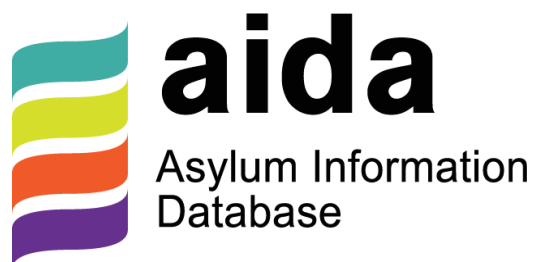


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Acknowledgements & Methodology

The original report and first update were researched and drafted by Refugee Rights Turkey and edited by ECRE. The updates since 2017 have been researched and drafted by an independent consultant and edited by ECRE.

The 2020 update of the report draws on desk research and information collected from civil society organisations, academia, and legal practitioners from cities across Turkey through Zoom interviews due to the COVID-19 pandemic. Access to official information on the situation of persons under international or temporary protection in Turkey remains limited to date.

The information in this report is up-to-date as of 31 December 2020, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information on asylum practice in 23 countries. This includes 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI) and 4 non-EU countries (Serbia, Switzerland, Turkey, UK) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Glossary & List of Abbreviations

AFAD	Disaster and Emergency Management Authority Afet ve Acil Durum Yönetimi Başkanlığı
CCTE	Conditional Cash Transfer for Education
CİMER	Presidency Communication Centre Cumhurbaşkanlığı İletişim Merkezi
ÇODEM	Child Support Centre Çocuk Destek Merkezi
DGMM	Directorate-General for Migration Management Göç İdaresi Genel Müdürlüğü
ECHR	European Convention on Human Rights
ECTHR	European Court of Human Rights
ESSN	Emergency Social Safety Net
GEM	Temporary Education Centre Geçici Eğitim Merkezi
GSS	General Health Insurance Genel Sağlık Sigortası
HEP	Accelerated Learning Programme Hızlandırılmış Eğitim Programı
IKGV	Human Resource Development Foundation İnsan Kaynagini Gelistirme Vakfi
IPEC	International Protection Evaluation Commission Uluslararası Koruma Değerlendirme Komisyonu
İŞKUR	Turkish Employment Agency Türkiye İş Kurumu
LFIP	Law on Foreigners and International Protection Yabancılar ve Uluslararası Koruma Kanunu
MUDEM	Refugee Support Centre Mülteci Destek Derneği
PDMM	Provincial Directorate for Migration Management Valilik İl Göç İdaresi Müdürlüğü
RFIP	Regulation on Foreigners and International Protection Yabancılar ve Uluslararası Koruma Kanunu'nun Uygulanmasına Dair Yönetmelik
SGDD-ASAM	Association for Solidarity with Asylum-Seekers and Migrants Sığınmacılar ve Göçmenlerle Dayanışma Derneği
SIHHAT	Improving the Health Status of the Syrian Population under Temporary Protection and Related Services Provided by <i>Turkish</i> Authorities Geçici Koruma Altındaki Suriyelilerin Sağlık Statüsünün ve Türkiye Cumhuriyeti Tarafından Sunulan İlgili Hizmetlerin Geliştirilmesi
ŞÖNİM	Centre for the Elimination of Violence Şiddet Önleme ve İzleme Merkezi
SUT	Health Implementation Directive Sağlık Uygulama Tebliği
TPR	Temporary Protection Regulation Geçici Koruma Yönetmeliği
UNHCR	United Nations High Commissioner for Refugees
YİMER	Foreigners Communication Centre Yabancı İletişim Merkezi
YKN	Foreigner Identification Number Yabancı Kimlik Numarası
YTB	Presidency for Turks Abroad and Related Communities Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı
YTS	Foreign Terrorist Fighter Yabancı Terörist Savaşçı

List of DGMM restriction codes and forms

Restriction codes are issued by DGMM but are not governed by clear, publicly available criteria. The implementation and regulation of these codes is not set out in the law but likely in internal circulars and instructions within the administration.

Different letters stand for discrete categories of persons. “A” refers to court decisions, “Ç” refers to temporary entry bans, “G” and “O” to entry bans, and “N” to entry based on work permits. A few examples of restriction codes are listed below:

A99	Convicted by court (and unable to leave Turkey) Mahkeme kararı (yurt dışına çıkış yasağı)
Ç114	Foreigner under criminal proceedings Haklarında adli işlem yapılan yabancılar
Ç116	Foreigner threatening public morality and public health Genel ahlak ve kamu sağlığını tehdit eden yabancılar
Ç119	Foreigner under administrative fine pursuant to Law 4817 for undeclared employment 4817 sayılı kanun, kaçak çalışan idari para cezası
Ç120	Visa / residence permit violation Vize ve ikamet ihlali nedeniyle
Ç137	Person invited to leave Terke davet edilen şahıslar
Ç141	Entry ban Ülkemize giriş bakanlık iznine tabi
G78	Illness Hastalık
G82	Activities against national security Milli güvenliğimiz aleyhine faaliyet
G87	General security Genel güvenlik
G89	Foreign terrorist fighter Yabancı terörist savaşçı
H42	Drug-related offences Uyuşturucu madde suçu
N82	Work permit – activities against national security Istizanlı vize – milli güvenliğimiz aleyhine faaliyet
N99	Work permit – other activities Istizanlı vize – diğer
O100	Entry ban and cancellation of asylum Semt-i meçhul yurda giriş yasaklı sığınmacı
V71	Unknown location Semt-i meçhul
V74	Person requiring permission to exit Çıkış İzni Bakanlık – Valilik İznine Tabidir
V84	Short-stay entry (180/90 days) 180/90 ikamet şartlı vize
V87	Voluntary returned foreigner Gönüllü geri dönen yabancılar
V89	Greece – Return Yunanistan – geri dönüş
V91	Temporary protection holder requiring permission to exit Ülkemizden Çıkışı İzne Tabi Geçici Koruma Kapasamındaki Yabancı
V92	Subsequent registered foreigner Mükerrer kaydı olan yabancı
Y26	Illegal terrorist activity Yasadışı örgüt faaliyeti

DGMM also has different numbers for forms issued to persons in immigration and asylum proceedings. Examples include the following:

T1	Deportation / Irregular Entry Form Sınır Dışı Etme Kararı Tebliğ Formu
T2	Invitation to Leave the Country Form
T6	Administrative Surveillance Decision Form ordering release from a Removal Centre and reporting obligation İdari Gözetim Kararı Sonlandırma Tebliğ Formu

Statistics

Overview of statistical practice

Statistics are provided by the Directorate-General for Migration Management (DGMM) on the total number of international protection and temporary protection beneficiaries, as well as data on the registration of the latter across provinces. The number of decisions on international protection issued by DGMM is not available.

International protection applicants: 2020

Total	31,334
Afghanistan	22,606
Iraq	5,875
Iran	1,425
Others	1,428

Source: DGMM, International Protection: <http://bit.ly/3aV2b0H>.

Registered temporary protection beneficiaries: 17 March 2021

	Beneficiaries	Percentage
Total number	3,663,336	-
Outside Temporary Accommodation Centres	3,605,404	98.4%
In Temporary Accommodation Centres	57,932	1.6%

Breakdown per fifteen main provinces

Province	Registered Syrian refugees	Total population in Province	Share of total
Istanbul	523,067	15,011,868	3.48%
Gaziantep	449,356	2,085,795	21.54%
Hatay	435,881	1,654,907	26.34%
Şanlıurfa	423,419	2,108,013	20.09%
Adana	253,981	2,244,748	11.31%
Mersin	226,188	1,839,975	12.29%
Bursa	179,104	3,057,247	5.86%
Izmir	148,018	4,365,022	3.39%
Konya	118,720	2,224,384	5.34%
Kilis	105,442	141,454	74.54%
Ankara	100,646	5,506,786	1.83%
Kahramanmaraş	93,521	1,164,273	8.03%
Mardin	89,172	851,922	10.47%
Kayseri	79,643	1,402,941	5.68%
Kocaeli	55,351	1,983,505	2.79%

Source: DGMM, Temporary protection: <http://bit.ly/2Bn2gMI>.

Main legislative acts relevant to international protection and temporary protection

Title (EN)	Original Title (TR)	Abbreviation	Web Link
Law No 6458 on Foreigners and International Protection, 11 April 2013 <i>Amended by:</i> Emergency Decree No 676, 29 October 2016 <i>Amended by:</i> Law No 7070, 1 February 2018 on the regulation of emergency provisions <i>Amended by:</i> Decree No 703 on the harmonisation of laws, 9 July 2018 <i>Amended by:</i> Law No 7148 amending several acts, 26 October 2018 <i>Amended by:</i> Law No 7196 amending several acts, 6 December 2019	6458 Yabancılar ve Uluslararası Koruma Kanunu, 11 nisan 2013 676 Kanun Hukmünde Kararname Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararname, 29 ekim 2016 7070 Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabul Edilmesine Dair Kanun, 1 şubat 2018 703 Anayasada yapılan değişikliklere uyum sağlanması amacıyla bazı kanun ve kanun hükmünde kararname, 9 temmuz 2018 7148 Değişiklik Yapılması Hakkında Kanun, 26 ekim 2018 7196 Değişiklik Yapılması Dair Kanun, 6 aralık 2019	LFIP	http://bit.ly/1fATdsC (EN) https://bit.ly/2ISX0RA (TR) http://bit.ly/2z0t3wh (TR) http://bit.ly/2S5DZzL (TR) https://bit.ly/2WAu8nx (TR) http://bit.ly/2EqekOa (TR) http://bit.ly/2TSm0zU (TR)
Law No 6735 on International Workforce, 13 August 2016	6735 Uluslararası İşgücü Kanunu, 13 ağustos 2016		http://bit.ly/2jtRexU (TR)

Law No 2577 on Administrative Court Procedures, 6 January 1982	2577 İdari Yargılama Usulleri Kanunu, 6 ocak 1982		http://bit.ly/1KcDTzg (TR)
Law No 1136 on Attorneys, 19 March 1969	1136 Avukatlık Kanunu, 19 mart 1969		http://bit.ly/1fATsUx (TR)
Law No 1512 Notaries, 18 January 1972	1512 Noterlik Kanunu, 18 ocak 1972		http://bit.ly/1Rw8wyN (TR)

Main implementing decrees and administrative guidelines and regulations relevant to international protection and temporary protection

Title (EN)	Original Title (TR)	Abbreviation	Web Link
Presidential Decree No 4, 15 July 2018	Cumhurbaşkanlığı Kararnamesi 4, 15 temmuz 2018		https://bit.ly/2HHXsnG (TR)
Regulation No 29656 on the Implementation of the Law on Foreigners and International Protection, 17 March 2016	Yabancılar ve Uluslararası Koruma Kanunu'nun Uygulanmasına Dair Yönetmelik, 17 mart 2016	RFIP	http://bit.ly/1U90PVq (TR) http://bit.ly/2ANlhVE (EN)
Temporary Protection Regulation 2014/6883, 22 October 2014	Geçici Koruma Yönetmeliği 2014/6883, 22 ekim 2014	TPR	http://bit.ly/1He6wvl (TR) http://bit.ly/1JiGVSI (EN)
<i>Amended by:</i> Regulation 2016/8722, 5 April 2016	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 nisan 2016		http://bit.ly/209ErLI (TR)
<i>Amended by:</i> Regulation 2018/11208, 16 March 2018	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 mart 2018		https://bit.ly/2GynE4b (TR) https://bit.ly/2WPem1w (TR)

<i>Amended by:</i> Regulation 2019/1851, 25 December 2019	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2019/1851, 25 aralık 2019		
DGMM Circular 2016/8 on the Implementation of Procedures and Principles of Temporary Protection, 5 April 2016	2016/8 sayılı Geçici Koruma Kapsamındaki Yabancılarla İlgili Yapılacak İş ve İşlemlerin Uygulanmasına Dair Usul ve Esaslara İlişkin Genelge, 5 nisan 2016	TPR Circular 2016/8	https://bit.ly/1S5rETG (TR)
DGMM Circular 2017/10 on Principles and Procedures for Foreigners under Temporary Protection, 29 November 2017	2017/10 Geçici Koruma Altındakilere Uygulanacak Prosedürler ve İlkeler Hakkında Genelge, 27 kasım 2017	TPR Circular 2017/10	
DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019	Gönüllü Geri Dönüş Nedeniyle Kaydı Sonlandırılan Suriyeliler hk., 07 ocak 2019	TPR Circular 2019/1	
Regulation No 29695 on Work Permit of Applicants for International Protection and those Granted International Protection, 26 April 2016	Uluslararası Koruma Basvuru Sahibi ve Uluslararası Koruma Statüsüne Sahip Kisilerin Çalışmasına Dair Yönetmelik, 26 nisan 2016	Work Permit Regulation	http://bit.ly/2z08v74 (TR) http://bit.ly/2ApyMKf (EN)
Regulation No 29594 on Work Permit of Foreigners under Temporary Protection, 15 January 2016	Geçici Koruma Sağlanan Yabancıların Çalışma İznine Dair Yönetmelik, 15 ocak 2016	TPR Work Permit Regulation	http://bit.ly/2Aso4H0 (TR) http://bit.ly/2AYqdqH (EN)
Regulation No 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres, 22 April 2014	Kabul ve Barınma Merkezleri ile Geri Gönderme Merkezlerinin Kurulması, Yönetimi, İşletilmesi, İşlettirilmesi ve Denetimi Hakkında Yönetmelik, 22 nisan 2014	Removal Centres Regulation	http://bit.ly/1Ln6Ojz (TR)
Regulation No 25418 on Legal Aid of the Union of Bar Associations, 30 March 2004	Türkiye Barolar Birliği Adli Yardım Yönetmeliği, 30 mart 2004	Legal Aid Regulation	http://bit.ly/1dg9Nwd (TR)

Union of Bar Associations Circular 2013/59 on the Legal Aid Service Provided to Syrians under Temporary Protection, 22 July 2013	Türkiye Barolar Birliği'nin Geçici Koruma Altındakilere Verilecek Adli Yardım Hizmetiyle İlgili 2013/59 sayılı ve 22 Temmuz 2013 tarihli duyurusu	Legal Aid Circular 2013/59	https://bit.ly/2IY5JC7 (TR)
Regulation on the Implementation of Law on Notaries, 13 July 1976	Noterlik Kanunu Yönetmeliği, 13 Temmuz 1976	Notaries Regulation	http://bit.ly/1dgakOF (TR)
Union of Notaries Circular 2016/3 on the Documents and Identification Cards issued on the basis of LFIP, 2 March 2016	YÜKK Uyarınca Verilen Belge ve Kimlikler Hakkında tarihli 3 numaralı Noterler Birliği Genel Yazısı, 2 Mart 2016	Notaries Circular 2016/3	https://bit.ly/2Yd9GdV (TR)
Ministry of Health Circular No 9468 on Health Benefits for Temporary Protection Beneficiaries, 4 November 2015	Geçici Koruma Altına Alınanlara Verilecek Sağlık Hizmetlerine Dair Esaslar Yönergesi, 4 Kasım 2015		http://bit.ly/1NLbaz5 (TR)
Regulation on Marriage Procedures, 10 July 1985 <i>Amended by:</i> Regulation amending the Regulation on Marriage Procedures, 8 December 2016	Evlendirme Yönetmeliği, 10 Temmuz 1985 Evlendirme Yönetmeliğinde Değişiklik Yapılması Hakkında Yönetmelik, 08 Aralık 2016		http://bit.ly/1KabY1f (TR) http://bit.ly/2AP9I3d (TR)
Ministry of Interior Circular No 40004962-010.07.01-E.88237 on the Marriage and the Registration of Children of Refugees and Temporary Protection Beneficiaries, 13 October 2015	Mülteciler ve Geçici Koruma Altına Alınanların Evlenme ve Çocuklarının Tanınması Konulu Yazı, 13 Ekim 2015		https://bit.ly/2IVMskR (TR)
Ministry of Interior Regulation No 29656 on the Fight against Human Trafficking and Protection of Victims, 17 March 2016	İnsan Ticaretiyle Mücadele ve Mağdurların Korunması Hakkında Yönetmelik, 17 Mart 2016	Anti-Trafficking Regulation	https://bit.ly/1VeEO5 (TR)

Ministry of Family and Social Services Regulation No 29656 on Centres for the Prevention and Elimination of Violence	Şiddet Önleme ve İzleme Merkezleri Hakkında Yönetmelik, 17 mart 2016	ŞÖNİM Regulation	https://bit.ly/1ppy1L1 (TR)
Regulation No 28519 on Women Shelters, 5 January 2019	Kadın Konukevlerinin Açılması ve İşletilmesi Hakkında Yönetmelik, 5 ocak 2013	Women Shelters Regulation	https://bit.ly/2Uj8lO0 (TR)
Ministry of Family and Social Services Directive No 152065 on Unaccompanied Children, 20 October 2015	Refakatsiz Çocuklar Yönergesi, 20 ekim 2015		https://bit.ly/2pKR7xh (TR)
Regulation No 28741 on University Education Scholarship of Directorate General of Foundations, 20 August 2013	Vakıflar Genel Müdürlüğü Yükseköğrenim Burs Yönetmeliği, 20 Ağustos 2013		https://bit.ly/3cjU2qm (TR)
Ministry of Family, Labor and Social Services Circular on the organization and functions of the General Directorate of Disabled and Elderly Services, 27 March 2020	Aile, Çalışma ve Sosyal Hizmetler Bakanlığı, Engelli ve Yaşlı Hizmetleri Genel Müdürlüğü Teşkilat ve Görevlerine İlişkin Yönerge, 27 Mart 2020		https://bit.ly/3pjiu0X (TR)
Regulation No 2324 on Penal Execution Institutions and Execution of Penalties and Security Measures, 29 March 2020	Ceza İnfaz Kurumlarının Yönetimi ile Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Yönetmelik, 29 Mart 2020		https://bit.ly/3pnKMp1 (TR)

Overview of main changes since the previous report update

The report was last updated in **March 2020**.

For people seeking international protection in Turkey in 2020, COVID-19 meant it was extremely difficult to apply for international protection and often extreme hardship due to problems with the economy and the nature of most refugees' work, coupled with very limited access to support services. There were a total of 31,334 applicants for international protection in 2020, down from 56,417 in 2020. The number of registered temporary protection beneficiaries increased however, from 3,589,289 in 2019 to 3,663,336 in 2020.

Nearly all asylum-related activities were suspended during COVID-19. This includes a closure of registration offices of the Provincial Directorates for Migration Management (PDMM) from March to June 2020 across the country. Interviews and the processing of applications for international protection were thus delayed. Similarly, resettlement services were suspended for the same period, and there continued to be a global pause on international flights between March and September 2020. This also applied to returns. Access to all government institutions was difficult for lawyers and refugees alike throughout the year. Many NGOs resorted to online services. This meant difficulties accessing removal centres were compounded. Access to health services had been restricted in amendments to legislation in December 2019 although access for COVID-19 tests and services was to be available to all. Many people seeking international protection struggled to afford basic protective equipment and hygiene products and supplies from other sources were intermittent.

The EU continued to provide funding including for education services and cash assistance programmes. In the context of the implementation of the EU-Turkey statement between 4 April 2016 and 1 April 2021, Turkey had readmitted a total of 2,139 persons from Greece including citizens of Pakistan, Syria, Algeria, Afghanistan, Iraq and Bangladesh.¹ As of 1 April 2021, 28,340 Syrians had been resettled (since 2016) to the EU under the 1:1 scheme.²

The bigger political picture saw Turkey pushing for a 'safe zone' in north eastern **Syria** and promoting returns to **Syria**. There was also a stand-off between the EU and Turkey in early 2020 as Turkey opened its borders to Europe whilst **Greece** temporarily closed its borders, including to refugees, resulting in pushbacks and inhumane conditions at the Greek-Turkish border.³ Approximately 13,000 (mostly undocumented) refugees gathered at the Pazarkule border in Edirne. These events had further impact as those who returned back to their assigned cities afterwards could be fined on the way back, had often sold all their possessions, and faced the prospect that their application for international protection was deemed withdrawn.

Looking forward to 2021, DG ECHO at the European Commission will no longer be active in Turkey after 10 years and humanitarian aid will become permanent aid governed by the Ministry of Family and Social Affairs⁴. The Emergency Social Safety Net (ESSN) project will be revised to support those who can be employed in the labour market through vocational trainings. The Ministry of Family and Social Services will support ongoing services such as language support, care for children, women, disabled people. Basic

¹ UNHCR, *Returns from Greece to Turkey*, 31 January 2020, available at: <http://bit.ly/38XgArI>

² See DGMM, Temporary protection: <https://bit.ly/3wm3j97>.

³ ECRE, *Statement on the situation on the Greek Turkish border*, 3 March 2020, available at: <https://bit.ly/2QVyzJ2>.

⁴ The Ministry of Family, Social Services and Labour changed its name and it is called the Ministry of Family and Social Services as of 21.04.2021.

services and protection projects governed by DG ECHO will be transferred to the EU Delegation who will work in cooperation with the national authorities governing those areas. At time of writing of this report in April 2021, the COVID-19 pandemic is still ongoing and still a huge problem in Turkey.

International protection

International protection procedure

Access to the territory: The Covid-19 pandemic had serious effects in Iran as of March 2020 which meant there was a decrease in the number of refugees and applicants for international protection who entered Turkey from the Iranian border. The border was closed and the weather conditions in winter were harsh. Access at air borders was also difficult as strict measures were implemented at Turkish airports due to COVID-19. This included forced quarantine periods as well as an attempt to return persons back to their country of origin where travel restrictions allowed it.

