleged number of 550,000 could in fact be more, and it could be less.

#### **Cessation of TP status**

48. If a person with TP leaves Türkiye, the TP will be revoked.
49. If a Syrian loses their TP status, they have to leave Türkiye.
50. The possibility to appeal the decision depends on why the legal status was lost. If it is due to one of three main reasons - being a risk to the national security, national health, or having contact or connections to terrorist groups - it is highly unlikely for that person to win the appeal.
51. If the reason is outside of the three points, the prospects of appealing and having the case reviewed by a court or a judge highly depends on the access to a lawyer or an NGO that provides legal aid. The source was not sure whether there is enough of those to overlook or help people who might be deprived of their legal status.
52. A Syrian who lost the TP status might go to Europe or back to Syria with the hope of coming back. The prospects of such persons regaining TP have, however, become more difficult. Because the authorities have biometric scans, they can find out why the person was deported in the first place. Therefore, they might be returned to Syria again. The same people might find a way to enter Türkiye and stay there illegally.

#### **Access to Turkish citizenship**

53. According to the law on citizenship and the 2013 law on Foreigners and International Protection, Syrians under TP status do not have the right to apply for Turkish citizenship, no matter of the number of years spent in Türkiye or language skills.
54. Some Syrians have been selected for Turkish citizenship. The Ministry of Interior initiated the process in 2016. There are statements saying that the Turkish authorities are targeting white-collar Syrians who can contribute to certain areas, such as doctors, engineers, lawyers, nurses, business owners and university students. There are a few cases where whole families have been selected to get citizenship.
55. The source knew of people who fall under the criteria of being white collar Syrians, but also cases where Syrians granted citizenship are not in this category. The selections are unclear and arbitrary.
56. Article 12 of the law on citizenship states that the Prime Minister might select migrants contributing to science, culture and the economy of Türkiye, but the law has been updated. After the prime minister position was abolished in Türkiye, it is now the presidency that decides who will be selected for Turkish citizenship.
57. A doctor from Syria who had to flee overnight and did not bring their certificates or diplomas can receive Turkish citizenship. However, such person may not be able to speak Turkish, and how would the authorities then verify if they are doctors to begin with?
58. Officially, close to 250,000 Syrians have obtained Turkish citizenship in this manner. Around 135,000-136,000 were above the age of 18, which are the ones eligible to vote. CHP, the opposition party, places the number closer to 169,000-170,000 eligible to vote, while populist politicians place the overall number, including Syrians, to 1.5 million people.
59. A Syrian national can obtain Turkish citizenship if they have been married to a Turkish citizen for three years and are able to prove that it is not a fake marriage. The source was unaware how the

- authorities verify the marriage. Proof of language skills is another requirement, as well as some health tests to show that the person will not impose any danger to the health of the society or the community they live in.
60. These requirements qualify a Syrian national to apply for citizenship. It is, however, not a guarantee to receive Turkish citizenship.
  61. Asked if a child born to two Syrian nationals in Türkiye would receive Turkish citizenship, the source said that Turkish citizenship is granted by blood, not by birth. If at least one of the parents is a Turk, it is possible to get citizenship. Instead, the parents, being Syrian nationals, have to apply for TP for the child.
  62. There have been discussions associated with that particular group of Syrians and of them being stateless. Syrian parents with TP status might not have brought their Syrian IDs or passports to Türkiye. There is an operating Syrian consulate in Istanbul, but it is a challenge to prove you are Syrian if you do not have any ID documents. This could lead to hundreds of thousands of stateless children.
  63. Previously, there have been debates in parliament about a solution for this, for instance mass naturalisation of hundreds of thousands of Syrian children. The source does not believe that Turkish politicians nor the society are ready to face that.
  64. The Syrian consulate in Istanbul might not grant passports to Syrians with certain backgrounds. A Syrian passport issued with expedite, however, costs up to 800 dollars, which likely is too much for Syrian households.
  65. A Syrian ID is not enough for the Turkish authorities. As a foreigner in Türkiye, one needs to have a passport.
  66. The normal process would allow a Syrian national to get a passport in six to eight months but costs 400 dollars. For two passports, it would take three to four months of informal work.
  67. Only if a Syrian national has the financial capacity, he/she might get a Syrian passport if they go to the consulate. If the consulate finds a person questionable, it is possible that they will not issue a passport to the applicant.
  68. The Turkish authorities have decided to overlook the fact that a child does not have a Syrian passport or ID, as long as the parents have TP status. A birth certificate is, however, necessary.
  69. According to the Turkish constitution, if a person derives from a Turkish heritage or culture, meaning the Turkic population, they are allowed to apply for Turkish citizenship. Such individuals would have an advantage over any other population or ethnicity to get citizenship faster. This has been the case with Turkmens from Syria.
  70. The source believed that most stateless Palestinians who used to live in Syria either went to other areas within Syria and became IDP's or went to Palestinian camps in Lebanon.

## A well-informed NGO working with refugees

5 June 2023

The NGO specialises in provision for refugees and migrants in Türkiye as well as legal assistance concerning asylum procedures in Türkiye and access to rights and services with a specialised focus on the procedures regarding temporary protection and international protection