- ❖ **Registration:** The registration of applications for international protection largely stopped due to COVID-19 as PDMM offices were closed from March to June. This resulted in increased delays in accessing the international protection procedure. During this waiting time, persons in need of protection were left destitute with limited access to basic services and at risk of human rights violations, including vulnerable groups.
- ❖ **Quality of the first-instance procedure did not improve:** Similarly to 2019, practice on the examination and the decision-making at first instance is not uniform across provinces. The quality of interviews, the assessment of evidence, the lack of identification of vulnerable groups, the lack of training of migration experts as well as the lack of available interpreters have been reported as particular concerns throughout the year. Quality gaps at first instance have also been identified by Administrative Courts in certain cases. Structural problems in the international protection application procedures include a lack of uniform application of procedural rules at PDMMs, no information about the “opening” and “closing” of satellite cities, the lack of sufficient interpretation services at PDMMs, oral rejections of applications with no legal and legitimate grounds, use of implicit withdrawal mechanisms preventing refugees from accessing basic services, limited access to legal aid.
- ❖ **Protection from refoulement:** In December 2020 the Constitutional Court ruled on the suspensive effect of administrative appeals against deportation decisions. The Court said that the appeal has to suspend the deportation process otherwise it violates the prohibition of ill-treatment and the right to an effective remedy.⁵
- ❖ **Legal assistance:** The legal aid project implemented by the Union of Bar Associations in Turkey in collaboration with UNHCR, continues to provide free legal assistance to asylum seekers at all stages of the international protection procedure, detention, as well as on civil law matters and women’s rights and expanded in 2020.⁶ Access to lawyers was also rendered extremely difficult in 2020 due to the reluctance of some of them to provide in-person services in the context of COVID-19; as well as the impossibility for them to access administrative buildings nor their clients in Removal Centres due to strict COVID restrictions. Bar Associations themselves came under pressure in 2020 with amendments to Turkey’s Attorneys’ Code that Bar Associations worried threatened to silence them.⁷

⁵ K.S., 2017/29420, 03.12.2020, available at: <https://bit.ly/3wN67MD>.

⁶ UNHCR, *Turkey Operational Highlights 2019*, 6 March 2020, available at: <http://bit.ly/3d0MsyY>.

⁷ See letter from the Istanbul Bar Association to the Council of Europe, 24 June 2020, available at: <https://bit.ly/3tNc5ul>.

Access to information: Access to information on the international protection procedure and applicable rights and obligations remains a serious matter of concern in practice. Information as to which PDMM office was open during COVID-19 was reported as a particular concern, as well as the impossibility to access in-person and counselling services. Nevertheless, information resources specifically on Coronavirus such as how to look after your health, government measures on curfews and travel restrictions, and how to access government assistance were made available in Turkish, Arabic, English, Farsi, for example by SGDD-ASAM.⁸

Reception conditions

- ❖ **Situation in the buffer zone:** After their failed attempts to cross the Greek-Turkish border in early 2020, many refugees had to find accommodation in an open field in the buffer zone in the cold weather and with poor hygiene conditions from 27 February to 26 March 2020. No shelter was provided, either by the State nor NGOs in the buffer zone. Refugees 'constructed' temporary shelters out of plastic bags and tree branches. Supplies of basic food packages were provided by the Turkish Red Crescent, DGMM and AFAD, but were insufficient. The number of toilets and washing units were also inadequate for thousands of people in the zone. An important lack of insecurity and related incidents were also reported.
- ❖ **Access to housing:** One of the most prominent shortcomings of Turkey's legal framework for asylum remains the failure to commit to providing state-funded accommodation to asylum applicants. This results in important issues of homelessness or sub-standard living conditions putting them at serious risk of discrimination and serious violations. Refugees' material conditions further considerably worsened due to the impact of the COVID-19 pandemic. The Izmir earthquake in October 2020 also affected many persons seeking international protection in that region.
- ❖ **Access to the labour market:** Due to the nature of their work and frequent lockdowns and the impact of COVID-19 on the economy, many refugees, asylum seekers and beneficiaries of temporary protection struggled to find work and to cover their basic needs including protective equipment and hygiene products. In research conducted by NGO ASAM in April 2020 with 1,162 temporary protection and international protection status holders 89% of interviewees said they were unemployed after the COVID-19 compared to 18% before the pandemic.
- ❖ **Access to education:** Covid-19 again played a huge role in access to education from early 2020 with the majority of schools closed for the majority of age groups for most of the year. The Turkish government provided EBA TV (Education Information Network TV) offering educational services to those who are unable to go to school. Education was provided for students in twenty-minute videos on three channels on TRT (Turkish Radio Television). Research showed that the restrictions due to the virus affected the learning processes of forced migrant children as there were problems accessing the internet or devices such as televisions, tablets, computers or having their own space to study. In addition, a recent amendment to the Regulation on University Education Scholarships from the Directorate General of Foundations said that any unlawful act infringing the LFIP and Passport Law shall lead foreign students to lose their scholarship.
- ❖ **Services for the disabled:** The circular on the organization and functions of the General Directorate on Disabled and Elderly Services, enacted on 27 March 2020, was amended. The General Directorate is now also responsible for disabled and elderly beneficiaries of temporary protection.

⁸ Available at: <https://bit.ly/2wDx2jQ>

Detention of asylum seekers

- ❖ **Place of detention:** Detention capacity decreased slightly from around 20,000 places in 2019 to 16,800 places in 2020 following the closure of two Removal Centres.
- ❖ **Forced or mandatory returns** were suspended from March 2020 until the autumn and there were less of them in 2020 due to travel and other restrictions and the closed border because of COVID-19. Quarantine measures were undertaken before people were put in removal centres. People were released from removal centres to ensure centres were not too crowded and they were given reporting obligations instead.
- ❖ **Alternatives to detention:** New amendments to the law in December 2019 included Article 57(A) LFIP which lays down alternatives to pre-removal detention including *inter alia*: residence at a specific address, working on a voluntary basis for public good, reporting duties, family based return, return counselling, financial guarantees and electronic tagging. These measures shall not be applied for more than 24 months and non-compliance shall be a ground for imposing pre-removal detention. A lack of an implementation regulation in 2020 meant that these measures were not implemented apart from reporting duties. A consultation project was started between DGMM and IOM. In **Istanbul** reporting duties seemed linked to security measures under criminal law.⁹
- ❖ **Appeals against detention orders:** The seven-day limit was not applied uniformly across Turkey but where it was applied it caused difficulties for lawyers to be able to make an appeal in time for their clients. The already difficult access to detention facilities was made more complicated in 2020 due to COVID-19 restrictions.

Content of international protection

- ❖ **Residence permits and other administrative procedures:** There were delays with all administrative procedures in Turkey in 2020 due to COVID-19. Small changes to data such as registration of births and corrections to documents could be carried out online.
- ❖ **Resettlement:** Resettlement stopped between March 2020 until September due to COVID-19. The COVID-19 situation significantly affected the processing for resettlement; however, remote interviewing measures were set in place in five locations across Turkey, in cooperation with DGMM, allowing interviews, which were suspended from March to June to gradually resume. The pandemic also affected resettlement departures because of the global pause of international flights between March and September. As of the end of October 2020, UNHCR provided over 5,633 resettlement submissions (4,625 Syrians and 1,008 refugees of other nationalities) to 18 countries; and 3,382 refugees (2,602 Syrian and 780 of other nationalities) departed for resettlement to 14 countries.¹⁰

Temporary protection

Temporary protection procedure

- ❖ **Registration:** The issues mentioned above on the registration of applicants for international protection also apply to the registration of individuals falling under the temporary protection procedure (i.e.

⁹ Information provided by a stakeholder, March 2021.

¹⁰ UNHCR Turkey, Operational Highlights 2020, March 2021, available at: <https://bit.ly/3esx9AE>.

uncertainty as to which cities are open/closed for registration, lack of ID documents resulting in irregular migrants being at risk of deportation and administrative detention). Additional issues relate to the significant delays in security checks and pre-registration which may take several months depending on the province. This is exacerbated by a lack of interpreters and other practical impediments to registration such as errors on the part of DGMM officials, which may only be corrected following time-consuming legal intervention.

- ❖ **Voluntary return:** Serious concerns continued to be expressed by many stakeholders on the enforced signing of voluntary return forms in 2020, particularly from detention.¹¹ Voluntary returns from PDMM offices were thought to be more voluntary. However, NGOs and independent researchers were not present and UNHCR rarely attends the interviews, so it is difficult to know the quality of the information provided. The vast majority of returns from the removal centres were believed not to be voluntary, although there were less of them in 2020.
- ❖ **Access to services upon return to Turkey:** A DGMM Circular of 7 January 2019 clarified that persons returning to Turkey as of 1 January 2019 after having signed a “voluntary return document”, especially pregnant women, elderly persons and children, should be allowed to re-access services.¹² This has worked in some provinces but not in others and many stakeholders have noted difficulties in getting temporary protection status ‘re-activated’ once people are back in Turkey.

Content of temporary protection

- ❖ **Housing:** The number of people in temporary accommodation centres continued to go down in 2020. The number of residents decreased from 64,048 in February 2019 to 56,970 in April 2021.

¹¹ See for example, Amnesty International, ‘Turkey: Syrians illegally deported into war ahead of anticipated ‘safe zone’’, 25 October 2019, available at: <https://bit.ly/2XTTa4V>; and Human Rights Watch, ‘Turkey: Syrians being deported to danger’, 24 October 2019, available at: <https://bit.ly/2VFjCw7>.

¹² DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.

Introduction to the asylum context in Turkey

Turkey currently hosts both a population of over 3,5 million refugees from neighbouring **Syria** and several hundred thousand asylum seekers and beneficiaries of protection of other nationalities, most principally originating from **Iraq**, **Afghanistan**, and **Iran**, among others. These two populations of protection seekers are subject to two different sets of asylum rules and procedures. As such, the Turkish asylum system has a dual structure.

Turkey maintains a geographical limitation to the 1951 Refugee Convention and only applies it to refugees originating from European countries. That said, in April 2013 Turkey adopted a comprehensive, EU-inspired Law on Foreigners and International Protection (LFIP), which establishes a dedicated legal framework for asylum in Turkey and affirms Turkey's obligations towards all persons in need of international protection, regardless of country of origin. According to the UNHCR, the European *acquis* in the field of asylum and migration is clearly visible in Turkish asylum legislation thanks to this reform.¹³ The law also created the Directorate General of Migration Management (DGMM) as the agency responsible for migration and asylum, which conducts the status determination procedure. Toward the end of 2018 DGMM took over all tasks relating to international protection, while UNHCR and its implementing partner, the Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM), phased out of registration of international protection applicants. UNHCR maintains contact with the authorities and has a Host Country Agreement with Turkey, which was signed in 2016 and entered into force on 1 July 2018.¹⁴

The LFIP provides three types of international protection status in accordance with Turkey's "geographical limitation" policy on the 1951 Refugee Convention.

1. Persons who fall within the refugee definition of the 1951 Convention and come from a "European country of origin"¹⁵ qualify for **refugee status** under LFIP, in full acknowledgment of Turkey's obligations under the 1951 Convention.
2. Persons who fall within the refugee definition of the 1951 Convention but come from a so-called 'non-European country of origin', are instead offered **conditional refugee status** under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from 'non-European' states and those originating from 'European' states.
3. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at "individualised risk of indiscriminate violence" due to situations or war or internal armed conflict, qualify for **subsidiary protection** status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive.

For refugees from Syria, Turkey implements a temporary protection regime, which grants beneficiaries a right of legal stay as well as some level of access to basic rights and services. The temporary protection status is acquired on a *prima facie*, group basis, to Syrian nationals and stateless Palestinians originating from Syria. DGMM is the responsible authority for the registration and status decisions within the scope of

¹³ Long Road to Return II Durable Solutions for the Syrian Refugees in Turkey, December 2019, available at: <https://bit.ly/3aLCnEJ>, p. 13. The information was obtained through an interview with UNHCR that took place in September 2019. (footnote 102).

¹⁴ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

¹⁵ For the purpose of "geographical limitation" in regards to the interpretation of the 1951 Convention, Government of Turkey considers Council of Europe member states as 'European countries of origin'.

the temporary protection regime, which is based on Article 91 LFIP and the Temporary Protection Regulation (TPR) of 22 October 2014.

In line with the legislative framework this report is divided into two sections, the first on international protection and the second on temporary protection.

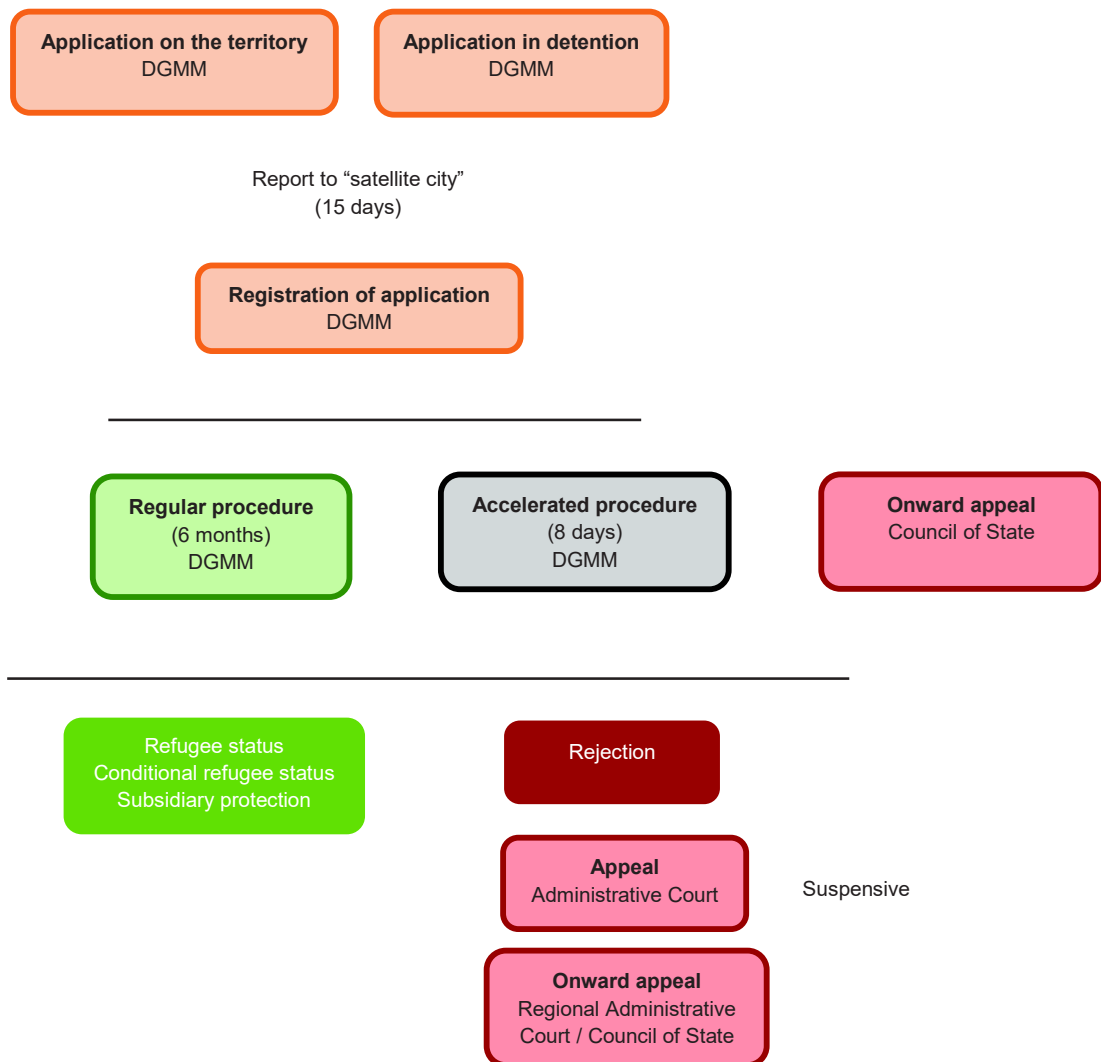


International Protection

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|--|---|--|
| ❖ Regular procedure: | ☒ Yes | ☐ No |
| ▪ Prioritised examination: ¹⁶ | ☒ Yes | ☐ No |
| ▪ Fast-track processing: ¹⁷ | ☐ Yes | ☒ No |
| ❖ Dublin procedure: | ☐ Yes | ☒ No |
| ❖ Admissibility procedure: | ☒ Yes | ☐ No |
| ❖ Border procedure: | ☐ Yes | ☒ No |
| ❖ Accelerated procedure: ¹⁸ | ☒ Yes | ☐ No |
| ❖ Other | | |

Are any of the procedures that are foreseen in the law, not being applied in practice? ☐ Yes ☒ No

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (TR)
Application	Directorate General for Migration Management (DGMM)	Göç İdaresi Genel Müdürlüğü (GİGM)
Refugee status determination	Directorate General for Migration Management (DGMM)	Göç İdaresi Genel Müdürlüğü (GİGM)
Appeal	International Protection Evaluation Commission Administrative Court	Uluslararası Koruma Değerlendirme Komisyonu İdare Mahkemesi
Onward appeal	Regional Administrative Court/ Council of State	Bölge İdare Mahkemesi/ Danıştay
Subsequent application	Directorate General for Migration Management (DGMM)	Göç İdaresi Genel Müdürlüğü (GİGM)

¹⁶ For applications likely to be well-founded or made by vulnerable applicants.

¹⁷ Accelerating the processing of specific caseloads as part of the regular procedure.

¹⁸ Labelled as “accelerated procedure” in national law.

4. Number of staff and nature of the determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Directorate General for Migration Management (DGMM)	Not available	Ministry of Interior	☒ Yes ☐ No

DGMM is structured as a civilian agency. It has Provincial Departments for Migration Management (PDMM) across the 81 provinces of Turkey. A Council of Ministers Decision issued in February 2018 established 36 District Directorates for Migration Management (*İlçe Göç İdaresi Müdürlüğü*) in 16 provinces, under the responsibility of the respective PDMM.¹⁹

The functions and structure of DGMM were revised in 2018 following the inauguration of the presidential system in Turkey. Presidential Decree No 4 abolished previously established councils within DGMM such as the Migration Policy Council and the Migration Advisory Council, which were responsible for developing policies in this area.²⁰

UNHCR continues to assist DGMM in building capacity in refugee law and provided training to staff. Similarly, EASO continues providing support to DGMM and PDMMs on working methodologies in the asylum process, especially on matters concerning vulnerable groups, through the implementation of an enhanced roadmap for the period 2019-2021.²¹

5. Short overview of the asylum procedure

To register an international protection application, potential applicants have to approach a PDMM to register their application. As of 10 September 2018, UNHCR is no longer involved in registration of applications. If the PDMM cannot register the application itself, it instructs the applicant to report to a different province ("satellite city") within 15 days, where he or she is required to reside and to register the application. Transportation costs are not covered but DGMM refers people in need to NGOs such as SGDD-ASAM for assistance. Practice is not standardised and persons are often refused registration by the PDMM without being referred to another PDMM.

An international protection applicant has the right to remain on the territory throughout the asylum procedure, although a derogation applies on grounds of "public safety", "public health" and "membership of a terrorist or criminal organisation". The Constitutional Court issued a pilot judgment in the case of *Y. T.* in 2018, launching the pilot procedure to examine whether requests for interim measures it has received stem from a structural problem to protection from *refoulement* and, if so, what measures can be taken. The Court published its decision in July 2019.²² In its decision, the Court states that the application of Articles 53(3) and 54 of LFIP should be revised and that appeals against deportation should have suspensive effect especially where deportation could create severe human rights violations. The Court gave the governmental

¹⁹ Council of Ministers Decision 2018/11464 of 19 February 2018. See also Anadolu, '36 ilçeye İlçe Göç İdaresi Müdürlüğü kurulacak', 29 March 2018, available in Turkish at: <https://bit.ly/2TCRGWV>.

²⁰ Articles 158-167 Presidential Decree No 4, 15 July 2018, available in Turkish at: <https://bit.ly/2HHXsnG>.

²¹ EASO - DGMM cooperation, available at: <https://bit.ly/3bCyPED>.

²² Constitutional Court, Decision 2016/22418, 30 May 2019, in Turkish at: <http://bit.ly/33ieKk8>.

authorities one year to make the necessary legal changes or it would examine all applications filed requesting an interim measure to stop deportations in substance. The legal amendment was made by the authorities in December 2019.²³ The authorities obey the ruling and now appeals often stop deportations, so rights to prevent *refoulement* have been strengthened. However, there have been concerns that this had a knock-on effect of increasing ‘voluntary returns’ (see section on *Removal and refoulement*).

Under the LFIP, the PDMM shall aim to issue a first instance decision in 6 months in the regular procedure. This time limit is not binding and may be extended if deemed necessary. Under the accelerated procedure, the personal interview has to be conducted within 3 days of the date of application and a decision must be issued within 5 days of the interview, thus reaching 8 days in total.

The LFIP also provides a differentiated set of remedies against decisions issued under the regular procedure compared to the accelerated procedure and admissibility decisions. Judicial appeals against negative decisions under the accelerated procedure and inadmissibility decisions have to be filed within 15 days. Negative decisions in the regular procedure can be challenged at the International Protection Evaluation Commission (IPEC) within 10 days or directly at the competent Administrative Court within 30 days; in practice, the latter remedy is applied. All international protection appeals generally carry suspensive effect and guarantee applicants’ right to stay in Turkey until the full exhaustion of remedies, except for persons facing deportation on grounds of “public safety”, “public health” and “membership of a terrorist or criminal organisation”.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
 - ❖ If so, who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
 - ❖ If so, how often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

1.1. Access at the land border

Turkey has constructed a 144km wall on its Iranian border,²⁴ although some stakeholders have questioned its efficacy. Irregular arrivals are often reported in **Van, Ağrı** and **Erzurum** in the east, and **Muğla, Aydın, İzmir, Çanakkale, Edirne** and **İstanbul** in the west. According to DGMM statistics, Afghanistan was the top nationality of persons apprehended for irregular migration in 2020, with 50,161 out of a total of 122,302 apprehended persons. This represents a dramatic drop in the number of irregular migrants apprehended from 2019 (454,662) which had seen the highest number since records began.²⁵

Increasing numbers of arrivals through the Iranian border has led to restrictive measures and arbitrary detention and deportation practices (see *Place of Detention*), with mainly single Afghan men being issued

²³ Articles 53(3) and 54 of LFIP that were amended by Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>

²⁴ TRT, ‘Wall set to improve security along Turkey-Iranian border’, 8 November 2018, available at: <https://bit.ly/2C0ppDB>.

²⁵ DGMM, *Irregular migration statistics*, available at: <https://bit.ly/3ng8bjb>.

deportation (“T1”) forms.²⁶ The “T1” forms are usually issued following administrative detention in a Removal Centre or a police station, and are stored in the DGMM electronic file management system named “Göç-Net”. If a “T1” deportation decision has been issued, the person cannot apply for international protection and the decision can only be challenged by a judicial appeal.²⁷

The Covid-19 pandemic had serious effects in **Iran** as of March 2020 which meant there was a decrease in the number of refugees who entered Turkey from the Iranian border. The border was closed and the weather conditions in winter were harsh. Although the number of people was lower compared to 2019, it increased again in May and many people were at risk of freezing. In June, 65 people lost their lives after a boat sank on Lake **Van**.²⁸ There have been three deaths as of March 2021 in **Ozalp** due to freezing, one in **Baskale** and three due to attacks by wild animals. In October 2020, NGOs and media reported a case of 73 refugees (including 33 Afghans, 37 Pakistani and 2 Iraqi citizens) who were smuggled in an overcrowded vehicle. An Afghan citizen stated in his testimony that there were people who fainted due to lack of air in the van, but the smuggler ignored their request for help even though they punched doors and shouted.²⁹ Refugees are often abandoned by human traffickers in the middle of nowhere, and many die alone in the mountains. Bodies are buried in a potter’s field in **Van** with over 200 graves.³⁰

There were already reports of push backs from **Greece** to Turkey in 2019.³¹ Lawyers in **Van** assisted in several cases and highlighted illegalities in the deportation procedures.³²

Following the Turkish authorities’ announcement that they would open the borders with **Greece** and **Bulgaria** on 27 February 2020, refugees were encouraged to leave their registered provinces and go to the **Pazarkule** border gate by state officials. Reporting obligations were put aside and no action was taken concerning travel companies transporting refugees from different cities to Pazarkule without a travel permit. The Ministry of Internal Affairs tweeted that the roads were open for refugees going to the Western border, and the DGMM retweeted it. Usually road permits are granted in writing but suddenly it was possible to travel without a road permit. People were brought to **Edirne** by buses from various cities. There were a lot of human traffickers on the way. According to NGO representatives’ statements, removal centres were emptied. Undocumented Afghan refugees also confirmed that they were encouraged by the authorities. This provocation led approximately 13,000 (mostly undocumented) refugees to gather at the **Pazarkule** border in Edirne. Although there were people from many different countries, activists working in the field reported that the majority were Afghans.

In response to the Turkish State’s announcement, the Greek government chose to militarise the land border. After their failed attempts to cross the border, many refugees had to find accommodation in an open field in the buffer zone in the cold weather and with poor hygiene conditions. No shelter was provided, neither by the State nor NGOs in the buffer zone. Refugees ‘constructed’ temporary shelters out of plastic bags and tree branches. Supplies of basic food packages were provided by the Turkish Red Crescent,

²⁶ See e.g. Afghanistan Analysts Network, ‘Mass Deportations of Afghans from Turkey: Thousands of migrants sent back in a deportation drive’, 21 June 2018, available at: <https://bit.ly/2IMx4Ni>.

²⁷ Information provided by a stakeholder in March 2019.

²⁸ *Assessment Report on the Situation of Afghan Refugees in Tatvan, Bitlis, Hak İnsiyatifi*, 23 July 2020. Available at: <https://bit.ly/31Y38mq>.

²⁹ International Refugee Rights Association, “VAN’DA YAŞANAN 04 EKİM 2020 TARİHLİ GÖÇMEN KAÇAKÇILIĞI OLAYI”, available at: <https://bit.ly/31MQMgM>.

³⁰ Al-Monitor, Turkish border province has created the country’s largest potter’s field to bury refugees, 13 July 2020, available at: <https://bit.ly/3wp4Vio>.

³¹ See for example the Daily Sabah, ‘Turkey calls on Greece to stop illegal ‘pushbacks’ of migrants’, 27 October 2019, at: <https://bit.ly/3bl5Q2p>.

³² Information provided by a lawyer from the Van Bar Association, February 2020. See also Human Rights 360°, ‘Greek Civil Society Requests European Commission Assessment on Respect of EU Asylum Law Safeguards at the Greek Borders’, 28 April 2021, available at: <https://bit.ly/3besxgJ>.

DGMM and AFAD, but were insufficient. The number of toilets and washing units were also inadequate for thousands of people in the zone.

Greece introduced an emergency legislative decree on 2 March 2020 suspending the right to seek asylum for individuals entering Greece for a period of one month and for their return without registration, to their countries of origin or transit. More information is available on the AIDA report on [Greece](#). Then due to the Covid-19 pandemic Greek asylum services were temporarily suspended on 13 March 2020.³³

It was reported that Greek border guards used pepper spray, tear gas, high-pressure water, and even real bullets, leading to several cases of injuries. The medical assistance provided in the Field Tent Hospital operated by UMKE (National Medical Rescue Team) was reportedly insufficient. Sufficient medicine for patients having chronic diseases could not be provided. Since access to COVID-19 tests was unavailable, there is no reliable data about the number of Covid-19 cases.

The **Pazarkule** border crisis got worse with the outbreak of the pandemic. Following the first officially confirmed cases of COVID-19 in the country, refugees were told that they could be voluntarily transferred to **Istanbul**. The first group of Edirne returnees was abandoned in the bus station with no assistance or quarantine measures. Most of them had to stay in the bus station since no bus service was provided due to COVID-19. As of 26 March 2020, the rest of the refugee population in **Pazarkule** was forcefully moved out from the buffer zone and kept in quarantine for 14 days in removal centres or state dormitories.³⁴ Following the 14-day period, they were either released with no assistance or referred to random cities during the country-wide lockdown measures. Some undocumented refugees were registered in the province where they were kept in quarantine. These inconsistent practices caused serious human rights violations. One group of 100 people, mostly Afghans were released in **Izmir** after a 2-day quarantine. NGO representatives reported that since the transportation companies were not operating due to COVID-19, some of the group had to walk for 3-4 hours to the bus station.³⁵

At first, journalists were allowed to go to the buffer zone and document refugees' attempt to cross the border as well as their living conditions. But later they were required to get permission. Refugees who wanted to leave the border zone to go to a more central area to meet their needs were obliged to give their fingerprints to Gendarmerie/DGMM officers. New arrivals to the buffer zone were not allowed after 8 March 2020.

Due to unfavourable weather conditions, heating became a serious problem for those at the border. 20 prefabricated restrooms were insufficient for the crowded population. Due to safety concerns women could not go to the bathroom without a male companion in the evenings. Many women interviewees reported that they could not have a bath because the only option was to take a bath in the river or with cold water with their clothes.

Humanitarian aid was coordinated by The Turkish Red Crescent (Kızılay) and AFAD, other NGOs were also active. There was no plan regarding aid distribution and vulnerable groups were not taken into consideration. DGMM and the gendarmerie controlled the entrances and exits from the buffer zone by checking fingerprints. Young men, in particular, waited in line for 4-5 hours to exit to find food and shelter. It was reported that the gendarmerie physically forced people in the queue to stand up and stay close to

³³ Dicle Ergin, Ayşe: *What Happened at the Greece-Turkey Border in early 2020?: A Legal Analysis*, VerfBlog, 2020/9/30, available at: <https://bit.ly/3dBMnmG>.

³⁴ AP, 'Turkey moves migrants from Greek border amid virus pandemic', 27 March 2020, available at: <https://bit.ly/3bhU3YQ>.

³⁵ ADMiGOV, *Refugee Protection in Turkey during the First Phase of the COVID-19 Pandemic*, 2020, available at: <https://bit.ly/39WV6if>.

each other. Some refugees were given a bottle of water or a loaf of bread after waiting in the food aid line for hours. The approximate waiting time was 4-5 hours.

Some refugees expressed their worries regarding their personal safety and pointed out security problems in the area. No specific action was taken against gender-based violence cases. The authorities ignored vulnerable groups who were open targets for sexual and physical violence. No action plan was in place to protect LGBT people, women or the disabled, etc. Leering and verbal harassment were prevalent. A 17 year old Afghan girl said a little boy was raped at night behind the public restrooms. Seven LGBTI+ individuals reported that they concealed their sexual identity out of fear. One lesbian couple hid their relationship. An Iranian woman was attacked by other refugees because she was carrying a rainbow flag. Women and LGBTI+ people could not access sanitary pads or condoms. Many of the refugee population in **Pazarkule** were minors. There were unaccompanied children too. Due to disorganisation and uncertainty, no systematic psychosocial support was provided for children. There was a space called the "Mobile Child Friendly Space" in the area where **Kızılay** workers organised activities for children but the majority did not go because they either did not want to leave their family or their family would not let them. Children were also traumatised because of the constant gas bombing coming from the Greek side.³⁶

In April 2020, 50 refugees (including Afghans, Syrians, Pakistanis and Algerians) in the Greek-Turkish buffer zone were taken to the riverside by the Turkish border guards and pushed back to Greece. After being forcefully pushed back to Turkey by Greek forces, one Turkish police officer pointed his gun at one refugee's head from the group and threatened that they had to leave Turkey.³⁷

After the Pazarkule incidents, there were those in need of healthcare but the only way to register them was through 'acquaintances' as even very ill Syrians cannot be registered in **Istanbul**. People were held in removal centres for quarantine. Deportation orders were issued in some places to create a legitimate basis for their detention. There were hundreds of refugees whose legal status was uncertain. Those who were registered returned to their satellite cities, but for those who were unregistered it was difficult to know whether a deportation decision had been issued or not. Administrative penalties were then imposed on people on their way back to the satellite cities where they were registered. When they returned to their assigned cities, people had more problems because they had sold all their assets before going to Pazarkule.. It was claimed that as there was no written statement that they could go to a third safe country, their temporary/international protection applications were deemed withdrawn by DGMM. Some were told that they had missed the signature day.

Several men were severely burned trying to cross the border to **Greece**. There are fences in the field along the river, between Pazarkule and Greece, a little further from the gendarmerie. 4-5 Afghan men tried to jump across to the Greek side at midnight, but a Greek soldier poured boiling water with a kettle on their faces. A case has been reportedly sent to the European Court of Human Rights.³⁸

Access to the territory through the Syrian land border is discussed in detail in [Temporary Protection: Admission to Territory](#).

³⁶ Refugee Rights Coordination, *Observation and Evaluation Report on the Situation of Refugees on the Greece-Turkey Border - 8-11 March 2020*, 28 February 2021, available at: <https://bit.ly/3dTkqGO>.

³⁷ Border Violence Monitoring Network Report, "They Were Told to Keep Their Heads Down", 17 April 2020, available at: <https://bit.ly/3wR3R7p>.

³⁸ See Daily Sabah, *Four asylum-seekers apply to European human rights court for justice against Greek brutality*, 16 March 2020, available at: <https://bit.ly/3ngr4v8>.

1.2. Access at the airport

Airports in Istanbul (Sabiha Gökçen and Istanbul) continue to serve as a key international hub for connection flights from refugee-producing regions to European and other Western destinations for asylum. It should be noted that visa restrictions have applied to Syrian nationals arriving from third countries by air and sea since 2016. The main airport is now the new Istanbul Airport and access there was much improved before the Covid pandemic.

In 2020, strict measures were implemented at Turkish airports due to COVID-19. Admissible passengers, inadmissible passengers and waiting times all completely changed. Passengers were kept in quarantine for 14 days in tiny rooms at the airport until summer 2020. Later on, depending on their individual situation people were taken to removal centres or buildings that are called guesthouses and released from there. Some were returned directly to their country of origin, although issues arose in case of travel restrictions. Apart from the attempts to send people back to their country of origin, Turkish citizens were treated in the same way.³⁹

Normally, airports are problematic and individuals cannot submit their international protection applications. Turkey's open-door policy ended with the signature of the EU-Turkey Statement in 2016 and since then very few applications have been accepted at the borders. The practice seems to be to reject them explicitly or implicitly – not processing the applications that are accepted.⁴⁰ After the Covid-19 pandemic, people were taken from **Istanbul** Airports and placed in removal centres. They were then released. This was a good practice as asylum seekers could thus enter the country, even if they were subject to an obligation to report regularly in Istanbul.

When a person was obliged to give their signature regularly as part of the reporting process, there were sometimes problems and they had to go to another city because applications were closed in **Istanbul**. In certain cases, when a person wanted to go to another city to apply for international protection, the application was not accepted because the person was obliged to periodically give their signature in Istanbul. Transferring the obligation to sign in to the city of registration takes a long time due to a lack of communication between PDMMs.⁴¹

2. Removal and *refoulement*

2.1. The derogation from the *non-refoulement* principle

Applicants for international protection generally have the right to remain on the territory of Turkey throughout the procedure.⁴² However, an exception to this rule was introduced by way of emergency decree in October 2016, providing that a deportation decision “may be taken at any time during the international protection proceedings” against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.⁴³ The reform was consolidated by Law No 7070 on 1 February 2018.

³⁹ Information provided by a stakeholder, March 2021.

⁴⁰ Information provided by a stakeholder, March 2021.

⁴¹ Information from a stakeholder, March 2021.

⁴² Article 80(1)(e) LFIP.

⁴³ Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676.

For foreigners who have been convicted of an offence, the Public Prosecutor shall request the opinion of the Ministry of Interior as to whether or not they should be removed from the country.⁴⁴

The law effectively enables the deportation of asylum seekers, beneficiaries of international protection and beneficiaries of temporary protection (see [Temporary Protection: Protection from Refoulement](#)) on the aforementioned grounds which remain largely vague and could be interpreted widely.⁴⁵ The reform introduced by the Decree has been criticised for facilitating and exacerbating risks of arbitrary deportations jeopardising the life and safety of refugees.⁴⁶

Cases of deportation under Article 54(1)(b), (d) and (k) LFIP continued in 2019.⁴⁷ Cases reported by lawyers refer to criminal investigations, even if they do not result in a conviction, followed by administrative detention for the purpose of removal (see [Grounds for Detention](#)).

Deportation on public order, public security and public health grounds is linked to the security restriction codes issued by DGMM, a practice still not governed by clear, publicly available criteria.⁴⁸ The implementation and regulation of these codes is not set out in the law but likely in internal circulars and instructions within the administration.

Since Istanbul Airport became the main airport in **Istanbul** the application process from the airport has improved and deportations from Sabiha Gökçen are now rare. In early 2019 there was a case of a deportation from Atatürk Airport in Istanbul (closed as of April 2019) of an Egyptian political opponent who is now reportedly imprisoned in Egypt.⁴⁹ A criminal case has been opened against officers who carried out the deportation.

Security-related codes such as “G89” for foreign terrorist fighters and “G87” for general security seem to still be applied, though mainly in specific parts of the country, such as **Gaziantep**.⁵⁰ The assessment of risks, conducted by the Risk Analysis Department as far as airports are concerned,⁵¹ is made with reference to broad criteria and in practice may be based on the appearance or point of entry of the individual e.g. Turkish-Syrian border.⁵² Intelligence from other countries often leads to the issuance of a security restriction code, even though the content and quality of intelligence vary depending on the issuing country.⁵³

Security codes can be only appealed before the Administrative Court of **Ankara**, since they are issued by DGMM Headquarters. In appeals against the issuance of restriction codes, confidential documents submitted by DGMM are not available to the individual or his or her lawyer; they can only be accessed in

⁴⁴ Article 77 Regulation No 28578 on Conditions of Probation, 5 March 2013, as amended by Article 1 Regulation No 30631 of 20 December 2018.

⁴⁵ Izmir Bar Association, *Izmir Geri Gönderme Merkezlerinde Adalete Erişim Hakkı Çerçevesinde Yaşanan Sorunlar Raporu*, July 2017, available in Turkish at: <http://bit.ly/2Dyc87X>, 25.

⁴⁶ See e.g. Amnesty International, ‘Refugees at heightened risk of refoulement under Turkey’s state of emergency’, 22 September 2017, EUR 44/7157/2017. On the situation of persons coming from Central Asian countries, see HarekAct, ‘Central Asian migrants in Turkey at risk of being labelled as terrorists’, 23 November 2017, available at: <http://bit.ly/2ytEIQJ>.

⁴⁷ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁴⁸ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁴⁹ HaberTurk, ‘Mısırlı idam mahkumu iade mi edildi?’, 6 February 2019, available in Turkish at: <https://bit.ly/2xx5VqV>.

⁵⁰ Information provided by a lawyer of the Antakya Bar Association, February 2019.

⁵¹ Karar, ‘Risk analiz merkezi kapılarını KARAR’a açtı’, 28 April 2016, available in Turkish at: <https://bit.ly/2GaDXEO>.

⁵² Information provided by a stakeholder, February 2018.

⁵³ Information provided by a stakeholder, February 2020; a lawyer of the Gaziantep Bar Association, February 2019.

person at the registry of the Administrative Court of Ankara.⁵⁴ The court generally leaves a wide margin of discretion to DGMM with regard to the issuance of codes. It has not taken a uniform approach to the scrutiny of codes, with some rulings annulling the issuance of codes for want of evidence and others upholding them.⁵⁵ In **Izmir**, lawyers had some success in appealing codes due to procedural errors by the administration who at times have been unable to provide information on the legal basis for applying the code, or where there is a lack of legal notification or translation. In Izmir there is no specific profile of the people being assigned codes, anyone can be assigned a code, even Americans or Germans.⁵⁶

In many cases,⁵⁷ Administrative Court rulings annulling the issuance of a security restriction code are later overturned by higher instance courts.⁵⁸ In a January 2019 ruling, the Constitutional Court declared lack of jurisdiction to rule on a complaint concerning the cancellation of a code.⁵⁹ However, there were two interesting cases in 2020. In 2020 the Constitutional Court ruled that the right to respect the family unity of a citizen of the Russian Federation of Chechen ethnicity with four children and a wife in Turkey who had legally resided in Turkey for three years. DGMM had issued a G-87 code and an entry ban to Turkey. The applicant had appealed the code and the entry ban but lost the case at the local level. The Constitutional Court found a violation and granted him the right to re-trial.⁶⁰ In 2020 Ankara 1st Administrative Court also cancelled a G-87 code issued to an Iraqi because the DGMM could not submit substantive materials proving the applicant's relationship with the alleged terrorist organisation.⁶¹

Amendments to the LFIP in 2019 allow for the travel costs for removal to be borne by the deportee. If the individual does not have sufficient money, the expense shall be borne by DGMM yet in the same article it states "money belonging to the foreigner, apart from the amount that is required to meet the basic needs identified by the Directorate General, will be recorded as income to the Treasury".⁶² There is no information yet about how this has been applied in practice.

A new regulation on Penal Execution Institutions and Execution of Penalties and Security Measures was enacted on 29 March 2020. According to Article 52 the following principles apply to convicts to be deported:

(1)

a) The decree on expulsion is sent to the Office of the Chief Public Prosecutor where it is recorded in the execution book and sent to the highest security authority and immigration administration units.

b) Before being released from the institution, the administration of the institution informs the highest security authority of that place and the units of immigration administration on the release date of the convict. On the date of release, the convict is delivered to law enforcement for deportation proceedings.

c) The deportation of convicts not housed in institutions are carried out by immigration administration units.

⁵⁴ Information provided by a stakeholder, February 2019.

⁵⁵ For examples of decisions cancelling a "G87" code due to lack of evidence, see 1st Administrative Court of Ankara, Decision 2018/2207, 13 February 2019; Decision 2018/524, 14 March 2018.

⁵⁶ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁵⁷ See e.g. District of Ankara, Decision 2018/462, 7 September 2018, which overturned the 1st Administrative Court of Ankara Decision 2018/524 of 14 March 2018.

⁵⁸ Information provided by a lawyer of the Gaziantep Bar Association, February 2019; International Refugee Rights Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁵⁹ Constitutional Court, Decision 2019/1624, 16 January 2019.

⁶⁰ Constitutional Court, A.G. 2018/6143, 16 December 2020.

⁶¹ Ankara 1st Administrative Court Docket number: 2019/2032, Decision number: 2020/ 1057, 8 May 2020.

⁶² Mülteci-Der, *Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey*, 4 December 2019, available in Turkish at: <http://bit.ly/2IRYoVQ>.

- (2) Assessments regarding deportation procedures for convicts are made by the Ministry of Interior.

Deportations from Turkey were largely suspended from March to August 2020 due to the coronavirus pandemic, however, by September 2020 around 7,300 Afghans had been deported.⁶³ It should be noted that there is a lack of country-based information about returns, so it is unclear, for example, how many returnees were Syrians or non-Syrians.⁶⁴

2.2. Appeal before the Administrative Court

Courts have clarified that the removal decision must be properly notified to the individual, either in writing or orally, and include information on appeal possibilities.⁶⁵ The appeal against a deportation decision is a remedy separate from remedies in the international protection procedure.⁶⁶ It now has automatic suspensive effect, following a review of the LFIP in reforms from December 2019, and the deletion of exceptions to the right to remain on the territory.⁶⁷

However, removal decisions must be appealed before the Administrative Court within seven days of notification.⁶⁸ Lawyers say it is extremely difficult to gather all the information and write an appeal in seven days particularly if the case needs translation work or there are difficulties accessing a client in detention. This short time limit has a negative affect both on access to justice and the quality of the lawyer-client relationship.⁶⁹ These new time limits were considered as one of the most negative changes in 2020 for refugee protection. Some courts exercise the seven-day rule very strictly. This creates a huge problem as Administrative Court decisions on deportation appeals are now final. Appeals against deportation and administrative detention decisions mean different practices in different provinces since there are no higher judicial bodies or higher authority to standardise practices. Lawyers have found it difficult to prepare and file an appeal in such a short period of time.⁷⁰ Notification is also a common issue in removal centres. The seven-day time limit starts with the notification of the deportation decision, so it carries special importance. When the file of the applicant is sent to the court by PDMM, sometimes there is no notification. In this case, the PDMM sometimes include a note such as "refused to give their signature" before sending the documents to the court. This unlawful practice has been challenged in court in one case.⁷¹ In **Van**, the seven-day limit was not strictly enforced but those who were able to access assistance from a lawyer were in the minority.⁷²

Since the appeal now stops the deportation and practice is in conformity with the law, lawyers no longer need to apply to the Constitutional Court to stop deportations. Lawyers now only need to apply when an administrative body unlawfully deports their client or to secure a possible application to ECtHR.⁷³

⁶³ Afghanistan Analysts Network, *Afghan Exodus: Migrants in Turkey left to fend for themselves*, 22 December 2020, available at: <https://bit.ly/2QOCtWV>.