### Procedure for issuance of TP cards

1. To apply for TP status, the applicant must be present in Türkiye. Before a TP card is issued, the authorities run a security assessment by contacting the police and the national intelligence service to see if the name hits a prior record. If the assessment is clear, the registration could proceed.
2. Asked if UNHCR is involved in TPR procedures, the source replied that officially, the Turkish migration authorities have the ultimate authority in regards to foreigners and protection seekers from Syria and elsewhere. Many projects are funded by the UNHCR. The staff and interpreters working in the ‘protection desks’ that are aiming to identify vulnerabilities, needs and makes referral to a government agency to take of these needs, at the Provincial Directorate for Migration Management (PDMs) are funded by UNHCR. UNHCR has an entry point to PMM services providing institutional support to the PMM via the PDMs in 61 provinces through the UNHCR-implemented action.<sup>460</sup>
3. Before the earthquake in February 2023, a Syrian national could present any document they might have when applying for temporary protection. The most important information was full name, date of birth, marital situation and names and date of birth of children. In practice, the majority of Syrians did not possess such documentation. According to the law, a registration can be made based on the oral testimony of the applicant in case there are no relevant documents. The authorities accepted the testimonies in most cases. However, because of the risks of child abductions, the migration authorities still asked for birth certificates of children. If there is no documentation to prove the relation of a child and the parents, a DNA test could be taken.
4. Problems occurred because Syrians were not aware of the significance of their initial testimonies, which were difficult to revise or modify later.
5. In June 2022, the migration authorities issued an internal circular in which they changed the TP registration procedures. New applicants have to go to a temporary accommodation centre (TAC) in the southeast, also known as camps, and stay there until their registration was completed. The source considered this a form of detention because the Syrians are not allowed to leave the camps during the registration process, the length of which was unclear. Some stay there for months and can only leave after their registration is finalised.
6. Since the earthquake hit southeast Türkiye in February 2023, there have been no procedure in place for new temporary protection registrations. This applied to all of Türkiye. Yet, according to recent and unofficial information, TACs in Kilis, Osmaniye and Kahramanmaraş accept TP applications. However, there are limited space in all three TACs. If Syrian nationals currently ask for TP registration at the migration authorities anywhere in Türkiye, they will be informed that Ankara informed that TP registrations are on hold and there are no clear instructions from the PMM on when it is going to start yet. In the meantime, the unregistered Syrians must take care of themselves. Therefore, the source is not aware of current procedures.
7. According to official numbers, the earthquake-affected areas hosted 1.7 million Syrians. After being evacuated, they were allowed to stay in other parts of Türkiye without a travel permit, which is otherwise necessary. Instead, the Syrians were advised to apply for the travel permit once they arrived in another city. These were usually valid for 60 or 90 days. The migration authorities initially announced that travel permits would not be renewed, but it was extended at the end of April 2023. The source does not know if the travel permit would be renewed for a third time, or if the Syrians would be asked to return to their city of registration. However, the authorities do not want to increase the number of Syrians registered in Istanbul.

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<sup>460</sup> The source made reference to the following links: UNHCR, Türkiye Fact Sheet, February 2023, [url](#); The European Commission, *THE FACILITY FOR REFUGEES IN TURKEY, THE FACILITY RESULTS FRAMEWORK MONITORING REPORT No. 10*, December 2022, [url](#), p. 40

8. After the earthquake, many Syrians staying in TACs were evacuated to make room for earthquake survivors. What happened was that the migration authorities and governorates helped people to leave the earthquake-affected region by providing means of transportation but did not find them accommodation in an alternative location - except for a very limited number of persons who are vulnerable and only for short period of time. Basically, it was up to refugees to choose where they wanted to go to, and many of them naturally chose provinces where they had family members living.
9. The three provinces that host greatest number of refugees displaced because of the earthquake in Turkey are Istanbul, Ankara and Mersin.<sup>461</sup>
10. There are still some Syrians staying in the TACs for earthquake related reasons. Asked how many Syrians are currently staying in the camps, the source replied that it is unknown because the numbers available on the website of the migration authorities are unclear.
11. The overall situation regarding TP registrations has changed considerably since June 2022 and the earthquake, but also compared to two years before June 2022.
12. Children born in Türkiye to Syrian parents do not automatically obtain a TP card. The parents have to get a birth certificate from the Directorate of Population to document the birth. Afterwards, they must approach the PMM to register their new-born child. The authorities also run security assessments on new-borns.
13. It is not possible to apply for a TP card online. It is possible for registered Syrians to apply for a travel permit online. It is also possible to apply for a change of city of registration online as well as some assisting programmes. There are no guarantees that the applications will be accepted.
14. Asked if there are differences in the access to TP depending on the ethnicity of the Syrians, the source replied that they did not believe so, but that it is equally difficult for all Syrians.
15. It is possible for a Syrian, who came to Türkiye from a third country, to apply for TP status. Coming from a third country does not prohibit the asylum seeker for applying TP in Türkiye. However, as of right, PMM checks how long the asylum seeker stayed in that third country and assesses whether the third country was/is safe to live for the person during the interview.

#### **Regional differences in the issuance of TP cards**

16. According to the source, there are regional differences in the issuance of TP cards. The source emphasized that it is not specific to TP but also applies to procedures regarding international protection. In big cities, the needs are higher and thus, waiting time and procedures are slower. This applies to both migration authorities and the accessing of services. Istanbul stands out, as everything is more difficult there, including entry to PDMMs. It is necessary to book an appointment, sometimes weeks in advance. In some litigation cases in Istanbul, the source did not receive responses from the courts for more than a year.
17. The earthquake caused further changes. 13 PDMMs in the affected provinces (Adana, Adiyaman, Diyarbakir, Gaziantep, Hatay, Kahramanmaras, Kayseri, Kilis, Konya, Mardin, Mersin, Osmaniye, Sanliurfa) are not fully operational for TP and international protection procedures.
18. In certain border provinces, such as Van, trafficking of irregular migrants is high. Therefore, authorities in such places are more security-oriented and not welcoming in terms of registrations or other refugee needs.

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<sup>461</sup> The source made reference to: International Federation of Red Cross and Red Crescent Societies and Türk Kızılay, EMERGENCY SOCIAL SAFETY NET (ESSN) PROGRAMME, BACK AT ROCK BOTTOM: REFUGEES ESCAPING YET ANOTHER DISASTER, June 2023, [url](#), p.2

19. According to the source, the current migration and asylum framework in Türkiye is chaotic. According to official numbers, there are more than 3.5 million Syrians in Türkiye. With the number of international protection holders, the total number surpasses 4 million people. 285,027 individuals have been apprehended for irregular migration in 2022 according to official numbers. The record was almost 500,000 in 2019.
20. The source believes that high number of protection seekers and irregular apprehensions are putting a lot of stress on administrative capacities resulting in different practices in different places.