⁶⁴ Information provided by a stakeholder in Izmir, February 2020.

⁶⁵ District Court of Izmir, 6th Chamber, Decision 2017/1109, 15 September 2017. The court overturned the decision of the 1st Administrative Court of Izmir, which had deemed the appeal inadmissible due to the expiry of the 15-day deadline.

⁶⁶ Article 53 LFIP.

⁶⁷ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

⁶⁸ Article 53(3) LFIP. This time limit has been ruled to be in line with the Turkish Constitution: Constitutional Court, Decision 2016/135, 14 July 2016, available in Turkish at: <http://bit.ly/2DQwB8m>.

⁶⁹ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

⁷⁰ Information from stakeholder in Izmir, March 2021.

⁷¹ Information from a stakeholder, March 2021. No case reference.

⁷² Information from a stakeholder, March 2021.

⁷³ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

In 2020 during the pandemic, it was difficult for clients with no ID to enter the courthouse. They were all able to enter eventually but not without the assistance of their lawyer.⁷⁴

Since first instance Administrative Court decisions are not shared with the public in Turkey, it is difficult for experts and lawyers to assess the effectiveness and quality of judicial review. In the past there was no uniform application of the *non-refoulement* principle in Administrative Court reviews of deportation decisions. Even where the execution of removal was suspended by Administrative Courts, compliance with court orders was reported to be arbitrary and dependent upon the individual police officers in question. It is still too early to assess the impact of the new regulation, but the following cases illustrate developments in 2019.

There was a positive decision from the **Van** 1st Administrative Court concerning the deportation of a Christian Iranian in 2019. The grounds for the positive decision were the submission of translated evidence from the criminal court case of the applicant from Iran. The applicant was caught in Van without ID and sent to the removal centre to be deported. His application for international protection was not accepted by the removal centre management without a cover letter from his lawyer. The client was told that the accelerated procedure would be applied but did not receive a reply from Van PDMM for 11 months during which time he was in detention. His application was accepted only after the positive judgement of the Van 1st Administrative Court cancelling the deportation decision. His lawyer was not notified about his release from the removal centre. After three applications for his release from the removal centre which were all rejected without any legal grounds, he was released on the grounds that 'the detention period was long enough' and obliged to give his signature weekly in Van. Once he was registered in Van and received international protection, he applied for family reunification.⁷⁵

In an important case in **Izmir**, an appeal was accepted based on a need to undertake a careful assessment as per Article 55(2) of the LFIP. The potential returnee was from Mali although the government claimed he was lying and actually from Cameroon, which was a ground for deportation. The court ruled there was not enough due diligence and a lack of assessment to find out the returnee's real name and nationality so the deportation should be cancelled. The assessment of nationality was not carried out in an effective way as required by Article 55(2) LFIP.⁷⁶

The vast majority of returns from removal centres are believed not to be voluntary, although there were less of them in 2020.⁷⁷ Lawyers in **Van**, **Izmir**, **Istanbul** and **Antakya** have all expressed serious concerns about clients being forced to sign voluntary return forms.

Deportations are executed from **Van** either to deportees' own countries if they are from Iran or Afghanistan or to another country considered safe by Turkey. In the removal centre in **Van**, there are leaflets and advertisements on voluntary return but no information about international protection or legal aid. Lawyers thus assume that the system is return-oriented. Clients have been deported even after lodging an appeal. There were allegations that potential returnees were given wrong or fraudulent information to make them sign the voluntary return document. In most cases, signatures are taken without the presence of a lawyer. Out of three cases of voluntary return forms assessed by a lawyer in **Van**, none of them were really 'voluntary'. In one case, two Iranians signed the form because they did not want to stay in the removal centre. In another case, a client with a long-term residence permit in Turkey was caught in Bodrum by the police while he was on holiday with his friend. When the police found a plastic boat in his car they assumed

⁷⁴ Information from a stakeholder, March 2021.

⁷⁵ Van 1st Administrative Court, Case number 2018/2558, decision number 2019/981, date 30/04/2019.

⁷⁶ Izmir 1st Instance Administrative Court, Case number 2019/692 2019/1331.

⁷⁷ Information provided by a stakeholder, March 2021.

that he wanted to leave Turkey illegally.⁷⁸ He was sent to the removal centre to be deported to Iran. He is now in Iran but wants to come back to Turkey. However, there is a code on his name and a ban to enter Turkey for 18 months.⁷⁹

A deportation decision against a Syrian automatically cancels their legal status. Several of these decisions have been successfully appealed before the **İzmir** Administrative Court. After the court decides in favour of the refugee, their temporary protection status is reactivated. However, if a refugee cannot access a lawyer in the removal centre, a voluntary return form is likely to be signed due to psychological pressure. Most Syrians come back to Turkey after being deported. Some of them do not want to apply for protection out of fear, and they remain unregistered. Psychological pressure is exerted on Syrians in removal centres. If they do not sign the voluntary return form, they are threatened with 1-year administrative detention. In some provinces, this creates a problem because the decisions granted by first-degree judges are final. Removal centres are managed like prisons. Even a decision not to prosecute does not prevent refugees from being detained for 6 months to 1 year in a removal centre. There are a lot of operations and police raids relating to ISIS, with some investigations having no objective grounds. People are taken into custody. Non-prosecution decisions can take 3 days but someone in the same situation can be detained for 10 months.⁸⁰

There have been returns from the **İzmir** removal centre judged not to be 'voluntary'. People reported they were forced to sign the forms by threat or were given the wrong information,⁸¹ although generally they are encouraged to take up voluntary return. There were also allegations that an illiterate Syrian had his finger broken while forcing him to put his fingerprint on the form. 'Real' voluntary returns took longer. For instance, a voluntary return of a Pakistani refugee took three months.⁸² People who do not agree to suggested returns can be transferred to **Antep** and **Hatay** removal centres, where practices such as ill-treatment and forcing refugees to sign voluntary return forms under physical pressure are reportedly more common.⁸³ The İzmir branch of the Turkish Red Crescent Kızılay and PDMM signed a protocol allowing the Turkish Red Crescent Kızılay to supervise the signature of voluntary return forms in 2020. As of the summer of 2020, there had been no UNHCR, Turkish Red Crescent Kızılay or any other NGO supervision for return forms in İzmir.⁸⁴

In the southeast region, voluntary returns from removal centres are ongoing and those returned are mostly Syrians. Similar to last year, there is no UNHCR supervision over voluntary returns that take place from removal centres.

Activists believe there were some voluntary returns in 2020 due to the difficult economic situation and COVID-19. Voluntary returns from PDMMs were more 'voluntary' than those from removal centres. In 2020 in **İstanbul** people who want to return from Kumkapı PDMM were thought to return on a more or less voluntary basis although independent researchers and NGOs could not attend 'voluntary return' interviews and UNHCR attends very rarely. This means that little was known about the information given to people at the meetings and whether they were provided with detailed information about the situation in Syria. There was a case from Ayvacık (**Canakkale**) removal centre where an Iranian signed a voluntary return form after

⁷⁸ Not at a border crossing point as per Article 5(1) LFIP.

⁷⁹ Information provided by a lawyer from the Van Bar Association, February 2020.

⁸⁰ Information from a stakeholder, March 2021.

⁸¹ Information provided by stakeholders in İzmir in February 2020. For how voluntary return forms are signed, see also: Deportation Monitoring Aegean, 'Surrendered to Harmandalı Removal Prison – How EU policies lead to expulsion and maltreatment of migrants deported to Turkey', 4 June 2019, available at: <https://bit.ly/3aeDHig>; On conditions in the removal centre see Bianet English, 'Harmandalı Removal Center Told from Inside: Battery, Attempted Suicide, Illness, Death', 23 July 19, available at: <https://bit.ly/3bmYOjM>.

⁸² Information provided by a lawyer from the İzmir Bar Association, March 2020.

⁸³ Information from a stakeholder, March 2021.

⁸⁴ Information from a stakeholder, March 2021.

his international protection application was rejected. His wife said that it was voluntary and UNHCR reportedly checked the situation of this person as well.

Article 60(a) LFIP on assisted voluntary return was amended in December 2019 to add that in-kind or cash support can be provided to persons deemed appropriate by the DGMM in cases of voluntary return to their country of origin.⁸⁵ There were no cases of this reported in practice in 2020. There is perceived to be a lack of funding for voluntary returns. IOM has a protocol with DGMM and IOM supports them in buying flight tickets and supervising voluntary return processes.

Several stakeholders reported that people who have been persuaded to sign a voluntary return form from removal centres generally come back to Turkey. The temporary protection regulation provides a legal opportunity for re-arrivals, as it is stipulated in the law that re-application will reactivate IDs. In practice, however, people either cannot access registration or their applications are rejected and they have to appeal against the decision.⁸⁶

In early days of COVID-19, the borders were closed for a long time. Deportations were suspended from March to September 2020 due to COVID-19. People who could not be deported from removal centres were released. Deportations resumed again in September 2020 and Afghan, Pakistan, and Syrian nationals were deported, however, fewer people were deported compared to 2019. Most of those who were deported were involved in criminal cases. Ex-convicts were also deported on the pretext of public order. Previously, when lawyers filed an application to suspend deportation, written notices had to be sent to DGMM. Due to COVID-19, lawyers can now notify them via e-mail. This is an example of good practice.⁸⁷

2.3. The complaint procedure before the Constitutional Court

An individual complaints procedure is available before the Constitutional Court, which is styled after the individual complaints procedure of the European Court of Human Rights (ECtHR) and is partially aimed at reducing the high number of complaints against Turkey at the ECtHR. Persons can file an individual complaint with the Constitutional Court on claims of a violation of “any of the fundamental rights and liberties provided by the Turkish Constitution and safeguarded by the ECHR and its Protocols” within 30 days of the exhaustion of all existing administrative and judicial remedies.⁸⁸

While individual complaints to the Constitutional Court do not carry suspensive effect, an urgent interim measure can be requested by the applicants as per Article 73 of the Rules of Court on account of “serious risk on the applicant’s life, physical and moral integrity”. This urgent application procedure by the Constitutional Court, in situations of imminent risk of deportation where the person concerned alleges a risk to his or her life or risk of torture if returned, is similar in nature to the Rule 39 procedure of the ECtHR.

Although the individual complaint procedure at Turkey’s Constitutional Court does not have automatic suspensive effect and a separate interim measure request must be filed and decided by the Court on a case-by-case basis, the ECtHR found in *Sakkal and Fares v. Turkey* that this procedure constituted an effective remedy, taking into consideration case law from the Constitutional Court which has halted deportations from Turkey. The first interim measure was given in 2014 in a case of an Algerian political dissident who had been tortured and imprisoned due to his political opinions.⁸⁹ In practice, the Constitutional

⁸⁵ Mülteci-Der, *Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey*, 4 December 2019, available at: <http://bit.ly/2IRYoVQ>.

⁸⁶ Information from a stakeholder, March 2021.

⁸⁷ Information from a stakeholder, March 2021.

⁸⁸ Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.

⁸⁹ Constitutional Court, *Rida Boudraa*, Decision 2013/9673, 30 December 2013. See also Mülteci.net, ‘Anayasa Mahkemesi İlk “Geçici Tedbir” Kararını Verdi’, 24 February 2014, available in Turkish at: <https://bit.ly/2pKkXSi>.

Court seems to grant interim measures on different issues such as access to a lawyer or prevention of *refoulement*.⁹⁰

After the entry into force of Emergency Decree No 676, the only effective recourse for preventing removal was a complaint before the Constitutional Court together with a request for interim measures. This changed in 2019. The Court had delivered a pilot judgment in the case of *Y.T.* on 12 June 2018, launching a pilot procedure to examine whether requests for interim measures stemmed from a structural problem to protection from *refoulement* and, if so, what measures should be taken.⁹¹ In its decision published in July 2019,⁹² the Court said that Articles 53(3) and 54 of LFIP should be revised and that appeals against removal should have suspensive effect, especially where deportation could create a structural problem and severe human rights violations. The Court gave the authorities one year to make the necessary legal changes otherwise the Court would examine all applications filed requesting an interim measure to stop deportations in substance. According to the Court, there were 1,545 such applications between 29 October 2016 and 8 April 2019. The Court also accepted the request of the applicant to not be deported and awarded compensation and legal fees. A legal amendment to these and other articles of the LFIP was made in December 2019.⁹³

Some lawyers still apply to the Constitutional Court when an administrative body unlawfully deports their client or to secure a possible application to ECtHR.⁹⁴

Where the Constitutional Court grants interim measures, it is up to the legal representative of the applicant to transmit the order to the PDMM so as to prevent the execution of the removal decision.⁹⁵ There have been cases where deportations took place due to the failure of lawyers to inform the PDMM of existing interim measures.

3. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No
❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? ☒ Yes ☐ No
❖ If so, what is the time limit for lodging an application?
 - The applicant has to register at a PDMM within 15 days.
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No
5. Can an application be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

⁹⁰ ECtHR, *Sakkal and Fares v. Turkey*, Application No. 52902/15, Judgment of 7 June 2016, para 64. Although the Court had granted a Rule 39 interim measure on 26 October 2015, it dismissed the application as inadmissible.

⁹¹ Constitutional Court, Pilot Decision 2016/22418, 12 June 2018, available in Turkish at: <https://bit.ly/2SaX5sn>.

⁹² Constitutional Court, Decision 2016/22418, 30 May 2019, available in Turkish at: <https://bit.ly/2wHa3Eq>.

⁹³ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

⁹⁴ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

⁹⁵ On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings.

According to LFIP, the PDMM is the responsible authority for receiving and registering applications for international protection.⁹⁶

3.1. Applications on the territory

Applications for international protection are made to the “Governorates” “in person”, indicating that applicants are expected to physically approach the PDMM and personally present their request.⁹⁷ Applications for international protection may not be made by a lawyer or legal representative. However, a person can apply on behalf of accompanying family members, defined to cover the spouse, minor children and dependent adult children as per Article 3(1)(a) LFIP.⁹⁸ Where a person wishes to file an application on behalf of adult family members, the latter’s written approval needs to be taken.

According to the law, for applicants who are physically unable to approach the PDMM premises for the purpose of making an international protection request, officials from the PDMM may be directed to the applicant’s location in order to process the application.⁹⁹ In the same way, registration interviews with unaccompanied minors and other persons who are unable to report to the designated registration premises in the province may be carried out in the locations where they are.¹⁰⁰ There is no indication that these provisions have been applied in practice so far.

Article 65 LFIP does not impose any time limits on persons for making an application as such, whether on the territory, in detention or at the border. However, Article 65(4) appears to impose on applicants the responsibility of approaching competent authorities “within a reasonable time” as a precondition for being spared from punishment for illegal entry or stay. The assessment of whether an application has been made “within a reasonable time” is to be made on an individual basis.¹⁰¹

The LFIP states that applications for international protection shall be registered by the PDMM.¹⁰² Applicants can request and shall be provided interpretation services for the purpose of the registration interview and later the personal interview.¹⁰³

Access to the international protection procedure changed substantially in 2018. Whereas a “joint registration” arrangement was previously in place between PDMM and UNHCR, whereby UNHCR and its implementing partner SGDD-ASAM registered applications in **Ankara** and then directed applicants to “satellite cities” to lodge their applications with the PDMM,¹⁰⁴ UNHCR announced on 10 September 2018

⁹⁶ Turkey is administratively divided into 81 provinces. The provincial governorate is the highest administrative authority in each province. Therefore, provincial directorates of all government agencies report to the Office of the Governor. The agency responsible for registering all applications for international protection is the PDMM, which technically serves under the authority of the Provincial Governorate.

⁹⁷ Article 65(1) LFIP.

⁹⁸ Article 65(3) LFIP.

⁹⁹ Article 65(1) RFIP.

¹⁰⁰ Article 65(2) RFIP.

¹⁰¹ Article 65(1) RFIP.

¹⁰² Article 69(1) LFIP.

¹⁰³ Article 70(2) LFIP.

¹⁰⁴ For more details, see AIDA, Country Report Turkey, 2017 Update, March 2018, available at: <https://bit.ly/2l1S9fS>, 27-28.

the termination of its registration activities in Turkey.¹⁰⁵ UNHCR still has a role to promote access to and the provision of protection.

Applications for international protection are now registered solely by the PDMM in any of the 81 provinces. In practice, however, if the PDMM approached by an asylum seeker cannot receive his or her application, it directs the person to a “satellite city” with a view to registering the application there.¹⁰⁶ Applicants are expected to register at the PDMM of the assigned “satellite city” within 15 days. Failure to appear within 15 days leads to the application being considered as withdrawn (“cancelled”). DGMM does not provide assistance with transportation costs but can refer applicants to NGOs such as SGDD-ASAM for assistance.

Article 69 LFIP does not lay down any time limits for the completion of registration by the PDMM, although its Implementing Regulation, the Regulation on Foreigners and International Protection (RFIP), requires applications to be recorded “within the shortest time on the institutional software system” of DGMM.¹⁰⁷ The RFIP provides that application authorities shall notify the applicant a date for his or her registration interview during the application if possible, otherwise at a later stage.¹⁰⁸

In practice, the takeover of the process by DGMM in September 2018 resulted in obstacles to access to the asylum procedure. Issues persisted in 2019 and arbitrariness increased after the takeover of registration of non-Syrians.¹⁰⁹ It is difficult to assess the overall system since there is no standardised application.¹¹⁰ However, the main public policy seemed to be to leave people unregistered and thus push them to leave Turkey, especially Afghans, except in vulnerable cases.¹¹¹ Afghans are thus kept as ‘unregistered irregular migrants’ in the migration system or they are treated under the accelerated procedure when their application for international protection is received.¹¹² In 2020 problems were compounded by COVID-19.

The registration interview serves to compile information and any documents from the applicant to identify identity, flight reasons, experiences after departure from country of origin, travel route, mode of arrival in Turkey, and any previous applications for international protection in another country.¹¹³ The PDMM may carry out a body search and checks on the personal belongings of applicants in order to confirm that all documents have been presented.¹¹⁴ Where an applicant is unable to present documents to establish his or her identity, the registration authorities shall rely on an analysis of personal data and information gathered from other research. Where such identification measures fail to provide the relevant information, the applicant’s own statements shall be accepted to be true.¹¹⁵

Where there are concerns that an applicant may have a medical condition threatening public health, he or she may be referred to a medical check.¹¹⁶ Information on any special needs shall also be recorded.¹¹⁷ Since the termination of UNHCR registration activities in 2018, it is unclear how this is handled by the PDMM. It appears, nevertheless, that registration is exceptionally allowed for asylum seekers facing

¹⁰⁵ UNHCR, ‘UNHCR will end registration process in Turkey on 10 September 2018’, available at: <https://bit.ly/2HRy2FO>.

¹⁰⁶ Information provided by a stakeholder, February 2019.

¹⁰⁷ Article 70(4) RFIP.

¹⁰⁸ Article 66(2) RFIP.

¹⁰⁹ Information provided by a stakeholder, February 2020.

¹¹⁰ Information provided by a lawyer from the Van Bar Association, March 2020.

¹¹¹ Information provided by a stakeholder and a lawyer from the Van Bar Association, March 2020.

¹¹² Information provided by a stakeholder, February 2020.

¹¹³ Article 69(2)-(4) LFIP.

¹¹⁴ Article 69(2) LFIP; Article 69(4) RFIP.

¹¹⁵ Article 69(3) LFIP; Article 69(3) RFIP.

¹¹⁶ Article 69(6) LFIP.

¹¹⁷ Article 70(5) RFIP.

emergencies such as pregnancy or severe illness, who are registered in order to make sure that they get medical assistance.¹¹⁸

At the time of applying, the asylum seeker must provide a hand-written, signed statement containing information about the international protection application in a language in which he or she is able to express themselves. The statement shall contain specific elements including the reasons for entering Turkey, as well as any special needs of the applicant.¹¹⁹ Illiterate applicants are exempt from this requirement. Furthermore, the PDMM shall also obtain any supporting documents that the applicant may have with him or her and fill in a standard International Protection Application Notification Form, which will be delivered to the DGMM Headquarters within 24 hours.

At the end of the registration interview, all the information recorded on the screen of the electronic system must be precisely read back to the applicant who will have the opportunity to make corrections.¹²⁰ A printed version of the registration form filled in electronically is also handed to the applicant.¹²¹

The law states that the applicant will receive an International Protection Applicant Identification Card upon completion of registration.¹²² The renewal and extension of International Protection Applicant Identification Card is identified by the Ministry.¹²³ As of 24 December 2019, the LFIP provides that this document is also issued to applicants falling under the Accelerated Procedure or the inadmissibility provisions.¹²⁴

Following this reform, the PDMM no longer issues a Registration Document when directing the asylum seeker to the assigned “satellite city” with a view to registering the international protection application. The only documentation the applicant receives is the International Protection Applicant Identification Card that is valid for six months after having registered the application with the PDMM at the appointed province.¹²⁵ This means that asylum seekers are required to travel to the assigned province without being provided documentation to attest their intention to seek international protection. In practice, people are often apprehended during police controls throughout the country and are thus at risk of being transferred to a Removal Centre (see [Detention of Asylum Seekers](#)). As of 24 December 2019 the obligation to renew Identification Cards every six months was abolished.¹²⁶

Registrations of international/temporary protection were suspended from March to June 2020 in almost every city in Turkey due to COVID-19. International and temporary protection applications could be submitted in very few cities and this information was not shared publicly. There were rumours that applications were open in Yalova one day, but then that they were closed after two weeks. Both unregistered refugees and new arrivals had problems accessing the procedure and registration.

There were additional problems such as physically accessing PDMM buildings due to COVID-19 measures as with most other public institutions. A HES code, which is a personal code implemented by the Ministry of Health in order to track positive COVID-19 cases, was requested from lawyers to enter PDMM buildings in **Izmir**.¹²⁷ In **Istanbul** lawyers could not enter PDMM buildings at all, especially Kumkapı. Lawyers could only talk to the security at the door, not even someone from the administrative staff. The security guard

¹¹⁸ Information provided by an NGO, February 2019.

¹¹⁹ Article 65(5) RFIP.

¹²⁰ Article 70(6) RFIP.

¹²¹ Article 70(7) RFIP.

¹²² Article 76(1) LFIP, as amended by Article 35 Law No 7148 of 18 October 2018.

¹²³ Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.

¹²⁴ Article 76(2) LFIP.

¹²⁵ Information provided by NGOs, February 2019.

¹²⁶ Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.

¹²⁷ A HES code (stands for Hayat Eve Sığar or Life Fits at Home) is the Turkish track-and-trace app to evaluate risk for COVID-19, see the HES code website: <https://hayatevesigar.saglik.gov.tr/hes-eng.html>.

took a note of messages and passed them on to the administrative office. Communication between the administration and lawyers was difficult, thus raising concerns as regards the right to an effective remedy.¹²⁸ In **Van** even applicants with UNHCR refugee status were summoned and notified that their application had been rejected. The most problematic group was those whose applications had been deemed withdrawn by DGMM.¹²⁹

In the **Central Anatolia** and the **Marmara region** a HES code was also mandatory to enter the PDMM buildings and this caused problems for first-time applicants and refugees whose applications were rejected since they did not have an ID number and could not apply for a HES code. Those who did not have a smartphone also had difficulties in getting a code and entering PDMMs. During COVID-19, signature obligations were relatively flexible for 4-5 months. PDMMs did not work at full capacity and some of the officers were working from home.

Many refugees stayed in **Istanbul** without registration. Refugees tried to go to provinces of registration without a road permit and in violation their signature obligations, however, they could not get registered. Refugees in **Izmir, Mugla, Aydin**, the **Marmara Region** and **Central Anatolia** have reported not being able to reach administrative staff (migration officers) at the PDMM offices with the security guards 'informing' them what to do. Security guards even referred people to other cities. This became common practice across Turkey, which is a concern considering security guards have no legal knowledge. In **Marmara** a person who had signed a voluntary return form wanted to apply again. Even though they had the right to re-apply, a security guard told them that they could not.¹³⁰

Times to register for international protection depended on the office and were as follows:

Registration appointments for the international protection procedure in 2020	
Within a week	Adana, Amasya, Bursa, Erzurum, Kırşehir, Mersin, Sivas
1 month	Ankara, Çanakkale, Konya, Malatya, Manisa Isparta, Samsun, Trabzon
Between 2 and 6 months	Denizli, İzmir, Kayseri, Mardin, Nevşehir, Niğde, Van
Longer than 6 months	Balıkesir, Çorum, Sakarya, Şanlıurfa
Unknown	Kahramanmaraş and Konya

Source: Information from a stakeholder after interviews in the field, provided in March 2021.

In 2020, lawyers in Istanbul worked on numerous cases of corrections to registration documents through the legal aid system. There were cases relating to registration of children and their custody. There were also cases where the surname of the person was written incorrectly in the records, or when a married person is documented as single, or a single person is documented as married. These were mistakes that PDMMs had made at the time of registration.¹³¹

¹²⁸ Information from a stakeholder, March 2021.

¹²⁹ Information from a stakeholder, March 2021.

¹³⁰ Information from a stakeholder, March 2021.

¹³¹ Information provided by a stakeholder, March 2021.

3.2. Applications from detention and at the border

Where an application for international protection is presented to law enforcement agencies on the territory or at border gates,¹³² the PDMM shall be notified “at once” and shall process the application.¹³³ Applications for international protection indicated by persons in detention shall also be notified to the PDMM “at once”.¹³⁴ In addition to Removal Centres for pre-removal detention on territory, there is one facility in the transit zone of **Ankara Esenboğa Airport**, which serve to detain persons intercepted in transit or during an attempt to enter Turkey (see [Place of Detention](#)).

Persons whose international protection application is received whilst in detention are released from the Removal Centre or police station and are issued an Administrative Surveillance Decision Form (*İdari Gözetim Kararı Sonlandırma Tebliğ Formu*), also known as “T6”, requesting them to regularly report to a designated PDMM. This may or may not be the PDMM of their province of residence (see [Alternatives to Detention](#)).¹³⁵ The “T6” forms became more common in 2018.¹³⁶ In 2019 in **Yalova** and **Karabük**, there was a trend in forcing non-Syrians to get a T6 form to be appointed to a specific city.¹³⁷ In **Istanbul** removal centres granted a travel permit with the T6 form in 2019 so there is no risk of detention or deportation whilst travelling to the referral city.¹³⁸

Despite the legal safeguards provided by the LFIP to secure access to the asylum procedure, people in Removal Centres continue to encounter severe difficulties in having their applications for international protection registered by the PDMM.¹³⁹ In **Van** an Iranian asylum seeker in the removal centre in 2019 received an interview date for 1.5 years later.¹⁴⁰

The situation was no easier in 2020 given the problems with COVID-19. Stakeholders are not aware of any application for international protection from a removal centre or at the border that was accepted in 2020.¹⁴¹

People in the removal centre in the **Central Anatolia region** were not provided information about applying for international protection unless they could access an NGO. NGOs advised clients to submit two petitions to the removal centre management, one to request a legal aid lawyer and the other to apply for international protection. These petitions were not forwarded to bar associations and legal aid centres, especially in **Kayseri**, although they were in **Erzurum**. There was a person in **Kayseri** whose petition to request a legal aid lawyer was disregarded 5 times before being successful on his 6th attempt.¹⁴²

It can also be difficult to apply for international protection from a removal centre in the **Marmara region**. Legal notifications are not made to legal aid lawyers in writing so lawyers have to call the removal centre as often as they can. Cases are time sensitive, especially in accelerated procedures, yet in 2020 it was not possible to call removal centres every day due to the pandemic.¹⁴³ **Malatya** removal centre was also problematic for applications for protection.

¹³² In Turkey, while National Police exercises law enforcement duties in residential areas and at border gates, the gendarmerie exercises police duties outside the residential areas.

¹³³ Article 65(2) LFIP.

¹³⁴ Article 65(5) LFIP.

¹³⁵ Information provided by a stakeholder, February 2019.

¹³⁶ Information provided by a stakeholder, March 2019.

¹³⁷ Information provided by a stakeholder, February 2020.

¹³⁸ Information provided by a stakeholder in Istanbul, March 2020.

¹³⁹ Information provided by a stakeholder, February 2019; a lawyer of the Istanbul Bar Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.

¹⁴⁰ Information provided by a lawyer from the Van Bar Association, March 2020.

¹⁴¹ Information provided by a stakeholder, March 2021.

¹⁴² Information provided by a stakeholder, March 2021.

¹⁴³ Information provided by a stakeholder, March 2021.

Access to the procedure from detention also concerns persons readmitted by Turkey. Whereas Article 64 RFIP entrusts the Ministry of Interior with the establishment of a separate framework of procedures for persons readmitted by Turkey pursuant to readmission agreements, there has not been any such instrument regulating the access of readmitted persons to the international protection procedure to date.

In the context of the implementation of the EU-Turkey statement between 4 April 2016 and 31 January 2020, Turkey readmitted a total of 2,054 persons from **Greece**, of whom 738 originated from Pakistan, 373 from Syria, 204 from Algeria, 140 from Afghanistan, 127 from Iraq and 104 from Bangladesh.¹⁴⁴ DGMM has established a specific code, “V89” entitled “Greece – return”, but stakeholders have not referred to this being used in practice. 139 people were readmitted from Greece in 2020.¹⁴⁵ Readmission operations were stopped as of 16 March 2020 and Turkey was still not accepting readmissions as of April 2021 due to public health concerns and the Covid-19 pandemic.¹⁴⁶ See the AIDA Country Report: Greece 2020.

Reports on the post-return human rights situation of Syrians document serious human rights violations such as arbitrary detention and deportation without access to legal aid and international protection (see also [Legal Assistance for Review of Detention](#)).¹⁴⁷

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☐ Yes ☒ No
3. Backlog of pending cases at first instance as of 31 December 2020: Not available

Applications for international protection shall be examined and decided upon by DGMM.¹⁴⁸ “Migration experts” from the Department of International Protection are in charge of processing applications at Headquarters and the PDMM.

A decision shall be issued within 6 months from registration.¹⁴⁹ However, this is not a binding time limit, as the law states that in case an application cannot be decided within 6 months the applicant will be notified. In practice, severe delays are observed in the completion of the international protection procedure, against the backdrop of capacity shortages at the PDMM. Applicants may wait for years for a decision to be taken on their application.¹⁵⁰

¹⁴⁴ UNHCR, *Returns from Greece to Turkey*, 31 January 2020, available at: <http://bit.ly/38XgArI>

¹⁴⁵ Ministry of Migration and Asylum, MoMa Yearly Report 2020, December 2020, available at: <https://bit.ly/3uBkAJC>, p. 5

¹⁴⁶ Information provided by a stakeholder, March 2021.

¹⁴⁷ Koc University, *An overview of the EU-Turkey Deal*, April 2019: <http://bit.ly/33oZLol>

¹⁴⁸ Article 78 LFIP.

¹⁴⁹ Article 78(1) LFIP.

¹⁵⁰ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

There are no statistics on the number of decisions taken by DGMM in 2017-2020. The latest available statistics referred to 30,380 decisions taken in 2016, of which 23,886 were positive and 6,494 were negative.¹⁵¹ In **Izmir** in 2019 there were concerns that there was a quota for the number of positive decisions in a year after an applicant was told their application had been rejected for that reason. In **Izmir** PDMM international protection applications from those who have been recognised as refugees by UNHCR are generally not rejected,¹⁵² although there was a judgment from **Bolu** 1st Administrative Court where an Iranian recognized as a refugee by UNHCR had his application for international protection rejected.¹⁵³

Overall, practice on the examination and the decision-making at first instance is not uniform across provinces. The quality of interviews, the assessment of evidence, the lack of identification of vulnerable groups, the lack of training of migration experts as well as the lack of available interpreters have been reported as particular concerns. Moreover, quality gaps at first instance have also been confirmed by Administrative Courts in certain cases. In 2020 there were concerns that negative decisions were issued without giving valid justifications.¹⁵⁴ Copies of the interview form are not usually shared, however, the PDMM office in **Central Anatolia, Kayseri** does give a copy of the interview form to the applicant. They have prepared new international protection guidelines and a new interview template. They state the reason for the rejection by checking the relevant box on the form. If they believe the applicant makes a false statement in the interview, they check that box on the form but do not elaborate further on the applicable reasons.¹⁵⁵

1.2. Prioritised examination and fast-track processing

Persons with special needs shall be “given priority with respect to all rights and proceedings” pertaining to the adjudication of international protection applications.¹⁵⁶ In practice, despite the severe obstacles to **Registration**, persons with special needs such as women in advanced stages of pregnancy, persons with acute health needs, or unaccompanied children have benefitted from prioritisation in the registration of international protection applications at the PDMM.¹⁵⁷ Detailed figures on the number of persons concerned by said prioritisation are not available, however.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☐ Yes ☒ No
 - ❖ If so, is this applied in practice, for interviews? ☐ Yes ☒ No

¹⁵¹ DGMM, *Annual Migration Report 2016*, available in Turkish at: <https://bit.ly/2TQdqU4>, 74-75

¹⁵² Information provided by a stakeholder in Izmir, February 2020.

¹⁵³ 1st Administrative Court of Bolu, Case 2019/428, Decision 2019/700.

¹⁵⁴ Information from a stakeholder, March 2021.

¹⁵⁵ Information from a stakeholder, March 2021.

¹⁵⁶ Article 67 LFIP.

¹⁵⁷ Information provided by a stakeholder, February 2019.

Under the regular procedure, the competent PDMM is required to carry out a personal interview with applicants within 30 days from registration,¹⁵⁸ to be conducted by personnel trained in fields such as refugee law, human rights and country of origin information.¹⁵⁹

Applicants are notified of the assigned place and date of their personal interview at the end of their **Registration** interview.¹⁶⁰ If the interview cannot be held on the assigned date, a new interview date must be issued.¹⁶¹ The postponed interview date must be no earlier than 10 days after the previous appointment date. Additional interviews may be held with the applicant if deemed necessary.¹⁶² In practice, however, applicants face significant delays, often up to several months, before a first interview.

The applicant may be accompanied in the interview by: (a) family members; (b) his or her lawyer as an observer; (c) an interpreter; (ç) a psychologist, pedagogue, child expert or social worker; and (d) the legal representative where the applicant is a child.¹⁶³

Audio or video records of the interviews may be taken, though in current practice no such audio or video records are used.

Generally, practice is not uniform across provinces and the quality of the procedure depends on the case officer handling the application.¹⁶⁴ There are two pilot decision centres located in **Istanbul** and **Ankara**. According to civil society and lawyers, however, the quality of interviews remains low in most PDMM.

Overall, in 2019 stakeholders reported that refugee status determination (RSD) interviews were often not carried out under proper conditions, vulnerabilities were often not considered and Afghans' applications for international protection seemed to be rejected by default.¹⁶⁵ For instance, in **Karabuk** police officers reportedly undertook RSD interviews and issued many rejections especially against Afghans. There had been no positive RSD decisions by early 2020 from the **Gaziantep** region. Afghans in particular received an automated rejection in **Elazig**, **Malatya** and **Adiyaman**.¹⁶⁶ In **Izmir** there was also an alleged increase in rejections of Afghan applications in 2019. In some cases DGMM notified new interview dates to those who had already been recognised as refugees by UNHCR - especially for Afghans registered in **Denizli** and **Çanakkale**. The number of rejections was high in these two cities in general. In **Van** the quality of RSD interviews decreased dramatically after the takeover by DGMM. Problems continued in 2020 with additional problems accessing interpreters because of the pandemic – this is both because less people including interpreters were working generally, but also because there were problems with access to PDMM offices and detention centres for all stakeholders including interpreters.

Interviews do not depend on credible country of origin information (COI) or there are discriminatory practices against specific groups such as Kurdish people coming from Iraq. It is unclear whether the vulnerabilities of specific groups are considered. There seems to be a general tendency to find a way to reject applications and the legal grounds of rejected decisions are quite superficial.¹⁶⁷

¹⁵⁸ Article 75(1) LFIP.

¹⁵⁹ Article 81(2) RFIP.

¹⁶⁰ Article 69(5) LFIP.

¹⁶¹ Article 75(4) LFIP.

¹⁶² Article 75(5) LFIP.

¹⁶³ Article 82(1) RFIP.

¹⁶⁴ Information provided by a stakeholder, February 2019.

¹⁶⁵ Information provided by a stakeholder, February 2020.

¹⁶⁶ Information provided by a stakeholder, February 2020.

¹⁶⁷ Information provided by a lawyer from the Van Bar Association, March 2020.

In 2020, interviews were mostly not carried out from March to June in the context of COVID-19.

In 2020 the Constitutional Court ruled that a deportation decision of a Karachay Turk from the Russian Federation was based on an insufficient Country of Origin research as it did not take into consideration the *non-refoulement* principle and thus violated the prohibition of ill-treatment principle. The court awarded 3,000 TL (approx. 300 EUR at time of writing) as non-pecuniary damages.¹⁶⁸

Interpretation

Applicants shall be provided with interpretation services, if they so request, for the purpose of personal interviews carried out at application, registration and personal interview stages.¹⁶⁹

Regarding the quality of interpretation during personal interviews, the personal interview shall be postponed to a later date where the interview official identifies that the applicant and the interpreter have difficulties understanding each other.¹⁷⁰ The interviewer shall inform the interpreter of the scope of the interview and the rules to be complied with.¹⁷¹

In 2019 the lack of adequate numbers of interpreters at the PDMM remained a major difficulty. At times PDMMs have not accepted interpreters provided by civil society organisations if they are not interpreters under oath.¹⁷² In small cities, notaries are not willing to go to removal centres but removal centre administrations still request interpreters under oath.¹⁷³ In **Antakya**, notaries are not willing to go to removal centres at all at weekends which causes problems.¹⁷⁴ In smaller provinces, individuals from within the registered asylum seeker communities are brought in as interpreters. Applicants generally report concerns regarding such community interpreters' observance of the confidentiality of the information they share and the quality of interpretation. There have also been concerns of people unofficially employed as interpreters by the authorities.

In most provinces, there are shortages or a lack of interpreters in specific rare languages spoken by applicants. Moreover, the number of female interpreters remains very low.¹⁷⁵ Lack of sensitivity to and censorship of applicant's statements have also been reported in claims relating to sexual orientation or gender identity.¹⁷⁶ Lawyers have expressed concerns about the quality of interpretation in removal centres including in important interviews on return.¹⁷⁷ Problems persisted in 2020.

Report

The interviewing official shall use a standard template called "International Protection Interview Form" to record the applicant's statements during the personal interview. This form is a template consisting of a predefined set of questions that must be presented to the applicant covering basic biographic information, profile indicators, reasons for flight and fear of return, among other.¹⁷⁸

¹⁶⁸ Constitutional Court, *Kemal Selpagarov case*, Decision 2016/12809, 16 January 2020.

¹⁶⁹ Article 70(2) LFIP.

¹⁷⁰ Article 86(2) RFIP.

¹⁷¹ Article 83(3) RFIP.

¹⁷² Information provided by a stakeholder, February 2019.

¹⁷³ Information provided by a stakeholder, February 2020.

¹⁷⁴ Information provided by a lawyer from the Antakya Bar Association, February 2020.

¹⁷⁵ Information provided by the Women's Solidarity Foundation, February 2019.

¹⁷⁶ Information provided by a stakeholder, February 2019.

¹⁷⁷ Information provided by a lawyer from the Antakya Bar Association, February 2020.

¹⁷⁸ Article 81(5) RFIP.

The interview official is required to read out the contents of the International Protection Interview Form to the applicant at the end of the interview and ask the applicant whether they are any aspects of the transcript that he or she wants to correct and whether there is any additional information he or she would like to present.¹⁷⁹

An interview report shall then be drafted at the end of the interview, and the applicant shall sign it and receive a copy.¹⁸⁰ In practice, applicants are not given a copy of the interview report.¹⁸¹ In **Istanbul** in 2020 a copy of the interview form was still not given to the applicants and applicants were not informed of the grounds for negative decisions.¹⁸²

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

❖ If yes, is it	☒ Yes	☐ No
❖ If yes, is it suspensive	☒ Judicial	☒ Administrative
	☒ Yes	☐ No
2. Average processing time for the appeal body to make a decision: Not available

Decisions must be communicated in writing.¹⁸³ Notifications of negative decisions should lay down the objective reasons and legal grounds of the decision. Where an applicant is not represented by a lawyer, he or she shall also be informed about the legal consequences of the decision and applicable appeal mechanisms. Furthermore, the notification of all decisions within the scope of the LFIP shall give due consideration to the fact that the “persons concerned are foreign nationals” and a separate directive shall be issued by DGMM to provide specifics on modalities of written notifications.¹⁸⁴ In practice, the decisions are in Turkish but translated by the PDMM into the language of applicants.¹⁸⁵

The LFIP provides two separate remedies against negative decisions issued in the regular procedure, one optional administrative appeal remedy and one judicial appeal remedy. When faced with a negative status decision by DGMM under the regular procedure, applicants may:¹⁸⁶

1. File an administrative appeal with the International Protection Evaluation Commissions (IPEC) within 10 days, and file an onward judicial appeal with the competent Administrative Court only if the initial administrative appeal is unsuccessful; or
2. Directly file a judicial appeal with the competent Administrative Court within 30 days.

In practice, the latter remedy is applied. Both types of appeals have automatic suspensive effect. Under the LFIP, applicants shall generally be allowed to remain in Turkey until the full exhaustion of remedies provided by LFIP against negative decisions,¹⁸⁷ subject to the derogation discussed in [Removal and Refoulement](#).

¹⁷⁹ Article 86(3) RFIP.

¹⁸⁰ Article 75(6) LFIP.

¹⁸¹ Information provided by a stakeholder, February 2019.

¹⁸² Information provided by a stakeholder, March 2021.

¹⁸³ Article 78(6) LFIP.

¹⁸⁴ Article 100 LFIP.

¹⁸⁵ Information provided by a stakeholder, March 2018.

¹⁸⁶ Article 80 LFIP.

¹⁸⁷ Article 80(1)(e) LFIP.

There was a pilot project in 2020 to conduct e-Hearings but this did not involve the peace courts or administrative courts.¹⁸⁸ Court cases were delayed in March and April 2020 and legal statutory time limits were suspended from March to June 2020.¹⁸⁹

1.4.1. Administrative appeal before IPEC

Negative decisions in the regular procedure may be appealed at the IPEC within 10 days of the written notification of the decision.¹⁹⁰

IPEC are envisioned as a specialised administrative appeal body and serve under the coordination of the DGMM Headquarters.¹⁹¹ One or more IPEC may be created under the auspices of either the DGMM Headquarters and/or PDMM.