#### **TP cards**

21. Currently, there is only one type of TP card, which is the yellow card. The old version of the TP card is commonly known as the white card. . The source still sees TP cards issued five or six years ago, because the holders did not renew it or were unaware that they had to.
22. If a Syrian is registered in Istanbul, the PDMM in Istanbul is the authorised body to renew the TP card. In many cases, families have been registered in one city and then moved to another. Thus, the expenses to travel back to the first city to renew the TP cards are too high. In Istanbul, for example, the authorities are firm and do not renew the cards of Syrians registered in another province. The source opined that it could be possible to do so in smaller cities.
23. TP cards do not have any expiry date. It has the "date of registration" on it, and "date of verification": which is the date when any registration data is renewed/updated for some reason. PMM organized series of verification campaigns for registered Syrians in the past - to update information about their profession, place of birth and up-to-date civil status etc. In some cases, the authorities might ask some new questions for verification purposes. These questions could be related to education, previous work experience, if any family members is working officially, etc. Afterwards, the card is re-issued.
24. TP cards and residence permits are mutually exclusive. A Syrian cannot have a residence permit and a TP card at the same time. Regular and irregular migration are considered two separate matters, which was not the case before 2014. TP holders are not considered irregular migrants. TP card legalizes their stay in Turkey.

#### **Social services**

##### *Health services*

25. The Turkish authorities want to make sure that the Syrian population is dispersed all over Türkiye. To this end, Syrians can only access free-of-charge social services in their province of registration.
26. There are usually no problems in accessing health services if the Syrian lives and stays in the province of registration. Other challenges are capacity related. In Istanbul, for example, it is not possible to book an appointment for the treatment of skin deceases in public hospitals for up to one year.
27. Another problem concerns language and communication, especially in the field of mental health and psychosocial support. There is no quality interpretation, and many hospitals do not hire interpreters. A few do, but not to a sufficient level.
28. There is a list of medications subsidised by the government. Medications and medical equipment not on the list can be difficult to access – not just for TP holders but for Turkish nationals as well.
29. If a Syrian living in a different province than the province of registration does not have a valid TP card, they would not be able to access social services in the province where they live. They would not be able to benefit from services at hospitals in emergency cases that are handled no matter if the person is registered in the province or not. However, the definition of emergency cases might

differ. Even if there is an emergency case, a hospital might be unwilling to register the patient because they do not know what to do. Number one emergency case is pregnant women giving birth. Many unregistered Syrian women have given birth in hospitals, because it is considered an emergency assistance, but afterwards the extra days spent at the hospital for some sort of complication or for caution were not considered emergency and were charged accordingly. When the family could not immediately pay the amount, then in some instances mother and the baby were not allowed to leave the hospital until some payment or promise to pay were made. The source intervened in some of these cases.

30. The source elaborated, when the patient does not have any documentation showing her identity issued either from her own country of origin or Turkey, it is extremely difficult for medical specialists to carry out interventions going beyond emergency assistance. This is because it makes it impossible to track prior medical interventions carried out for the individual, and in case any complications occur because of prior medical history, it puts them at serious risk. Plus, the medical database that hospitals use in Turkey in registering patients require them to register either an identity number for Turkish citizens or foreigners number for foreigners in Turkey, including IP/TP beneficiaries, residence permits and others. This is the database that allows patients to benefit from subsidized treatment/medication - there is no official healthcare service outside of this system in a way.
31. In some cases with very serious health care problems, it has been possible to push the authorities to change the registration city of the concerned individual. It is, however, not easy.
32. There are NGO service providers assisting Syrians regardless of their status. There are also temporary health centres designed specifically for protection seekers in Turkey.

### *Education*

33. If Syrians are registered and live in their province of registration, they should be able to enrol their children in public schools for free. There can be challenges in terms of prejudices and unwillingness of school principals in registering Syrian children. If the orders come from the provincial authorities, school principals do not get the final say. If the Syrians do not know how to get in contact with the provincial authorities, they can be discouraged from enrolling their children to school.
34. Child labour and early marriages are big problems for the Syrian population.
35. Statistics from the Ministry of Education show that school enrolment rates have been stagnant for the last couple of years (around 60 percent of the pupils are enrolled). It is unclear whether this number is lower in reality. During the pandemic and the earthquake, education was digitalised, making it difficult to trace whether students were in fact following the courses or not. There is also a project funded by the European Union to support children who are under risk of dropping education. Children between 9-18 y.o. who are registered at school but could not follow their courses properly can follow supplementary courses for 2 months during the summer period.
36. Syrian boys are expected to work for the family income, and girls are married at early ages. The official marriage age in Türkiye is 18 years. It is possible to get married at the age of 17 if the parents or a legal guardian provide a written consent. If a person wants to marry at 16 years, it must be approved by the courts. It is not legal to be married before the age of 16. If a girl becomes a mother when she is 15 years old, the prosecutor's office must be notified to look into it. However, such cases are very common and there is no uniform action from the authorities in this regard. Usually, the husband is held for a while and then released.



37. UNICEF runs projects targeting child labour. There is also a social assistance programme partly funded by EU, which is run by the Ministry of Family and Social Services. This programme pays families monthly, if the children stop working and attend school. The pay depends on the school level. In many cases, children earn more working than through the assistance programme, thus many families continue to send their children to work.
38. Türkiye is a part to the Convention of the Rights of the Child.

#### *Labour market*

39. To legally access the Turkish labour market, a work permit is required. The TPR does not grant automatic access to the labour market. The employer applies for the work permit at the Ministry of Labour on behalf of the employee. It is difficult for Syrians to find an employer willing to go through the application process. On paper, the application should be handled within a month, but in practice, it takes longer. In the end, it is issued or denied.
40. A work permit is issued for a specific term. The first time, it is issued for one year. Afterwards, it must be renewed.
41. Syrians can also apply for work permits outside of their city of registration: an employer anywhere in Türkiye willing to employ a TP holder can apply for a work permit. If the work permit for another province is granted, the Syrian must apply for a travel permit valid for three months. After staying and working in another province for three months, the Syrian can apply to officially change the city of registration.
42. The main issue for TP holders is that they are not eligible to apply for a work permit for the first six months of their registration. Secondly, the employer cannot have unofficial transactions when applying for a work permit. As a result, Syrians are often hired for a period on an unofficial basis. Thirdly, there are certain jobs requires prior permission. For example, those who want to work in education sector need to get a prior permission from the Ministry of Education or academicians should get a permission from the Turkish Council of High Education. The work permit applications are done through the online automation system of the Ministry of Labour and Social Security or the electronic governmental system (a.k.a. E-devlet).
43. Turkey has a significant informal economy - which in practice means, employers do not keep their books 100% true and accurate. They either hire people unofficially or evade taxes etc.<sup>462</sup> When an employer applies for a work permit for a foreigner, he opens himself and his establishment to further scrutiny from the side of Ministry of Labor. Hiring a foreign employee requires additional paperwork. Exposing yourself to such additional vigilance is deterrent for some employers.
44. According to the source, it is easier for Syrian nationals to obtain work permits compared to other nationalities because of different incentives on the part of the Turkish government.
45. Some Syrians are offered different courses to prepare them for the Turkish labour market, e.g. language courses.
46. Many Syrians are still working without work permits in precarious jobs that Turkish people do not want.

#### *Housing*

47. The Turkish authorities do not provide housing opportunities for Syrians under TP. Syrians must cover for themselves in terms of accommodation.

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<sup>462</sup> The source referred to some external background information: World Economic, Turkey's Informal Economy Size, n.d., [url](#)



48. The seven temporary accommodation centres (TAC) in the southeast of Türkiye are currently being used for both Syrians and Turkish earthquake survivors. The two communities are not mixed and stay in different parts of the camps. Before, they were used for accommodation for Syrians applying for temporary protection. When the number of Syrians arriving in Türkiye rose, the TACs were not able to host all of them. When the TACs hosted most people, it amounted to 8-9 percent of all Syrians in Türkiye. The majority lived in urban settings on their own.

#### Regaining the TP status

49. If a Syrian with TP status leaves Türkiye, the TP status will be terminated.
50. Asked if it possible to reapply for TP status by returning to Türkiye, the source said that it is possible to apply again. However, the second application will be assessed on an individual basis. This includes additional questions compared to when the first oral testimony was given, e.g. why the Syrian came to Türkiye, from which part of Syria they came, the risk of persecution, etc. The authorities ask such question to see if there is a personal risk. Usually, the authorities would still consider such a person to be in need of temporary protection.
51. The risk of being apprehended by law enforcement for being irregular in Turkey is a significant risk for all Syrians who are unregistered, whose TP status terminated and also at times, who left their city of registration without travel permit. Those apprehended may be referred to a removal centre and may face a deportation decision. The source emphasized that it is difficult to access procedures related to the regaining of TP status in detention centres. It can be difficult to reach a lawyer to request assistance to be re-registered, e.g. because their phones are confiscated inside the removal centres. Detainees can use pay phones for a limited period.
52. Many Syrians without valid TP cards did register in Türkiye to begin with and stayed in the country for a while. However, they later decided to return to Syria or were forced to return to Syria as voluntary returnees. If they travelled back to Türkiye again, they can apply for re-registration because their names already appear in the system of the migration authorities. Their cases will be categorised as pending unless there are reasons for the authorities to expedite the application, e.g. vulnerabilities.

#### Deportations

53. The Turkish migration authorities do not issue deportations decisions to Syrians where the destination country specifically states Syria. They may issue deportation decisions, but not to Syria. There are specific provisions if a Syrian came to Türkiye through a third country. When asked if the Syrian then could be deported to Syria or only to the third country, the source replied that they had not observed any of them. The source added that they had not seen any deportation decision which specifically clarifies where the person is going to be deported to. In theory, no Syrian has been deported in Türkiye, however, yet, Syrians are so-called “being convinced” to return voluntarily to their country.
54. Many Syrians are coerced or forced to return voluntarily to the northern part of Syria controlled by Türkiye. There are different versions of forced voluntary return. In some cases, Syrians are misinformed about what will happen to them and where they are going. Therefore, they end up signing a document, not knowing the contents. Some were coerced or forced into signing a voluntary return document. The source had heard of cases where staff in TACs told Syrians that they were not going to be registered, and thus, it would be better for them to return to Syria and later come back to Türkiye to register.

55. If a Syrian is involved in a crime, their TP can be terminated. This included a person who was a witness to a crime in one case experienced by the source. This person was subsequently subject to a deportation process. In other cases of crime, for example drug dealing, no criminal procedures are initiated, but the Syrians involved are transferred to removal centres and coerced to return to Syria voluntarily.
56. Deportation processes often occur without access to lawyers. In some instances, Syrians can reach lawyers or legal assistance providers through their family members.
57. The risk of deportation is lower for unregistered Syrians who approach the migration authorities themselves. If an unregistered Syrian, on the other hand, is apprehended by the police during a security check and the PMM intervenes, the person in question can risk being transferred to a removal centre but will most likely be released currently. If the apprehended person is suspected of a crime, it is a different situation.
58. There are no clear references in the TP scheme in relation to consequences of leaving the province of registration without a travel permit. According to the source, it often happens. The source opined that there is a risk of deportation in cases concerning international protection, but it is not as clear when it comes to temporary protection. There is a risk of apprehension by the police, who will inform the migration authorities, and as a result, there could be a deportation decision while the Syrian is placed under detention. According to the source, there is also a chance that the authorities will not deport such people because they are Syrian and instead release them. The source emphasised that it is a contradictory process.
59. The Turkish bar association's state-funded legal aid scheme provides free of charge legal assistance services, including for refugees in Türkiye. Syrians under TP regime can benefit from legal aid for all types of civil and administrative disputes, where they need legal advice and/or legal representation. Criminal matters are something else - there is a separate legal aid framework for it - where you do not ask for a lawyer, it is automatically assigned if the defendant is underage or if the potential sentence is considered serious. The budget for state-funded legal aid is scarce and is not distributed evenly among all provinces of Turkey.