Each Committee will be chaired by a DGMM representative, and will feature a second DGMM official as well as representatives of the Ministry of Justice and Ministry of Foreign Affairs. UNHCR may be invited to assign a representative in observer status.¹⁹² DGMM personnel assigned to the IPEC will be appointed for a period of 2 years whereas the Ministry of Justice and Ministry of Foreign Affairs representatives will be appointed for one-year term. IPEC are envisioned to serve as full-time specialised asylum tribunals as members will not be assigned any additional duties.¹⁹³

IPEC are competent to evaluate and decide appeals against the following decisions:¹⁹⁴

- a. Negative status decisions issued in the regular procedure;
- b. Other negative decisions on applicants and international protection status holders, not pertaining to international protection status matters as such;
- c. **Cessation** or **Withdrawal** of status decisions.

On the other hand, decisions on administrative detention, inadmissibility decisions and decisions in the accelerated procedure are outside the competence of IPEC.

IPEC review the initial DGMM decision on both facts and law.¹⁹⁵ The Commission may request the full case file from DGMM if deemed necessary. IPEC are authorised to interview applicants if they deem necessary or instruct the competent PDMM to hold an additional interview with the applicant.

Whereas the LFIP does not lay down a time limit for the finalisation of appeals filed with IPEC, Article 100(3) RFIP provides that the Commission shall decide on the appeal application and notify the applicant within 15 days of receiving the application, which may be extended by 5 more days.

IPEC do not have the authority to directly overturn DGMM decisions. The Commission may either reject the appeal and thereby endorse the initial DGMM decision, or it may request DGMM to reconsider its initial decision in terms of facts and law.¹⁹⁶ Therefore, decisions by IPEC cannot be considered as binding on

¹⁸⁸ For more information on e-Hearings, see Moroğlu Arseven, Virtual Justice in Turkey: Where We Are and What to Expect From the Future? 7 January 2021, available at: <https://bit.ly/2TelXQ8>.

¹⁸⁹ Article provided by a stakeholder.

¹⁹⁰ Article 80(1)(a) LFIP.

¹⁹¹ Article 134 RFIP.

¹⁹² Article 145 RFIP.

¹⁹³ Article 146 and 147 RFIP.

¹⁹⁴ Article 149 RFIP.

¹⁹⁵ Article 100(1) RFIP.

¹⁹⁶ Article 100(2) RFIP.

DGMM. If DGMM chooses to stick to its initial negative decision, the applicant will have to file a consequent judicial appeal with the competent Administrative Court.

In the past, IPEC did not seem to examine appeals against negative decisions. In one known case of a lawyer having submitted an appeal to IPEC, the lawyer has not received any information for several months.¹⁹⁷ It seems from lawyers and experts in the field that the IPEC is not an effective administrative appeal mechanism and applicants prefer directly filing a judicial appeal before the Administrative Court.¹⁹⁸

1.4.2. Judicial appeal at the Administrative Court

Negative decisions in the regular procedure may also be directly appealed at the competent Administrative Courts within 30 days of the written notification of the decision.¹⁹⁹ There is no requirement for applicants to first exhaust the IPEC step before they file a judicial appeal against a negative decision. However, if they choose to file an administrative appeal with IPEC first, depending on the outcome of the IPEC appeal, they can appeal a negative IPEC decision onward at the Administrative Court.

Under Turkish law, Administrative Court challenges have to be filed in the area where the act or decision in question was taken.²⁰⁰

While the LFIP has not created specialised asylum and immigration courts, Turkey's High Council of Judges and Prosecutors shall determine which Administrative Court chamber in any given local jurisdiction shall be responsible for appeals brought on administrative acts and decisions within the scope of the LFIP.²⁰¹ In 2015, the Council passed a decision to designate the 1st Chamber of each Administrative Court as responsible for appeals against decisions within the scope of LFIP. That said, these competent chambers continue to deal with all types of caseloads and do not exclusively serve as asylum and immigration appeal bodies. There have been concerns in the past about the quality of decisions and the high turnover of judges in magistrates' courts meaning they do not always have time to become knowledgeable on this type of case.²⁰²

There are no time limits imposed on Administrative Courts to decide on appeals against negative decisions in the regular procedure. Administrative Court applications are normally adjudicated in a written procedure. In theory, an applicant can request a hearing, which may or may not be granted by the competent court.

Administrative Courts are mandated to review the PDMM decision both on facts and law. If the application is successful, the judgment annuls the PDMM decision, but does not overturn it as such. According to administrative law, the first instance authority is obligated to either revise the challenged act or decision or appeal the Administrative Court decision to Council of State (*Danıştay*) within 30 days.²⁰³

Case-law of the Administrative Courts confirm that there are persisting gaps in the quality of first instance decisions. The Administrative Courts of **Ankara** and **İstanbul** are regarded as the most expert courts in

¹⁹⁷ Information provided by a lawyer of the Izmir Bar Association, March 2019.

¹⁹⁸ Information provided by a stakeholder, March 2018.

¹⁹⁹ Article 80(1)(ç) LFIP.

²⁰⁰ In Turkey, not all provinces have Administrative Courts in location. Smaller provinces which do not have an Administrative Court in location are attended by courts operating under the auspices of the nearest Administrative Court. The Administrative Court of each province is divided into several chambers which are designated with numbers.

²⁰¹ Article 101 LFIP.

²⁰² ECRE AIDA Database, 'Turkey: Judicial Review of Administrative Detention Decisions', 28 May 2018, available at: <https://bit.ly/3exWd8t>.

²⁰³ Article 28 Law on Administrative Court Procedures.

refugee law issues. Both courts quite diligently examine whether the negative decisions on international protection application are in line with the *non-refoulement* principle and have annulled decisions based on an incorrect assessment on the part of the DGMM. For instance, in a case of Christian Iranian applicant,²⁰⁴ the Administrative Court of Ankara rejected the argument of the DGMM and ruled that, according to Article 93 LFIP, the DGMM should have collected information and evaluated the claim based on objective and subjective evidence such as the current condition of Christians in Iran based on UNHCR and international NGOs' reports, as well as the personal story of the applicant. The court also noted that the DGMM should have assessed in each case whether the applicant should be protected either as a refugee, conditional refugee, or under subsidiary protection.

1.4.3. Onward appeal before the Regional Administrative Court and the Council of State

Applicants have the possibility of filing an onward appeal with the Regional Administrative Court and then the Council of State within 30 days.²⁰⁵ There is no time limit for the Regional Administrative Court and the Council of State to decide on the application. The Council of State decision on the onward appeal will constitute the final decision on the application since it cannot be further appealed.

It is difficult to give an exact number of refused and accepted decisions by the Regional Administrative Court and the Council of State. However, the following cases provide examples from case law:

- In a case rejected by the Administrative Court of Ankara, the Council State approved the court's decision on the international protection application of an Afghan family who had stated in their personal interview that their reason of entering Turkey was "to access better healthcare for their two disabled daughters" which is not a legal basis for international protection.²⁰⁶
- In another case concerning an Iranian applicant who did not appear before the PDMM of the assigned satellite city, the Council of State approved the rejection decision of the Administrative Court of Konya which had ruled that the applicant had not presented any evidence or statement on his delay in discharging his administrative duty. The applicant had claimed that "he was under depression during this time" in his appeal before the Council of State.²⁰⁷

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 - ☐ Yes ☐ With difficulty ☒ No
 - ❖ Does free legal assistance cover:
 - ☐ Representation in interview
 - ☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 - ☐ Yes ☒ With difficulty ☐ No
 - ❖ Does free legal assistance cover
 - ☒ Representation in courts
 - ☒ Legal advice

All applicants for and beneficiaries of international protection have a right to be represented by an attorney in relation to "all acts and decisions within the scope of the International Protection section of the LFIP", under the condition that they pay for the lawyer's fees themselves.²⁰⁸

²⁰⁴ 1st Administrative Court of Ankara, Decision No 2015/849, 22 April 2015.

²⁰⁵ Article 28 Law on Administrative Court Procedures.

²⁰⁶ Council of State, 10th Chamber, Decision 2017/4288.

²⁰⁷ Council of State, 10th Chamber, Decision 2017/5137, 27 November 2017.

²⁰⁸ Article 81(1) LFIP.

In principle, a notarised power of attorney is required for a lawyer to represent the asylum seeker,²⁰⁹ unless the applicant benefits from the Legal Aid Service, in which case the appointment letter is deemed sufficient to represent the applicant. That said, legal aid lawyers have reported being unable to enter the premises of PDMM without a power of attorney - particularly younger lawyers.²¹⁰ In 2019 in **Sivas** and **Kirkkale**, there were judgments where the court ruled against charging lawyers representing refugee applicants without a power of attorney 100 TL (around 15 EUR).²¹¹

As per the Union of Notaries Circular 2016/3 of 2 March 2016, the International Protection Applicant Identification Card is included in the list of documents accepted by public notaries. Still, the power of attorney requirement entails additional financial costs, which vary depending on location, and poses substantial obstacles to applicants in detention.

1.5.1. Legal assistance at first instance

Lawyers and legal representatives can accompany applicants during the personal interview.²¹² Furthermore, lawyers and legal representatives are guaranteed access to all documents in the file and may obtain copies, with the exception of documents pertaining to national security, protection of public order and prevention of crime.²¹³ International protection applicants and status holders are also free to seek counselling services provided by NGOs.²¹⁴

These safeguards, however, are inscribed as “freedoms” as opposed to “entitlements” that would create a positive obligation on the state to secure the actual supply and provision of legal counselling, assistance and representation services. In some cases, not necessarily linked to the international protection procedure, DGMM has prohibited lawyers from providing oral counselling to clients in the absence of a power of attorney.

The actual supply of free of charge and quality legal assistance to asylum seekers in Turkey remains limited mainly due to practical obstacles. That said, EU funding under the Facility for Refugees in Turkey was directed to UNHCR and the Union of Turkish Bar Associations (UTBA) for a €5million project launched in January 2018 for the provision legal aid to asylum seekers and refugees in 18 provinces.²¹⁵ This led to improvements in the field, as more bar associations have become involved in the area of international and temporary protection. The bar associations of the 18 provinces covered by the legal aid project (**Ankara, Izmir, Istanbul, Gaziantep, Şanlıurfa, Antakya, Kayseri, Adana, Denizli, Aydın, Bursa, Çanakkale, Kilis, Mersin, Trabzon, Edirne, Van, Erzurum**) have set up separate lists of lawyers specially trained in refugee law to deal *inter alia* with international protection procedures. Only specially trained lawyers are eligible for taking on a case.²¹⁶ Cases can concern deportation, international or temporary protection procedures, civil law disputes. Labour and criminal proceedings are excluded.²¹⁷

²⁰⁹ On this point, see Constitutional Court, Decision 2015/87, 8 October 2015, available in Turkish at: <http://bit.ly/2E3xSIn>.

²¹⁰ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

²¹¹ Information provided by a stakeholder, February 2020.

²¹² Article 75(3) LFIP.

²¹³ Article 94(2) LFIP.

²¹⁴ Article 81(3) LFIP.

²¹⁵ *Izgazete*, ‘Hukuksuz uygulamanın iptalini İzmir Barosu sağladı, 20 January 2018, available in Turkish at: <http://bit.ly/2DI9UmO>. See also UNHCR, *Turkey: Strengthening legal protection and access to justice*, May 2018, available at: <https://bit.ly/2HTqCAk>.

²¹⁶ Information provided by the Union of Turkish Bar Associations, February 2019.

²¹⁷ *Ibid.*

In 2020 three provinces were added to the UTBA project: **Eskişehir**, **Sakarya** and **Çankırı**. A new legal clinic will be opened in Kilis in 2021. According to UNHCR, 3,800 refugees and asylum seekers received advice through legal clinics in 2020.²¹⁸

Overall, the project has been seen as extremely beneficial.²¹⁹ Benefits have included an increase in refugees' access to justice and information, as evidenced by information materials on display in removal centres targeted by the project but not in others, which are not project cities.²²⁰ Some concerns have been expressed that the lawyers are not assigned quickly enough in cases that are time-sensitive such as deportation cases. In addition, legal aid budgets are determined according to the number of lawyers and citizens in the province but non-citizens such as applicants for international protection are not considered when the budget is planned.²²¹ There have also been concerns expressed whether people issued with a security code are able to access legal aid under the scheme although the situation on that point is not clear.²²²

Requests for legal aid can be issued from an asylum seeker, a third party or a Removal Centre. Civil society organisations are the main source of referrals for legal aid with direct applications from refugees and migrants but even this group remains low. This has provided the impetus for the legal aid scheme to extend to persons seeking international protection, and in some cases, for bar associations to take additional steps in contributing to refugee protection in Turkey.²²³ In practice, however, not all bar associations accept referrals from NGOs or third parties.²²⁴ Bar associations allocate cases through an automated system and decide whether they are eligible for legal aid under the project, otherwise it is channelled into their general Legal Aid Scheme (*Adli Yardım*) discussed below.²²⁵ In addition, not all the cases referred by NGOs are eligible for legal aid.²²⁶ One practical issue concerns asylum seekers who have been issued a security code e.g. "G87" or "G89", as they are not covered by the aforementioned legal aid project funding and it is up to bar associations to cover costs with additional funding, if they can.²²⁷

The Union of Bar Associations in Turkey has also launched a telephone interpretation service for court staff and lawyers providing legal aid to Syrian and non-Syrian applicants in two languages. However, this service cannot be used in Removal Centres as lawyers are not allowed to carry phones in detention facilities,²²⁸ apart from **Izmir**, **Antakya**, **Van**, **Gaziantep** and **Sanliurfa**, where a fixed line is provided to lawyers.²²⁹

Beyond the involvement of bar associations, there are a number of NGOs providing modest legal information and assistance services but they do not have the resources and operational capacity to establish a significant level of field presence throughout the country. Considering the size of the asylum-seeking population and Turkey's geographical dispersal policy (see [Freedom of Movement](#)), asylum seekers in most locations do not have access to specialised legal counselling and assistance services by NGOs at first instance. NGOs providing legal assistance and representation to asylum seekers include SGDD-ASAM, Support to Life, International Refugee Rights Association (*Uluslararası Mülteci Hakları Derneği*), Refugee Rights Turkey (*Mülteci Hakları Merkezi*), Mülteci-Der, IKGV and Red Umbrella Sexual

²¹⁸ UNHCR Turkey, *2020 Operational Highlights*, available at: <https://bit.ly/3esx9AE>.

²¹⁹ Information provided by a lawyer from the Izmir Bar Association, February 2020.

²²⁰ Information provided by a stakeholder, February 2020.

²²¹ Information provided by a stakeholder, March 2021.

²²² Information from a stakeholder, March 2021.

²²³ Refugee Rights Turkey, *Access to State-Funded Legal Aid Services by Asylum Seekers and Migrants in Turkey: Challenges and Opportunities*, January 2019, available at: <http://bit.ly/33m3P97>

²²⁴ *Ibid.*

²²⁵ Information provided by a lawyer of the Izmir Bar Association, February 2019.

²²⁶ Information provided by a lawyer from the Istanbul Bar Association

²²⁷ Information provided by the Union of Turkish Bar Associations, February 2019.

²²⁸ Information provided by a stakeholder in Istanbul, February 2019.

²²⁹ Information provided by stakeholders in Izmir, Antakya, Van, Gaziantep and Sanliurfa, March 2020.

Health and Human Rights Association among others. In the absence of any dedicated state funds to fund legal assistance services by NGOs to asylum seekers, the limited amount of project-based external funding available to NGO providers, insufficient prioritisation of direct legal service activities in donor programmes and stringent bureaucratic requirements of project-based funding make it very difficult for specialised NGO legal service providers to emerge and prosper. Access to NGOs was further restricted during COVID-19 due to the suspension of activities and the impossibility to provide in-person services (see [Access to NGOs and UNHCR](#)).

Partners in coordination with UNHCR can only provide legal counselling service if the applicant has ‘no suspect in relation with terrorism’.²³⁰ They refer complaints or requests to legal clinics. If the request is not urgent, it takes around ten days for an appointment with the legal aid lawyer through legal aid offices because there is also an approval procedure from UNHCR for each appointment.²³¹

1.5.2. Legal assistance in judicial appeals

Persons who do not have the financial means to pay a lawyer are to be referred to the state-funded Legal Aid Scheme (*Adli Yardım*) for judicial appeals in the international protection procedure.²³² The LFIP simply makes reference to the existing Legal Aid Scheme which in theory should be accessible to all economically disadvantaged persons in Turkey, including foreign nationals.

The Legal Aid Scheme is implemented by the bar associations in each province subject to “means” and “merits” criteria, at the discretion of each bar association board. The assessment of “means” varies across bar associations, with **Mersin** and **Kahramanmaraş** requiring a certificate attesting the individual’s financial need (*fakirlik belgesi*) while others like **Gaziantep** and **Şanlıurfa** do not require such a document.²³³

One practical impediment to more active involvement by bar associations is the overall scarcity of legal aid funding made available to bar associations from the state budget. While technically all types of “lawyer services” fall within the scope of legal aid as per Turkey’s Law on Attorneys, in practice the Legal Aid Scheme in Turkey provides free legal representation to beneficiaries in relation with judicial proceedings as distinct from legal counselling and consultancy services short of court proceedings. This is indeed a principle reaffirmed by Article 81(2) LFIP, which provides that international protection applicants may seek state-funded legal aid in connection with judicial appeals pertaining to any acts and decisions within the international protection procedure.

The costs associated with bringing a case before an Administrative Court in Turkey include notary fees for the power of attorney, sanctioned translations of identity documents, court application and other judicial fees and postal fees. Since the Legal Aid Scheme only covers a modest attorney fee, applicants are required to cover these costs from their own resources. Although it is possible to request a waiver of these costs from the court, judges have wide discretion on whether to grant such exemptions and in some cases decline the request without providing any substantial reason.²³⁴

The level of financial compensation afforded to lawyers within the state-funded Legal Aid Scheme is modest and is typically aimed to attract young lawyers at the early stages of their professional careers. The payments to legal aid lawyers are made on the basis of the type of legal action undertaken as opposed to

²³⁰ Information provided by a stakeholder, February 2020.

²³¹ Information provided by ASAM Gaziantep February 2020.

²³² Article 81(2) LFIP.

²³³ Information provided by a stakeholder, February 2019; a lawyer of the Şanlıurfa Bar Association, February 2019.

²³⁴ The Council of State ruled in one case that the right to request waiver of the costs should be reminded and examined by the Administrative Court in each case: Decision No 2016/1830, 31 March 2016.

hours spent on the case.²³⁵ As a result, there are insufficient incentives for legal aid lawyers to dedicate generous amounts of time and effort into asylum cases. That said, the aforementioned legal aid project implemented by UNHCR and the Union of Bar Associations provides targeted funding to 18 bar associations for international and temporary protection-related cases.

In an interesting case about legal aid, the Constitutional Court ruled in 2020 that a first instance court decision to not provide legal aid to a Russian Federation citizen of Chechen ethnicity violated the applicant's right to an effective remedy. The Constitutional Court granted him the right to retrial.²³⁶ Following his detention in a removal centre and the deportation decision against him, his legal aid application was rejected by the Administrative Court. Although he was at serious risk of torture in case of his deportation to Russia, the appeal was not deemed to have been filed because legal fees were not paid. S.B. appealed before the Constitutional Court for the violation of "right to life", "prohibition of torture", "right to due process", and "right to an effective remedy". The Court ruled that there was a violation of the right to an effective remedy and suspended S.B.'s deportation until the appeal had been heard, although his compensation claim was eventually rejected.²³⁷

2. Dublin

The Dublin III Regulation does not apply in Turkey.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

According to Article 72(1) LFIP, there are 4 grounds on which an application may be considered inadmissible:

- (a) A **Subsequent Application** where "the applicant submitted the same claim without presenting any new elements";
- (b) An application submitted by a person, who was previously processed as a family member and signed a waiver to give up on his or her right to make a personal application, where the person submits a personal application: (i) either after the rejection of the original application, without presenting any additional elements; or (ii) or at any stage during the processing of the original application, without presenting any justifiable reason;
- (c) An application by a person who arrived in Turkey from a **First Country of Asylum**;
- (ç) An application by a person who arrived in Turkey from a **Safe Third Country**.

An inadmissibility decision can be taken "at any stage in the procedure" where the inadmissibility criteria are identified.²³⁸ However, the examination of inadmissibility criteria under Article 72 LFIP must be carried out by the PDMM during the **Registration** stage.²³⁹

Depending on the outcome of the inadmissibility assessment by the PDMM,

²³⁵ For example, in 2019, the **Aydın** Bar Association granted 2180 TL for actions before Civil Courts: Aydın Bar Association, *Adli Yardım Görevlendirmeleri Ücret Tarifeleri*, available in Turkish at: <https://bit.ly/2umZFNk>.

²³⁶ Constitutional Court, S.B, 2017/19758, 2 December 2020.

²³⁷ Bianet, "Refusal Of Refugee's Legal Aid Application Is A Violation of The Right to An Effective Remedy" (in Turkish), 10 April 2021, available at: <https://bit.ly/3fTEQCm>.

²³⁸ Article 72(2) LFIP; Article 74(3) RFIP.

²³⁹ Article 73 RFIP.

- ❖ If an applicant is considered to fall into criteria listed in (a) or (b) above, the PDMM will issue the inadmissibility decision and notify the DGMM Headquarters within 24 hours, however, there is no time limit for the finalisation of the inadmissibility assessment by the PDMM;
- ❖ If an applicant is considered to fall into criteria listed in (c) or (ç) above, the PDMM will refer the file to the DGMM Headquarters, which will finalise the inadmissibility determination and may or may not issue an inadmissibility decision. There is no time limit for the referrals to the DGMM Headquarters and the finalisation of the inadmissibility determination.

Inadmissibility decisions must be communicated to the applicant in writing.²⁴⁰

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure?