### Residence permits

60. There are many individuals of refugee profiles with short-term residence permits, student residence permits and family residence permits in Türkiye, e.g. Syrians, Russians, Ukrainians and Afghans. There are six different residence permits in Türkiye. Another is humanitarian residence permits.
61. Some Syrians who escaped the war in Syria applied for and were granted residence permits in Türkiye.
62. A person with a residence permit has to cover his or her own health care expenses. They are not restricted to live in one province, which is the case for TP card holders. A residence permit is very discretionary and may not be extended or reissued, and an appeal against rejection of granting of a residence permit usually yields no result. A residence permit holder does not benefit from the same socio-economic rights as a protection seeker.
63. The source confirmed that a Syrian national will receive a family permit if they marry a Turkish national. The source, however, added that they do not see many of those family reunifications and thus do not observe such cases directly.
64. Asked if a Syrian with TP in Türkiye is married to a Syrian in Syria, and if the spouse in Syria can obtain a family residence permit, the source replied that it depends on whether they can document their marriage. The marriage must be official. There can be challenges in terms of polygamous relationships. Furthermore, it depends on where the spouse resides in Türkiye. Another factor is

whether the spouse in Syria is in possession of a passport or ID documents to present at the border. The source added that such cases often are referred to the Turkish Red Crescent because they work closely with the Turkish migration authorities in these cases. The family member in Türkiye must write a petition to the governor in their city of registration and ask for a permission for the spouse to join them in Türkiye. The petition must contain passport information and contact information of the spouse. The Red Crescent follows up with the governor and contacts the Ministry of Interior to get a pre-approval, which can take a long time. Afterwards, the spouse can approach the border. The situation depends on the conditions at the border, which may change from day to day, but in general, the person is allowed entry into Türkiye.

65. When asked if this process results in a residence permit, or if the person with the pre-approval have to apply for TP like their Syrian spouse already in Türkiye, the source replied that residence permit regime and protection regime are separate in Turkey. If someone under the TP regime is successful in bringing her family member through family reunification process detailed here, then the arriving family member is also expected to register under TP regime. However, the source had not observed a lot of cases of this sort.
66. The pre-approval is more difficult to get if the spouse does not live in the northern part of Syria.
67. The same procedure applies for children in Syria. If children under the age of 18 arrive in Türkiye unaccompanied, they should be taken under state protection through the Ministry of Family and Social Services. There are separate shelters dedicated to unaccompanied minors. If their families arrive later, they have to approach the Ministry of Family and Social Services to find their children after being registered themselves. The ministry runs procedures and house visits to check that the family is able to take care of the children
68. However, Syrians currently arriving in Türkiye will have to wait because of the unclear situation regarding TP registrations. If children are involved, it is easier to be registered in the TACs.

### Citizenship

69. Syrian children born in Türkiye do not automatically obtain Turkish citizenship. According to the Turkish law on citizenship, one of the parents has to be a Turkish national to confer Turkish citizenship to the child.
70. Because of Türkiye's obligation to the Convention of the Rights of the Child, non-Turkish children born or found in the territory of Türkiye can obtain Turkish citizenship if there is a risk of statelessness. The burden of proof on the applicant in cases of statelessness is high.
71. According to the source, there is no official indication that Syrians in Türkiye will be considered stateless, or that Syrian children in Türkiye will not obtain Syrian citizenship. The risk of statelessness must be more concrete for the article to apply.
72. In terms of applying for a Syrian passport, the source explained that it is not easy to obtain documents at the Syrian Consulate. Some Syrians are scared of going to the consulate, some can not afford the costs because it is expensive. The source heard that bribery is very common.
73. There is a form of discretionary citizenship granted to Syrians by the Turkish presidency. The source was unaware of the exact numbers of such citizenships but believed it to be hundreds of thousands of Syrians. This practice is specifically for Syrians and does not apply to other nationalities in Türkiye. Some Syrians have been invited by the district office to apply for Turkish citizenship. The process is not transparent according to the source.
74. Some of those invited to apply for citizenship were university students, doctors and nurses as well as their children. The source did not know the conditions for being invited to apply. However, the

source opined that Turkish proficiency and time spent in the country were not conditions for citizenship.

75. Law No.5901 on Turkish Citizenship stipulates that a foreign national marrying a Turkish national can apply for Turkish citizenship after 3 years of marriage (Art. 16). Another Article (11) lists the conditions for all applicants applying for citizenship, including also the requirement of 5-year long uninterrupted stay in Turkey. Temporary Protection Regulation, however, has another relevant provision, which clearly states that "ARTICLE 25 - (1) Temporary protection identification document shall grant the right to stay in Turkey. However, this document shall not be deemed to be equivalent to a residence permit or documents, which substitute residence permits, as regulated by the Law, shall not grant the right for transition to long term residence permit, its duration shall not be taken into consideration when calculating the total term of residence permit durations and shall not entitle its holder to apply for Turkish citizenship."
76. Taken together, Syrian national marrying a Turkish national will not be eligible for Turkish citizenship even after 5-years of uninterrupted stay in Turkey and 3 years of marriage, if this individual stayed in Turkey with TP card. Regardless of Syrian parent's status, child born from 1 Turkish national parent will still be eligible for Turkish citizenship. Türkiye accepts dual citizenship. The conditions for conferring Turkish citizenship to children of dual citizens are the same for women and men.