☒ Yes	☐ No
❖ If so, are questions limited to identity, nationality, travel route?	☐ Yes ☒ No
❖ If so, are interpreters available in practice, for interviews?	☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Article 74(1) RFIP requires the PDMM to conduct an interview with the applicant prior to taking an inadmissibility decision.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

☒ Yes	☐ No
❖ If yes, is it	☒ Judicial ☐ Administrative
❖ If yes, is it suspensive	☒ Yes ☐ No

Inadmissibility decisions can only be appealed before the competent Administrative Court.²⁴¹ Such decisions must be appealed within 15 days of the written notification of the decision, as opposed to 30 days in the [Regular Procedure: Appeal](#).²⁴² The application to the Administrative Court carries automatic suspensive effect.

The 15-day time limit for appealing inadmissibility decisions was contested before the Constitutional Court as unconstitutional, on the basis that it was disproportionate in view of applicants' inability to obtain legal assistance in these cases ([Admissibility Procedure: Legal Assistance](#)). The Court found Article 80(1)(ç) LFIP to be compatible with the Turkish Constitution, holding that the rules on inadmissibility are not complex to such an extent as to prohibit applicants from challenging a negative decision in person within the 15-day deadline.²⁴³

²⁴⁰ Article 72(3) LFIP.

²⁴¹ Article 80(1)(a) LFIP.

²⁴² Article 80(1)(ç) LFIP.

²⁴³ Constitutional Court, Decision 2016/134, 14 July 2016, available in Turkish at: <http://bit.ly/2rU0GOE>.

In 2020 there seemed to be a trend whereby international protection applicants who were taken to removal centres after the issuance of a deportation decision against them had an inadmissibility decision issued about their international protection applications whilst they were in detention. It seemed that while an applicant was being held in a removal centre in one city, a decision about their international protection application was issued by a PDMM in a different city. The decisions seemed mostly negative.²⁴⁴

3.4 Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes ☐ With difficulty ☒ No

❖ Does free legal assistance cover:

☐ Representation in interview
☐ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

☐ Yes ☒ With difficulty ☐ No

❖ Does free legal assistance cover

☒ Representation in courts
☒ Legal advice

The rules and practice set out in [Regular Procedure: Legal Assistance](#) apply. However, applicants whose claims are dismissed as inadmissible face obstacles in accessing legal representation for the purpose of lodging an appeal given that they are not issued an International Protection Application Identification Card on the basis of which power of attorney may be granted. Access to legal assistance is exacerbated by the shorter deadline of 15 days to lodge an appeal against an inadmissibility decision, compared to 30 days in the regular procedure.

4. Border procedure (border and transit zones)

The LFIP does not lay down a specific border procedure as such although the RFIP mentions that PDMM shall be promptly notified of applications made at the border.²⁴⁵

Applications made after the border crossing are subject to the general rules laid down by the LFIP. However, in relation to applications made before the border crossing, in the transit area of an airport or after the person has been refused entry at the border, the competent PDMM shall be notified by the border authorities and brought in to handle the application. Designated officials from the PDMM “are to determine, as first matter of business”, whether the application should be subject to the [Accelerated Procedure](#).²⁴⁶

Facilities where persons apprehended without valid documentation are held exist in **Istanbul** Airport, **Istanbul** Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **Izmir** Adnan Menderes Airport. The main airport in **Istanbul** is now Istanbul Airport and the application procedure has improved (see [Access at the airport](#)).

²⁴⁴ Information from a stakeholder, March 2021.

²⁴⁵ Article 67(1) RFIP.

²⁴⁶ *Ibid.*

5. Accelerated procedure

5.1. General (scope, grounds for accelerated procedure, time limits)

Article 79(1) LFIP lays down 7 grounds for referring an application to the accelerated procedure, where the applicant:

- (a) Has not raised any issues pertinent to international protection when lodging an application;
- (b) Has misled the authorities by presenting false documents or misleading information and documents, or by withholding information or documents that would have a negative impact on the decision;
- (c) Has destroyed or disposed of his or her identity or travel document in bad faith in an attempt to prevent determination of his or her identity or nationality;
- (ç) Has made an international protection application after being detained for the purpose of removal;
- (d) Has applied for international protection solely for the purpose of preventing or postponing the execution of a removal decision;
- (e) Poses a danger to public order or security, or has previously been deported from Turkey on these grounds;
- (f) Files a **Subsequent Application** after his previous application was considered implicitly withdrawn.

The examination of accelerated procedure criteria under Article 79 LFIP must be carried out by the PDMM during the **Registration** stage.²⁴⁷

In the handling of applications processed under the accelerated procedure the personal interview shall take place within 3 days of the application, and the decision shall be issued within 5 days of the personal interview.²⁴⁸ Where this time limit cannot be complied with, the applicant may be taken off the accelerated procedure and referred to the regular procedure.²⁴⁹

As discussed in **Detention of Asylum Seekers**, Article 68 LFIP allows for the administrative detention of international protection applicants during the processing of their claim for up to 30 days. Technically, an applicant subject to the accelerated procedure may or may not be detained depending on the competent PDMM's interpretation of the applicant's circumstances against the detention grounds.

The accelerated procedure is applied in practice, for example in the case of persons detained in Removal Centres, although statistics are not publicly available.²⁵⁰ According to NGOs and lawyers in the field, applications subject to accelerated procedures generally obey the time limits set out in the law. However, decisions have been taken without respecting the 8-day time limit.²⁵¹ In **Izmir**, in one case of an accelerated procedure, the applicant received the decision in 2019 after 5 years.²⁵² The procedures are also different from one PDMM to another. For instance, **Adana** PDMM follows an accelerated procedure for people in the removal centre in Adana. However, Ankara Akyurt removal centre follows the regular procedure.²⁵³ Lawyers have expressed concerns that applicants are not informed of their right to access legal assistance.²⁵⁴

²⁴⁷ Article 73 RFIP.

²⁴⁸ Article 79(2) LFIP.

²⁴⁹ Article 79(3) LFIP; Article 80(3) RFIP.

²⁵⁰ Information provided by UNHCR, February 2019.

²⁵¹ Information provided by a stakeholder, February 2018.

²⁵² Information provided by a stakeholder in Izmir, March 2020.

²⁵³ Information provided by a stakeholder, March 2021.

²⁵⁴ Information provided by a stakeholder, March 2021.

As regards the application of the accelerated procedure in the **Marmara** region, the 15-day period starts running from the date of the written notification to the applicants. However, legal aid lawyers are not informed of the notification and, legally, applicants are not notified either. They are often notified ‘verbally’. This unlawful notification practice at removal centres has been appealed, but in practice most appeals are usually rejected due to the fact that the time limit is not respected.²⁵⁵

In 2020 in **Istanbul** accelerated procedures and rejection decisions were issued to international protection applicants at the airport.²⁵⁶ Rejection decisions were also granted through accelerated procedures by the PDMM where applications had been pending for a long time; reaching up to 6 months or 1 year in certain cases.²⁵⁷

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure? ☒ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Article 80(2) RFIP provides that the accelerated procedure “shall not prevent the application to be assessed in detail”. However, the assessment is not thorough and detailed in practice. Personal interviews of international protection applicants in Removal Centres are conducted by the Removal Centre officers and generally take 5-10 minutes.²⁵⁸ Similar observations have been reported for interviews at the airport: cases of interviewers likely to ‘manipulate’ the applicant’s statements and try to conclude economic needs as the reason for their entry into Turkey have been reported.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it suspensive ☒ Yes ☐ No

There are several significant differences between appeals in the regular procedure and appeals in the accelerated procedure. Negative decisions under the accelerated procedure must be directly appealed at the competent Administrative Court. The application to the administrative court carries automatic suspensive effect.

Unlike in the **Regular Procedure: Appeal**, the court must decide on the appeal within 15 days in appeals originating from the accelerated procedure. The decision by the Administrative Court is final. It cannot be

²⁵⁵ Information provided by a stakeholder, March 2021.

²⁵⁶ Information provided by a stakeholder, March 2021.

²⁵⁷ Information provided by a stakeholder, March 2021.

²⁵⁸ Information provided by a stakeholder, March 2018.

appealed before a higher court.

Administrative Courts have examined cases in the accelerated procedure, in some cases annulling the first instance decision. For instance, in its ruling on an Iraqi woman who made her international protection application after 3 years after her entry into Turkey, the Administrative Court of Ankara assessed that claims on gender-based violence of the applicant had not been sufficiently assessed and examined by the public authorities, and annulled the negative decision.²⁵⁹ In a judgment from 2018, the Administrative Court annulled a first instance decision taken in the accelerated procedure concerning a man facing religious persecution in Iran.²⁶⁰

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☒ No
❖ Does free legal assistance cover:
☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover
☒ Representation in courts
☒ Legal advice

The same rules as in the [Regular Procedure: Legal Assistance](#) apply. For an overview of difficulties encountered by applicants subject to accelerated procedure in detention when trying to access legal assistance services, see the section [Legal Assistance for Review of Detention](#). In the past applicants in the accelerated procedure were not issued an International Protection Applicant Identification Card and their ability to issue a power of attorney was severely limited. However, after changes to Article 76(2) LFIP in December 2019 they can be now issued an identity document. It is too early to know how this will be applied in practice, particularly given the COVID-19 pandemic. The Administrative Court requires a power of attorney to be presented within 10 days, otherwise it considers the appeal inadmissible.²⁶¹

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
☐ Yes ☐ For certain categories ☒ No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children?
☒ Yes ☐ No

²⁵⁹ 1st Administrative Court of Ankara, Decision 2017/3192, 29 December 2017.

²⁶⁰ 1st Administrative Court of Izmir, Decision 2018/894, 22 October 2018.

²⁶¹ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

According to the law, the “persons with special needs” category includes “unaccompanied minors, handicapped persons, elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence.”²⁶²

Neither the LFIP nor the RFIP include LGBTI persons in the list of categories of “persons with special needs”. Difficulties have been reported in practice with regard to the way in which applicants are interviewed about issues pertaining to sexual orientation and gender identity, ranging from inappropriate terminology or offensive questions to verbal abuse during registration interviews.²⁶³ In one LGBTI case **Kastamonu** PDMM asked for a medical report to prove that the applicant was a LGBTI person.²⁶⁴

1.1. Screening of vulnerability

RFIP states that it “shall be primarily determined” whether the applicant is a person with special needs.²⁶⁵ The PDMM are required to make an assessment during registration whether the applicant belongs in one of the categories of “persons with special needs”, and to make a note in the applicant’s registration form if he or she has been identified as such. An applicant may also be identified as a “person with special needs” later on in the procedure.²⁶⁶

According to the law, DGMM may cooperate with relevant public institutions, international organisations and NGOs for the treatment of persons subjected to torture or serious violence.²⁶⁷

No official mechanism for the identification of vulnerabilities in the asylum procedure has been established to date. Under the previous **Registration** system, the joint registration interview conducted by UNHCR / SGDD-ASAM enabled the detection of specific needs of the applicant, which were then taken into consideration *inter alia* in the assignment of a “satellite city” in close coordination with the DGMM Headquarters (see **Freedom of Movement**). Following the transition to exclusive registration by DGMM, it is not clear how the PDMM assess special needs in practice.²⁶⁸ Nevertheless, UNHCR still refers vulnerable cases to the PDMM to prioritise registration. In 2019 assessments of applicants’ vulnerabilities and their registration were very slow.²⁶⁹ Difficulties in access to all procedures were compounded in 2020 due to COVID-19. There was complete lockdown from mid-March and from April to June. Those who were not in professions that were allowed to work could only leave their houses during limited hours for exercise. Those with poor health were isolating for most of 2020. Refugees and people seeking international protection were often short of masks and hygiene equipment that was given to them sporadically by NGOs, UNHCR and others.

1.2. Age assessment of unaccompanied children

While the LFIP does not contain any provisions on age assessment, the RFIP provides guidance regarding the role of age assessment in the identification of unaccompanied children applicants. The Regulation states that where the applicant claims to be of minor age, but does not possess any identity documents indicating his or her age, the governorates shall conduct a “comprehensive age determination” consisting

²⁶² Article 3(1)(I) LFIP.

²⁶³ Kaos GL, *Waiting to be “safe and sound”: Turkey as an LGBTI refugees’ way station*, July 2016, available at: <http://bit.ly/2ynEqdO>, 33-37.

²⁶⁴ Information provided by a stakeholder, February 2020.

²⁶⁵ Article 113(1) RFIP.

²⁶⁶ Article 113(2) RFIP.

²⁶⁷ Article 113(3) RFIP.

²⁶⁸ Information provided by a stakeholder, February 2019.

²⁶⁹ Information provided by a stakeholder, February 2020.

of a physical and psychological assessment.²⁷⁰ The applicant shall be notified as to the reason of this referral and the age assessment proceedings that will be undertaken.²⁷¹

If the age assessment exercise indicates without a doubt that the applicant is 18 years of age or older, he or she shall be treated as an adult. If the age assessment fails to establish conclusively whether the applicant is above or below 18 years of age, the applicant's reported age shall be accepted to be true.

While neither the LFIP nor the RFIP make any provisions regarding the methods to be used in age assessment examinations on international protection applicants, according to the guidelines of the State Agency for Forensic Medicine, for the purpose of age assessment examinations, physical examination and radiography data of the person (including of elbows, wrists, hands, shoulders, pelvis and teeth) are listed as primary sources of evaluation. No reference is made to any psycho-social assessment of the person. Also, according to the (then) Ministry of Family and Social Services' 2015 Directive on unaccompanied children, the PDMM issue a medical report on the physical condition of the children before placing them in Ministry premises.²⁷²

In practice, bone tests are applied to assess the age of unaccompanied children referred to the Ministry of Family and Social Services to be taken into care.²⁷³ The accuracy of tests on the jawbone can range between +2/-2 years older or younger. If a test result indicates a child is aged 16 give or take two years, then the authorities still tend to interpret the assessment at the upper threshold.²⁷⁴

To stop this practice, previous legal actions from the Ankara Bar Association and SGDD-ASAM have obtained protection orders for children in order to secure their placement in public institutions for children.²⁷⁵ If the bone test determines the child to be younger than 17, the Ministry can also conduct a psychosocial assessment.

When children are caught attempting to illegally leave the country, the ID from their country of origin or the ID they are provided with while in Turkey is used to determine their age. If the child has no documentation, officials assign the child an age according to the child's appearance and behavior. If the child is not sure of their age or says they are 17, they get documented as 18. African children are often recorded as 18, even at the age of 16, as they reportedly look more mature. In these cases, they are wrongly taken into administrative detention. In **Izmir**, there are two first admissions units (ilk kabul birimi) in Bornova and Buca; one for boys and one for girls. Children who are documented as a child are directly transferred to these first admission units. For boys, there is an open-door system - they can leave whenever they want. For girls, a relative needs accompany them out. Unit officers generally try to contact their relatives through their ID. Boys usually leave the institution on the same day. There was a recent case of 7-8 Somalian girls. Authorities in the first admission unit handed the girls to 3 adult men who said that they were relatives without providing documentation. The Somalian girls were later found working in the textile sector. The situation of these children is usually not followed. The admission unit has limited capacity and the children themselves do not want to stay in these units due to poor living conditions.²⁷⁶

It can be very difficult to know whether a child is in a removal centre or not. This information is not shared with NGOs due to the KVKK (Personal Data Protection Act). **Erzurum** removal centre has often claimed

²⁷⁰ Article 123(2)(b) RFIP.

²⁷¹ Article 123(2)(c) RFIP.

²⁷² Article 6 Ministry of Family and Social Services Directive No 152065 on Unaccompanied Children.

²⁷³ Information provided by a lawyer from the Ankara Bar Association, March 2019.

²⁷⁴ Information provided by a stakeholder, March 2020.

²⁷⁵ See e.g. 3rd Children's Court of Ankara, Decision 2017/712, 29 December 2017 based on Article 9 Law No 4395 on Child Protection.

²⁷⁶ Information provided by a stakeholder, March 2021.

that they are not children but adults. The removal centre requests a document from the child's country of origin proving that the child is not an adult but this process takes more than 1 month. Even when the families provide the documents, the removal centre can reject them due to a missing notary stamp or the lack of a stamp of the Consulate. Erzurum removal centre tends to register all children's age as 18+.²⁷⁷

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes

☐ For certain categories

☐ No

❖ If for certain categories, specify which:

2.1. Adequate support during the interview

The LFIP makes a number of special provisions for "persons with special needs" including unaccompanied children. However, with the exception of unaccompanied children, the law falls short of providing comprehensive additional procedural safeguards to vulnerable categories of international protection applicants.

During the personal interview, where persons with special needs are concerned, the applicant's sensitive condition shall be taken into account.²⁷⁸ However, no specific guidance is provided either in the LFIP or the RFIP as to whether the applicant's preference on the gender of the interpreter should be taken into consideration or not. In practice, the confidentiality of interviews is not appropriately ensured in most cases, as interviews take place in open spaces at the different PDMM. This creates obstacles for applicants with sensitive cases such as LGBTI persons.²⁷⁹ LGBTI refugees have also stated that they were subjected to verbal abuse by some officers and other refugees in PDMM, and that they were mocked due to their sexual orientations and gender identities.²⁸⁰

The RFIP instructs that interviews with children shall be conducted by trained personnel, sufficiently informed on the child's psychological, emotional and physical development.²⁸¹ The decision-making official shall give due regard to the possibility that the child may not have been able to fully substantially his or her request for international protection. Furthermore, if a psychologist, a pedagogue or a social worker was arranged to attend the interview, the expert's written report on the child shall also be taken into consideration.

2.2. Prioritisation and exemption from special procedures

The law requires "priority" to be given to "persons with special needs" in all procedures, rights and benefits extended to international protection applicants.²⁸² Registration interviews with unaccompanied minors and other persons who are unable to report to the designated registration premises in the province may be carried out in the locations where they are.²⁸³ It is understood from current practice that PDMM provide priority to unaccompanied children in registration process and personal interviews.

²⁷⁷ Information provided by a stakeholder, March 2021.

²⁷⁸ Article 75(3) LFIP.

²⁷⁹ Information provided by a stakeholder, February 2019.

²⁸⁰ Kaos GL report, *Turkey's challenge with LGBTI refugees*, 4 December 2019, at: <http://bit.ly/2TXasf4>.

²⁸¹ Article 123(2)(g) RFIP.

²⁸² Article 67 LFIP; Article 113(2) RFIP.

²⁸³ Article 65(2) RFIP.

Unaccompanied children are exempted from the **Accelerated Procedure** and they may not be detained during the processing of their application, since Article 66 LFIP unambiguously orders that unaccompanied minor applicants shall be referred to an appropriate accommodation facility under the authority of the Ministry of Family and Social Services.

No such provisions are made in relation to other categories of vulnerable applicants. With the exemption of unaccompanied children, other vulnerable groups may be subjected to the accelerated procedure.

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

Article 69(4) LFIP provides that at the time of registration, the responsible authorities shall request that international protection applicants provide information and documents related to reasons for leaving their country of origin and events that led to the application. This provision can be interpreted as a possibility for the applicant to submit a medical report in support of the application. In addition, there is no provision in the LFIP which bars individuals from presenting documents and information in support of their international protection application at any stage of the determination proceedings.

Current practice does not suggest that medical reports have been relied upon by applicants in the international protection procedure. However, medical reports are deemed as strong evidence supporting international protection applications and increase the possibility of obtaining a positive decision from the DGMM.²⁸⁴

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? ☒ Yes ☐ No

According to Article 66 LFIP, from the moment an unaccompanied child international protection applicant is identified, the best interests of the child principle must be observed and the relevant provisions of Turkey's Child Protection Law²⁸⁵ must be implemented. The child applicant must be referred to an appropriate accommodation facility under the authority of the Ministry of Family and Social Services. There is still no information on the number of unaccompanied children in Turkey and a tendency for them not to be taken into the care of state institutions despite the recent amendment.²⁸⁶

According to the Turkish Civil Code, all children placed under state care must be assigned a guardian.²⁸⁷ Specifically, all children who do not benefit from the custody of parents (*velayet*) must be provided guardianship (*vesayet*).²⁸⁸ The assignment of guardians is carried out by Peace Courts of Civil Jurisdiction (*Sulh Hukuk Mahkemesi*) and guardianship matters are thereafter overseen by Civil Courts of General

²⁸⁴ Information provided from a stakeholder, February 2019.

²⁸⁵ Law No 4395 on Child Protection.

²⁸⁶ Information provided by a stakeholder, February 2020. For more on the amendment see, Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

²⁸⁷ Law No 4721 on the Civil Code.

²⁸⁸ Article 404 Civil Code.

Jurisdiction (*Asliye Hukuk Mahkemesi*). A guardian under the Turkish Civil Code should be “an adult competent to fulfil the requirements of the task”, not engaged in an “immoral life style” or have “significant conflict of interest or hostility with the child in question”. Relatives are to be given priority to be appointed as guardians.²⁸⁹ Therefore, as far as the legal requirements, qualified NGO staff, UNHCR staff or Ministry of Family and Social Services staff would qualify to be appointed as guardians for unaccompanied minor asylum seekers.

Guardians are responsible for protecting the personal and material interests of the minors in their responsibility and to represent their interests in legal proceedings.²⁹⁰ Although not specifically listed in the provisions, asylum procedures would fall within the mandate of the guardians. As a rule, a guardian is appointed for 2 years, and thereafter may be reappointed for additional two terms.²⁹¹

The appointment of guardians to unaccompanied children is generally carried out without difficulty although lawyers in **Ankara** have witnessed difficulties.²⁹² In some cases, the responsibility for children has been granted to people with no qualification or who are not their first degree relative. Children have also been forced to beg in the streets and/or to work.²⁹³

LGBTI and other ex-minors benefit from UNHCR’s fund and receive pocket money of around 200 TL (30 EUR) a month.²⁹⁴ The cash support covers three types of vulnerable groups: 1-) ex-minors 2-) trans minors 3-) victims of gender-based violence; and it is provided when they leave state premises.