## An international organisation in Türkiye

3 July 2023

### Issuance of TP status

1. As of 6 June 2022, there has been a policy change to the procedure under the Temporary Protection (TP) scheme. The Turkish authorities issued an instruction accordance to which prima facie temporary protection is no longer in place in Türkiye. Newcomers are being referred to the temporary accommodation centres (TAC) for processing. In the TAC, an assessment is made, including security checks, and the applicants during this process are required to stay in the TAC. 'Exceptional categories' of applicants appear to be exempted from being referred to the TACs. Instead they can be registered by the Provincial Directorates of Migration Managements (PDMMs) if they have the required documentation. The instruction of June 2022 is an internal one and was not made public. Based on the implementation observed, while not consistent across PDMMs, it is noted that newborn babies of families registered in the province, spouses who can provide proof of official marriage are among the exceptional categories.
2. There is a substantial difference between the prima facie automatic temporary protection that was granted to Syrians in the beginning of the conflict in Syria and the current policy according to which newly arrived Syrians do no longer have an automatic prima facie temporary protection recognition. Currently, when Syrians arrive, the authorities will undertake an individual assessment while they stay in the TACs for an indefinite period. The source indicated that is aware of issue of TP ID at a limited extent and this does not imply an automatic discharge from the TAC
3. If a Syrian national has been living in a Turkish city as an unregistered newcomer and then wants to be registered, he/she is required to approach the PDMM who will take their fingerprints and refer them to a TAC, unless s/he is assessed by the PDMM that s/he is falling in the scope of exceptional categories. The referral may be verbal, telling them to go there, or the PDMM may ask law enforcement agencies to accompany the applicants. Only then the process of applications for TP status will be initiated. The

source indicated that it cannot be said which PDMMs refer with a law enforcement or verbally explain to the person to approach TAC.

4. For Syrians staying in a TAC, the Turkish authorities may issue a kind of registration document that is different from the TP ID document and it cannot be used outside the TACs.

#### **Access to TP status for Syrians arriving from Europe**

5. Syrians travelling to Türkiye from Europe need to have a valid travel document and need to apply for a visa before they travel. The source did not see cases of Syrians arriving to Türkiye from Europe with valid residence permits from a European country who apply for TP in Türkiye, but what they know, is that in such cases it is not easy to get access to TP in Türkiye, because the authorities assume that the applicant had some kind of protection and stability in the country of residence and because he/she arrived in Türkiye with a visa. However the person in question can still approach the PDMM to apply for TP. An individual assessment should be made for the applicant and then during this process and assessment, the applicant may be referred to the TAC. However, considering the 3.3 million Syrians already under the TP scheme, the Turkish authorities do not look favourably at those arriving from Europe who ask for protection.

#### **Update of statistics on TP**

6. When asked about the statistics on the total number of registered Syrians that are posted on the website of the Ministry of Interior, the source noted that the authorities update the statistics. The explanation given by the authorities on how they update the data on registered Syrians is that if the authorities are aware that a registered Syrian has voluntarily repatriated to Syria and has not re-entered into Türkiye they delete this person's records. Furthermore, if the authorities observe that a Syrian registered under the TP scheme has not used any service for a number of years, and there is no other evidence of his/her presence in the country then the registration of the Syrian in question is deleted. Each registered Syrian is issued an ID number. The authorities can use this number to check if a person has used the services granted to Syrians under the TP scheme.

#### **Travel permits**

7. Travel permits are only issued for travels between cities and provinces in Türkiye. If Syrians want to travel to a city other than his or her registration city, they need a travel permit. Syrians can apply for a travel permit at the PDMMs who decide whether to grant this travel permit or not. There are no written criteria to decide which applications for a travel permit should be granted and which should be refused; it is completely at the discretion of the PDMM officer to decide. Based on the observations of the source, in cases of Syrians applying for a travel permit for a medical reason, an education reason or a short-term visit to family members, they are granted a travel permit. However, the source emphasized that they cannot generalize on which grounds travel permits are issued.

#### **Syrians in earthquake areas given temporary permission to go to Syria**

8. Syrian TP status holders in the eleven provinces in the earthquake areas (Hatay, Gaziantep, Adiyaman, Malatya, Sanliurfa, Osmaniye, Kilis, Kahramanmaras, Adana, Diyarbakir, Elazig) were given temporary permissions to go back to Syria.
9. There is an appointment system in place, which Syrians can use to book an appointment to be processed at the border gates for exits. The appointment paper indicates exit and return dates. Just after the earthquake, the appointment system was not fully operational for a while so many Syrians may

have left without appointments. Reportedly, Syrians have been informed at the border gates of the deadline for return to Türkiye as the 15<sup>th</sup> of September 2023. This date was not officially announced by the Turkish authorities. The source noted this information through the border gates announcements. Syrians who travelled to Syria and who do not return before 15 September 2023 will lose their TP status in Türkiye.

#### **Apprehended outside of the registration province without a travel permit**

10. The source underlined that they could not generalise on what might happen to Syrian nationals who were apprehended outside of their registration province. In case Syrians are being apprehended by law enforcement agencies outside of their registration province without a travel permit, the persons may be referred to registration provinces with a notification document or may be referred to RC if there is a security code in the system for the person. The decision is normally based on the circumstances and profile of the individuals. In other cases the person apprehended may be referred to the removal centres.
11. The reaction of law enforcement agencies towards the apprehended Syrians may depend on their profile; for instance, if there is a security code on the person or if the person was apprehended for a committed crime they may be taken to a removal centre.
12. From December 2021 and throughout 2022, the law enforcement agencies verified the home address of Syrians living in Türkiye. If the Syrians could not be identified by the law enforcement agencies at the address under which they were registered in the electronic system, then the PDMM would send a text message to the Syrian nationals asking them to present themselves at the PDMM to change their address before a given date. If the person had not approached the PDMM during the given period their cards were inactivated. However, in terms of inactivated cards, if the person approached the PDMM and provided the necessary documents to confirm the residence address, then the PDMM may reactivate the TP card of this person.

#### **Socio-economic conditions**

13. Generally, the right to services completely depends on whether the Syrian in question is registered under the TP scheme. In order to access services, a Syrian must be registered and hold a TP ID card with an ID number with the initial number nine.

#### *Health care*

14. Based on this registration, Syrians under temporary protection can have access to the health services provided by the state hospitals. This in principle excludes the private hospital and research hospitals, unless there is an official referral on the basis of medical requirements. They will also be provided with the medication that has been prescribed by a medical doctor. In terms of access to healthcare, challenges can be noted in relation to the stretched capacity or specific treatments (i.e. there are at times medicines and specific treatments which cannot be covered).
15. On access to health services, the source did not see any regional differences. As long as the health institutions has the capacity to address the needs, Syrian TP status holders will have access.

#### *Education*

16. With regards to the education, Syrian children with TP status can enrol at the schools typically close to their neighbourhood. The language competencies as well as other competencies of the child will be



checked through exams in order to identify the grade of the child for the enrolment. Refugees can also access higher education.

17. During the COVID shutdown there was a suspension of the in-person education that changed to online remote education and this has created an issue for many foreign children who did not have access to online education and also many Syrian children left school. The economic situation also caused many families to prefer sending their children to work instead of school. The source added that peer-bullying of Syrian children also had a negative effect on the school attendance rate. Across the country, these issues affected child education.
18. In the aftermath of the earthquake in the affected provinces, and in the neighbouring provinces, the source observed that the access to schools is more difficult than elsewhere in Türkiye because of the children not attending school for months.

#### *Work*

19. As any foreigner living in Türkiye, Syrians under the TP scheme must get a work permit that can only be applied for by their employers. The applications are assessed by the ministry who decides whether to issue the work permit. If the work permit is granted, the employer can hire his employee for the specific task that the work permit was issued for. The source noted that applying for a work permit is not an easy process. The latest number of work permits issued for Syrians has not been publicly available since 2021. The numbers do not make any kind of a differentiation between Syrians under the TP scheme or Syrians living under different kinds of residence permit. The source stated that it is unclear how many work permits have been issued for Syrians under the TP scheme.

#### *Housing*

20. Housing is not provided to TP beneficiaries in Türkiye. Syrians with vulnerabilities may approach the authorities to be settled at the TACs. This is done based on a needs assessment and a vulnerability assessment, and after the earthquake, all the TACs have been working over their capacity.
21. Concerning housing in the earthquake areas, there is not enough accommodation for everyone provided currently, but the government is working on it. There are tent sites and container sites; in some provinces there are only TACs to be used for housing and the priority may not necessarily be given to foreigners. Some TACs may host both Turkish and Syrians in need without any accommodation. In Hatay and Kahramanmaraş, Syrians are mainly living in the tented areas. There are container sites under construction but in light of the numbers, they do not necessarily cover the actual needs.
22. Since June 2022, Syrian applicants for TP status are accommodated in the TACs for an indefinite period. However, when the earthquake happened, the Syrians living in the TACs pending the processing of their TP registration were allowed to leave TACs, and subsequently the TACs have been used for the accommodation of the earthquake victims which is still the case. The source has observed that in some provinces newly arrived Syrians or unregistered Syrians continue to be referred to the TACs, because the authorities allocated places for the processing of applications for TP status. After the EQ, both Syrian and Turkish survivors were admitted to TACs – in addition to the residual population in these TACs.

#### **Regional differences**

23. In general and before the earthquake, one could not say that there were regional differences in the access to rights and services. The access to services depends more on the absorption capacity of the province and the implementation *by the authorities* rather than *legal constraints*. The source added that if



the number of Syrians residing in the province is relatively high, the services are of course more stretched.

#### **Conditions in the removal centres**

24. The source does not have a regular presence in the removal centres. Upon approval of the PMM the source can visit the removal centres and only on pre-approved dates.
25. In general, detainees are supposed to be informed about their right to access to legal assistance. If the detainee has a private lawyer, he/she can visit the removal centre.
26. If the detainee does not have any means to hire a lawyer it is for the Bar association to assess whether the detainee in question is in need of legal aid and if so to provide it.
27. When a deportation decision has been made, the deportee and his lawyer only have seven days to appeal the decision. This time limit was the result of a change to the law in 2019. During these seven days, it can be challenging for the detainee to be informed about his rights to approach the Bar association and for the Bar association to assess whether to provide legal aid or not.

#### **Deportation**

28. When asked on what legal grounds Syrians risk deportation, the source referred to article 8 in the Temporary Protection Regulation in which the grounds for exclusion are stipulated, including being a threat to public order. A person may be assessed under article 8, and then he/she might be excluded from temporary protection.
29. When asked about the procedure for deportation from Türkiye, the source replied that they cannot generalize regarding any kind of a treatment by the authorities in relation to deportations taking place, especially after the earthquake. In principle, in order to carry out a deportation, the authorities must issue a deportation order, that can be appealed against. Then the authorities should make a final decision that cannot be appealed.
30. The source is aware of cases of Syrian nationals who claimed to have been forcefully deported to Syria, including cases in which he/she had been accused of committing a crime in Türkiye. The source did not know whether the procedural steps of a deportation were followed in all of these cases. In some of the cases known to the source, Syrians who were deported were denied the right to appeal and the right to access a lawyer.
31. In other cases, the source was informed that Syrians who were detained in removal centres had opted to return to Syria in order to avoid staying in the removal centres.
32. The source emphasized that it is quite difficult to verify the circumstances around these cases related to individuals who returned or were reportedly returned.
33. In individual cases, the process may be carried out differently. The source referred to a recent ECHR case (Akkad v. Turkey) that described the return of a Syrian under temporary protection to Syria. The source added that they cannot confirm if the circumstances described in the verdict are ongoing.
34. Syrians can only be put in administrative detention in a removal centre once a deportation order has been issued. There are also cases, in which the detainee appealed against the deportation decision and was waiting for the decision from the court, but was returned to Syria before the Court's decision on the appeal application.
35. When asked if there is any difference in the deportation procedures for registered and unregistered Syrian nationals in Türkiye, the source replied that the deportation grounds are the same for everyone.

One cannot say that there is a group based implementation because it varies. For instance, if law enforcement agencies apprehend unregistered Syrians, they may refer them either to the removal centres; or they refer them to the TACs for registration.

#### Loss of TP Status

36. When asked if Syrians holding TP status who leave Türkiye and who travel either to Europe or to Syria, will automatically lose their TP status, the source replied that according to article 12 of the Temporary Protection Regulation, which covers cessation of TP status, when someone with TP status leaves Türkiye, such persons may indeed fall under the cessation clause and they may lose their TP status. If they voluntarily return to Syria having signed the voluntary repatriation form, this would not be perceived as a temporary exit and their TP registration will be deleted.

#### Exit

37. When asked what happens to Syrians holding TP status who were apprehended at the border to Greece, the source replied that it depends on the individual circumstances. The source indicated that in the past they observed cases of persons with TP status who tried to exit Türkiye and who were apprehended by the authorities while attempting to leave the country, where the apprehended persons were just asked to go back to their registration provinces. In other cases where an unregistered person is apprehended by the authorities at the border they may be referred to the removal centres or the TACs. The response of the authorities depends on the security checks, including the results of fingerprinting. If they have attempted to leave illegally before, they may also be considered as having committed a crime against public order. The source underlined that there is no uniform implementation for each case.

#### Re-entry

38. If a Syrian leaves Türkiye and returns illegally without a visa, the treatment by the authorities depends on the individual case. If the person approaches the PDMM and fingerprints are taken it depends on the individual case. If the person has never been registered before and then exits and re-enters irregularly, and they are apprehended in Türkiye he/she may end up in a removal centre or in a TAC.
39. There is a specific procedure for persons who have voluntarily repatriated to Syria, and who then return to Türkiye and want to regain their TP status. The PDMMs should assess the person individually and decide on the case. The person will be asked why he/she returned to Türkiye, why he/she could not stay in Syria, what were the compelling reasons that made him/her return to Türkiye, and based on this individual assessment the PDMM decides whether to grant the person TP status or not. The source noted that they have seen that this is not an easy process nor an automatic process that reinstates the TP status for someone who voluntarily repatriated and then returned to Türkiye.
40. With regard to the language used on the official voluntary return repatriation document it is bilingual Turkish-Arabic. The source has not seen all documents used by officials and in particular the “unofficial” documents. Some unconfirmed reports indicate that at times some documents written in Turkish only could have been utilised in removal centres.

#### Citizenship

41. On the acquisition of Turkish citizenship, there is a provision in the Regulation of the Turkish Citizenship Law that excludes persons seeking international protection, which covers also temporary protection in

Türkiye, from being granted citizenship, since according to the regulation these persons are not in Türkiye for a long-term stay.

42. According to a specific article in the Turkish Citizenship Law, the President can grant ‘exceptional citizenship’. The number of Syrians being granted exceptional citizenship is unclear. It is also not clear based on which criteria some Syrian nationals have been granted exceptional citizenship.
43. Syrian nationals along with a number of other nationalities are not allowed to buy immobile property in Türkiye for which reason they cannot gain citizenship on the grounds of owning property in Türkiye.
44. According to the Temporary Protection Regulation, stateless persons coming from Syria can benefit from temporary protection in Türkiye. According to another article of the Temporary Protection Regulation, applications for international protection are not considered if a person is granted TP status. In terms of Syrian stateless Palestinians, there is no specific access to citizenship in Türkiye.
45. When the source makes reference to Syria in terms of forced returns, they are primarily referring to Northwest Syria.
46. On a general note, the source added that it is also important to consider that the Syria Commission of Inquiry, UNHCR and various human rights organizations continue to maintain that conditions are not currently in place to ensure voluntary, safe, dignified and sustainable returns to Syria. Similarly, the source refers that UNHCR has advised that it would not be appropriate to forcibly return Syrians to neighbouring countries, including Türkiye, unless it is assessed that specific arrangements are in place that guarantee that the individual concerned will be readmitted and can re-avail him/herself of international protection.

## The Presidency of Migration Management (PMM)

Online meeting, 31 August 2023

### Introduction

1. Türkiye is hosting 3.3 million Syrians under the temporary protection (TP) scheme. The TP was issued by decree of the president. It has now been 12 years since the crisis started – there have been changes in resettlement.
2. Türkiye received those who came to the borders, registered them and gave them social benefits from domestic means in cooperation with international organisations. The benefits include access to education, health and food programs.
3. Türkiye is also hosting other refugees, Afghans for example.
4. From the beginning, Türkiye has fully complied with the rules, human rights and non-refoulement principles. Türkiye does not force people to leave the country.
5. Türkiye has the right to protect its borders.

### Temporary protection

6. It is possible for Syrians to apply for temporary protection now. Syrians have a right to apply for TP. Other refugees can apply for other types of individual protection, for example international protection.
7. TP status is connected to the whole group of Syrians, however, applications are being evaluated individually.
8. During the course of time, Türkiye amended or developed new programs and regulations for guests in the country.
9. PMM has a presence in the 81 provinces in Türkiye, and Syrians can go there to apply for TP.

10. When a Syrian applies for TP, they should provide information about their identities and personal information. If they have any IDs, they should provide those as well. All information is saved in the system, as well as the applicant's biometric data.
11. After this, the Syrian is given the TP ID card and they can stay in Türkiye. They can stay as long as their card is not cancelled. They can benefit from public education, health insurance, legal assistance and other rights in the city of registration.
12. At first, Syrians did not have access to labour. However, now, after six months, they can apply for a work permit.
13. If a Syrian loses their TP ID card, for example during the earthquake in February 2023, it is possible to receive a new one.
14. To increase the security of the ID cards, some information has been added to the cards. For example, information about professions.

## Annex 2 – Terms of Reference (ToR)

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### **The status of the Syrian nationals in Türkiye**

1. Rules and regulations of the "Temporary Protection Regulation (TPR)" scheme giving Syrians access to reside in Türkiye
  - a. Socio-economic rights connected to the TPR status
  - b. Provincial differences regarding issuance, renewal of TPR and exit
  - c. Implementation of the rules and regulations of the TPR scheme
2. Family reunification of Syrian nationals
  - a. married to Turkish nationals
  - b. married to Syrian nationals granted TPR
3. Access to citizenship
  - a. Possibility for Syrian nationals to gain citizenship
  - b. Implementation of the rules and regulations concerning citizenship
4. Rights of Syrian children in terms of residency and citizenship
5. Exit from and re-entry into Türkiye
  - a. Risk of refoulement
  - b. Legal consequences in case of illegal exit from Türkiye