The vast majority of unaccompanied children applying for international protection in Turkey originate from Afghanistan.²⁹⁵ Criminal proceedings against police officers in the case of Lütfillah Tacik, an Afghan unaccompanied child with illness who was suspiciously killed in **Van**, have been pending since 2014. Human rights organisations are closely following up on the case due to the multiple vulnerabilities of the child. Legal involvement and representation of the child’s parent living in a rural area of Afghanistan has not been realised to date due to the lack of power of attorney issued in the name of the lawyer.²⁹⁶

There are also cases of Uyghur children who came to Turkey with their parents originally but whose parents have disappeared after returning to China to visit.²⁹⁷

In 2019-20 there was a case of an unaccompanied child in **Harmandalı** removal centre. He said he was 17 years old, but he was recorded as older based on formal documents. His ID card was requested from his country of origin and the PDMM corrected his registration papers. His administrative detention ended, and the deportation decision was canceled. He was accepted in a dormitory of the Ministry of Family and Social Services, so the PDMM took positive initiative. The child was not assigned a guardian. When a relative of the child got in touch with the Ministry, the child was released to live with his relative.²⁹⁸

²⁸⁹ Articles 413, 414, 418 Civil Code.

²⁹⁰ Articles 445-448 Civil Code.

²⁹¹ Article 456 Civil Code.

²⁹² Information provided by a lawyer of the Ankara Bar Association, March 2019.

²⁹³ Information provided by a stakeholder, February 2020.

²⁹⁴ Information provided by a stakeholder, February 2020.

²⁹⁵ Information provided by a stakeholder, February 2018.

²⁹⁶ See R. ‘Ölen çocuk, sanık polis, bir dakikalık duruşma’ 17 March 2018 in Turkish at: <http://bit.ly/2UaDfVn>; Amnesty International, ‘Uluslararası Af Örgütü Olarak Lütfillah Tacik Davasının Takipçisiyiz’, 19 January 2016, available in Turkish at: <https://bit.ly/2IcnIDB>.

²⁹⁷ See: Agence France-Presse, ‘China Took their Parents: The Uighur Refugee Children of Turkey’, available at at: <http://bit.ly/38UPv8H> and the Taipei Times, ‘Parents of child refugees missing in China’, 1 January 2020, available at: <http://bit.ly/2QjIhG3>.

²⁹⁸ Information provided by a stakeholder, March 2021.

In 2020, best interest procedures were undertaken for 604 children according to UNHCR. UNHCR and partner NGO's conducted best interest assessments for 493 children. A UNHCR led inter-agency best interest determination panel comprising of representatives from UN and NGOs convened monthly leading to 111 best interest determinations.²⁹⁹

E. Subsequent applications

Indicators: Subsequent Applications		
1. Does the law provide for a specific procedure for subsequent applications?	☐ Yes	☒ No
2. Is a removal order suspended during the examination of a first subsequent application?		
❖ At first instance	☒ Yes	☐ No
❖ At the appeal stage	☒ Yes	☐ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?		
❖ At first instance	☒ Yes	☐ No
❖ At the appeal stage	☒ Yes	☐ No

While the LFIP does not provide a specific dedicated procedure for the handling of subsequent applications, reference is made to subsequent applications in the legislative guidance concerning admissibility assessment and accelerated processing considerations.

According to Article 72(1)(a) LFIP, a subsequent application where “the applicant submitted the same claim without presenting any new elements” is inadmissible. In such a case, the PDMM shall issue the inadmissibility decision and notify the DGMM Headquarters within 24 hours, however there is no time limit for taking an inadmissibility decision.

At the same time, Article 79(1)(f) LFIP foresees application of the accelerated procedure where the applicant “files a subsequent application after his previous application was considered implicitly withdrawn”. Accordingly, if a subsequent application successfully passes the inadmissibility check, it will be treated under the accelerated procedure.

The PDMM are responsible for the initial admissibility assessment on subsequent applications and the subsequent examination of the claim in accelerated procedure. Whereas the inadmissibility decisions are also finalised by the PDMM, status decisions in accelerated procedure will be referred to the DGMM Headquarters for finalisation based on the personal interview conducted by the PDMM.

While the law does not provide a definition of “subsequent application”, it is indicated that subsequent applicants, who “submit the same claim without presenting any new elements” shall be considered inadmissible. In the absence of any further legislative guidance, it is up to the discretion of the PDMM in charge of registering the application to determine whether or not the applicant “has presented any new elements”. This is very problematic.

The law does not lay down any time limits for lodging a subsequent application or any limitations on how many times a person can lodge a subsequent application.

²⁹⁹ UNHCR Turkey, 2020 Operational Highlights, available at: <https://bit.ly/3esx9AE>.

There is not sufficient information from practice to indicate how subsequent applications are being treated at the moment. In a March 2018 report, the Grand National Assembly reported 15 subsequent applicants in Turkey.³⁰⁰

F. The safe country concepts

Indicators: Safe Country Concepts			
1.	Does national legislation allow for the use of “safe country of origin” concept?	☐ Yes	☒ No
	❖ Is there a national list of safe countries of origin?	☐ Yes	☒ No
	❖ Is the safe country of origin concept used in practice?	☐ Yes	☒ No
2.	Does national legislation allow for the use of “safe third country” concept?	☒ Yes	☐ No
	❖ Is the safe third country concept used in practice?	☒ Yes	☐ No
3.	Does national legislation allow for the use of “first country of asylum” concept?	☒ Yes	☐ No

Safe country concepts come up in the **Admissibility Procedure** in Turkey’s international protection procedure. The LFIP provides “first country of asylum” and “safe third country” concepts but no “safe country of origin” concept. Where an applicant is identified to have arrived in Turkey from either a “first country of asylum” or a “safe third country”, an inadmissibility decision will be issued under Article 72 LFIP.

1. First country of asylum

Article 73 LFIP defines “first country of asylum” as a country (a) “in which the applicant was previously recognised as a refugee and that he or she can still avail himself or herself of that protection” or (b) “or where he or she can still enjoy sufficient and effective protection including protection against *refoulement*.”³⁰¹

Article 76 RFIP provides additional interpretative guidance as to what can be considered “sufficient and effective protection”. The following conditions must apply for an applicant to be considered to avail themselves of “sufficient and effective protection” in a third country:

- (a) There is no risk of well-founded fear of persecution or serious harm for the applicant in the third country concerned;
- (b) There is no risk of onward deportation for the applicant from the third country concerned to another country where he or she will be unable to avail themselves of sufficient and effective protection;
- (c) The third country concerned is a state party to the 1951 Refugee Convention and 1967 Protocol and undertakes practices in compliance with the provisions of the 1951 Convention;
- (ç) The sufficient and effective protection provided by the third country concerned to the applicant shall persist until a durable solution can be found for the applicant.

2. Safe third country

For a country to be considered a “safe third country”, the following conditions must apply:³⁰²

- (a) The lives and freedoms of persons are not in danger on the basis of race, religion, nationality, membership to a particular social group or political opinion;

³⁰⁰ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018, available in Turkish at: <https://bit.ly/2Yjfi6y>.

³⁰¹ Article 73 LFIP; Article 75 RFIP. The wording resembles the EU definition in Article 35 recast Asylum Procedures Directive.

³⁰² Article 74 LFIP. The wording resembles the EU definition in Article 38 recast Asylum Procedures Directive.

- (b) The principle of *non-refoulement* of persons to countries, in which they will be subject to torture, inhuman or degrading treatment or punishment, is implemented;
- (c) The applicant has an opportunity to apply for refugee status in the country, and in case he or she is granted refugee status by the country authorities, he or she has the possibility of obtaining protection in compliance with the 1951 Refugee Convention;
- (ç) The applicant does not incur any risk of being subjected to serious harm.”

For a country to be considered a “safe third country” for an applicant, an individual evaluation must be carried out, and due consideration must be given to “whether the existing links between the applicant and the third country are of a nature that would make the applicant’s return to that country reasonable.”³⁰³

Article 77(2) RFIP provides additional interpretative guidance as to the interpretation of the “reasonable link” criterion, by requiring at least one of the following conditions to apply:

- (a) The applicant has family members already established in the third country concerned;
- (b) The applicant has previously lived in the third country concerned for purposes such as work, education, long-term settlement;
- (c) The applicant has firm cultural links to the country concerned as demonstrated for example by his or her ability to speak the language of the country at a good level;
- (ç) The applicant has previously been in the county concerned for long term stay purposes as opposed to merely for the purpose of transit.

At present, there is no publicly available information as to whether DGMM currently subscribes or will in the future subscribe to a categorical ‘list approach’ in making safe country determinations on international protection applicants. However, the LFIP and the RFIP require an individualised assessment as to whether a particular third country can be considered a “safe third country” for a specific applicant.

There are cases in the Turkish courts applying the safe third country concept, although there is no list of safe third countries in Turkey. This issue is mainly assessed by the administrative courts. The risk when the safe third country concept is applied is that the refugee applicant does not know which country is considered safe by Turkey and the court does not determine in the ruling which country the applicant can be sent to. This assessment is made by DGMM.³⁰⁴ In **Izmir**, for example, deportation decisions do not state a safe third country for non-Syrians.³⁰⁵

It is thought that in practice, the DGMM currently considers Iran and Pakistan to be safe third countries for Afghans entering Turkey.³⁰⁶ In 2019 in **Antakya** the safe third country concept was applied to non-Syrians, for whom Morocco was deemed to be the safe third country.³⁰⁷ In one deportation case examined in **Hatay** a woman’s application for protection was accepted due to a lack of assessment of any specific safe third country.³⁰⁸ An Uzbek woman had entered Turkey irregularly from Syria claiming that she was forced to go to Syria by her husband but then had to leave Idlib with her two children. If sent back there was a risk of persecution. The Court noted that the deportation decision did not which specify a country just a ‘safe third country’. As she could not be returned to Syria, she could not be deported.³⁰⁹

In 2020 there was a significant change in deportation decisions regarding Syrians in **Izmir** with PDMMs issuing deportation decisions to a safe third country. Deportation to the country of origin is only possible if

³⁰³ Article 74(3) LFIP.

³⁰⁴ Information provided by a lawyer from the Ankara Bar Association, February 2020.

³⁰⁵ Information provided by a lawyer from the Izmir Bar Association, March 2020.

³⁰⁶ Information provided by a stakeholder, March 2018.

³⁰⁷ Information provided by a lawyer from the Antakya Bar Association, February 2020.

³⁰⁸ Information provided by a lawyer from the Antakya Bar Association, February 2020.

³⁰⁹ Hatay First instance administrative court 2019/480, decision number 2019/1292.

the refugee requests it. As of the end of 2019 deportations were not executed to the country of origin but were considered to third countries. Countries where there was active conflict such as Yemen, Palestine, and Egypt were not considered safe. This practice has caused problems. Syrians can only be deported to a safe third country. However, they are being held at removal centres because there is no safe third country willing to accept them. In addition, in the deportation decisions themselves, the term safe third country is mentioned, but a specific country is not usually specified. Izmir Administrative Court cancels deportation decisions where the third safe country is not shown on the deportation order because the court cannot assess the safe third country if it is not indicated.³¹⁰

In **Izmir**, in an administrative case pending by late 2020 a new practice was observed. PDMM used a new form for the evaluation of a safe third country where Syrians could be deported. On this form, four countries are determined as safe countries for Syrians: **Iran, Sudan, Haiti, and Micronesia**. This form is being signed by refugees. As of April 2021, there was no information of Syrians being deported to Iran or another country based on this document.³¹¹

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No

❖ Is tailored information provided to unaccompanied children? ☒ Yes ☐ No

According to Article 70 LFIP, during registration, applicants must be provided information regarding the international protection procedure, appeal mechanisms and time frames, rights and obligations, including the consequences of failure to fulfil obligations or cooperate with authorities. If requested by the applicant, interpretation shall be provided for the purpose of interactions with the applicants at registration and status determination interview stages.

In 2019 over 280,000 information leaflets and 10,000 posters on legal aid, illustrating national registration and international protection procedures, were produced and distributed in 81 provinces. The materials were jointly developed by DGMM, UTBA and UNHCR, and were translated and printed into seven languages: Turkish, English, Arabic, Farsi, Pashto, French and Russian.³¹²

The DGMM also operates a hotline service called Foreigners Communication Centre (*Yabancı İletişim Merkezi*, YİMER). It is possible to reach the centre in Turkish, English, Russian and Arabic at any time of day. According to the YİMER's website, they had 490,630 contacts in 2019 and a total of 8,342,955 contacts in the past four years.³¹³

In addition, UNHCR has set up a platform ("**Help**") which provides information in English, Turkish, Arabic and Farsi. Mainstream NGOs such as SGDD-ASAM, Support to Life, Human Resource Development Foundation (*İnsan Kaynagini Gelistirme Vakfi*, IKGv), YUVA also provide assistance and counselling. In cooperation with the Union of Turkish Bar Associations (UTBA), the legal clinics in Şanlıurfa, Gaziantep,

³¹⁰ Information from a stakeholder, March 2021.

³¹¹ Information from a stakeholder, March 2021.

³¹² UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, available at: <http://bit.ly/3d0MsyY>.

³¹³ Available in Turkish at: <https://bit.ly/2Vb4OXk>.

Hatay and Kilis provided legal assistance to more than 3,800 refugees and asylum-seekers and information on national procedures, rights and obligations, appeal mechanisms, matters of civil law, and the protection of women and children.³¹⁴

In **Istanbul** in 2020, there were English, French, Arabic, and Persian versions of forms in place. There were problems with less spoken languages such as Pashtu, when the person either signed the document and wrote “I have read and understood” in Turkish, or refrained from giving a signature.³¹⁵

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☐ With difficulty ☒ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

Article 81(3) LFIP states that international protection applicants and status holders are free to seek counselling services provided by NGOs.

The UNHCR Counselling Line provides counselling on registration procedures, referrals and existing support mechanisms, specifically resettlement, financial assistance and assistance for persons with specific needs.³¹⁶ In 2020 the UNHCR counselling line increased to 42 operators in June 2020. Since the COVID-19 outbreak, financial assistance-related inquiries increased from a pre-COVID average of 8% of total inquiries to 25%. In September, UNHCR implemented a specific gender-based violence (GBV) line for individuals at risk of, or survivors of, GBV, providing both a recorded message on reporting and supporting mechanisms and available support channels and services as well as GBV counselling through specialised operators. Between September and December 2020, close to 4,000 calls were received and counselling was provided through the GBV counselling line.³¹⁷

UNHCR regularly published up-to-date information posts in Arabic, Farsi, Turkish and English, on the UNHCR Turkey Information Board on Facebook using posters, announcements, videos and Q&As. The Facebook information page reached approximately 79,500 new likes and 83,300 new followers in 2020. Some 330,000 COVID-19 related materials, produced by the Turkish Ministry of Health were printed and distributed to UNHCR field offices, partners, PDMM and the Ministry of Health premises across the country. UNHCR also supported DGMM with printed materials and videos in multiple languages on COVID-19 mitigation measures. UNHCR also set up a WhatsApp communication tree in March 2020 to facilitate rapid information-sharing between UNHCR and refugees. UNHCR Turkey also reached refugees through a bulk SMS initiatives and in total, 252,250 SMS were successfully sent in three months regarding various topics including an HES code video which was produced in Arabic and Farsi to assist refugee communities to access public institutions and services, as well as information about the Help webpage or dispelling of rumours and misinformation.³¹⁸

³¹⁴ UNHCR, *Turkey 2020: Operational Highlights*, March 2021, available at: <https://bit.ly/3esx9AE>.

³¹⁵ Information provided by a stakeholder, March 2021.

³¹⁶ UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

³¹⁷ UNHCR Turkey, *2020 Operational Highlights*, available at: <https://bit.ly/3esx9AE>.

³¹⁸ UNHCR Turkey, *2020 Operational Highlights*, available at: <https://bit.ly/3esx9AE>.

SGDD-ASAM, the largest NGO and implementing partner of UNHCR in Turkey, has offices in more than 40 provinces in Turkey and provides counselling and information services.

Other organisations such as Refugee Rights Turkey and International Refugee Rights Association in Istanbul and Mülteci-Der in Izmir have helplines and can be accessed by phone. Refugee Support Centre (Mülteci Destek Derneği, MUDEM) has presence in various provinces, while IKGV has different offices in Turkey and provides information and psycho-social support. Support to Life and YUVA are also mainstream organisations that are very active in the field, the former having a presence in eight cities.

Faith-based organisations are also very active in assistance to applicants, Türk Diyanet Vakfı, a state-funded faith agency based in Ankara targets mostly educated young Syrians and provides humanitarian aid, financial assistance and language classes. İnsani Yardım Vakfı is another faith-based organisation active nearly in every province of Turkey.

There are also NGOs helping vulnerable groups such as KADAV and Women's Solidarity Foundation for women in Istanbul and Ankara respectively, Kaos GL based in Ankara assists LGBTI people, as does Red Umbrella Sexual Health and Human Rights Association. Pozitif Yasam based in Istanbul assists people living with HIV, while Red Umbrella Sexual Health and Human Rights Organisation has set up seven service units in five provinces for LGBTI persons, sex workers and people living with HIV in Turkey.

Moreover, international protection applicants may also access the International Organisation for Migration (IOM) and NGOs carrying out resettlement-related activities, such as the International Catholic Migration Commission (ICMC) in Istanbul.

In 2020 many NGOs stopped working or reduced their services to online services only due to COVID-19. People applied to them for psycho-social support and humanitarian aid but many only accepted documents electronically. People who are illiterate or who did not have internet access found it difficult to receive assistance. Since offices were closed, it was also difficult to identify and reach unaccompanied children. This affected relationships and trust as NGOs were an unknown caller on the phone and people did not always call back.³¹⁹

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded? ☐ Yes ☒ No
❖ If yes, specify which:

1. Syria

Refugees arriving directly from Syria are subject to a group-based, *prima facie*-type Temporary Protection regime in Turkey. The temporary protection regime currently in place covers Syrian nationals and stateless Palestinians originating from Syria. Those coming through a third country, however, are excluded from the temporary protection regime. Although they should be allowed to make an international protection

³¹⁹ Information provided by a stakeholder, March 2021.

application under the LFIP, in practice they are not allowed to apply and are only granted a short-term visa and then a short-term residence permit. This includes Syrian nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection.³²⁰ Recent worrying practices have been reported regarding the issuance of deportation orders in certain provinces such as Izmir, as described at the end of the [Safe third country](#) section.

2. Iraq

Iraqis are generally granted short-term residence permits once they are in Turkey. Even where they apply for international protection, they are usually encouraged to opt for a short-term residence permit.³²¹ Previously, DGMM referred Iraqi **Turkmens** to *Turkemenli Dernegi* in Ankara with a view to confirming their origin. These persons usually obtain international protection, as do **Uyghurs** from China.³²² In 2020, one stakeholder noted that international protection applications which had not been examined for many years were suddenly evaluated and most of the decisions were negative. This predominantly concerned Iraqi applicants in **Samsun, Çorum** and **Ankara**. The deportation decisions were subsequently appealed and several were successful. One of these families held refugee status from UNHCR ³²³

3. Afghanistan

The barriers to access to the procedure following the takeover of registration of applicants for international protection by DGMM in September 2018 (see [Registration](#)) have had particularly adverse effects on certain nationalities. Single male asylum seekers from **Afghanistan** face particular obstacles to accessing registration compared to other nationalities, as many PDMM are reluctant to register their asylum applications.³²⁴

An expert opinion commissioned by PRO ASYL in 2020 concluded that Afghans seeking protection in Turkey had not received adequate protection for many years. The main problems identified were as follows:

- Systematic gaps in access to the protection system that undermine the legal framework. A lack of an identity card automatically excludes many Afghans from access to basic services such as education and healthcare, freedom of travel and increases their risk of deportation and detention.
- The fact there are very low numbers of applications for international protection and status holders indicates important gaps in practice. Even when Afghan applicants manage to register and get an ID card, they encounter severe problems. In 2020, there were long waiting periods for a RSD appointment, an inadequate assessment of RSD applications and automatic rejections of applications with no access to social support.
- Deportations, voluntary returns and detentions continued. There is a lack of interpreters, communication and privacy between client and lawyer in removal centres, and a lack of legal documents translated into Dari or Pashtun languages,
- Publicly available quantitative data on Afghan refugees' protection and reception conditions is low which limits the monitoring efforts of international and national NGOs. The low number of NGOs

³²⁰ Information provided by stakeholders, March 2019.

³²¹ Information provided by a stakeholder, March 2019.

³²² Information provided by a stakeholder, March 2019.

³²³ Information provided by a stakeholder, March 2021.

³²⁴ Information provided by stakeholders in Ankara, Van, Antakya and Izmir, February to March 2020. See also, Refugees International, "We don't have space for you all": The struggles Afghan refugees face in Turkey', 12 June 2019, available at: <https://bit.ly/2wBnPbl>; and Refugees International, "You cannot exist in this place" Lack of registration denies Afghan refugees protection in Turkey', 13 December 2018, available at: <https://bit.ly/2RE8Epv>.

specifically working on and for Afghan refugees reflects the fact that funds and projects in Turkey are mostly Syrian-centred.³²⁵

In 2020, in a case before the 1st Administrative Court in Izmir, the judge assessed Afghanistan to be a safe country and the applicant's appeal to suspend the deportation was not granted.³²⁶

4. Other nationalities

In 2020 there were reports of systemic discrimination against Iranians in **Istanbul**, who are stigmatized as thieves.³²⁷ Asylum seekers of African origin also face discrimination in registration. Prior to September 2018, such applicants, especially **Somali** families, were referred to Isparta and Burdur where communities are settled. This has not been the case since the takeover of registration by DGMM.³²⁸

In 2019 DGMM began to grant long term residency and humanitarian residence permits to applicants on the grounds of a new humanitarian circular.³²⁹ The humanitarian residence permit is mainly granted to **Egyptians, Chechens, Daghestanis** and **Tajiks**. The authorities assess each application on a case-by-case basis depending on the likelihood of persecution in the country of origin. These groups are generally not deported to their country of origin, even if a deportation decision is issued against them.³³⁰

³²⁵ Expert Opinion, *The Situation of Afghan Refugees in Turkey*, Commissioned by Stiftung PRO ASYL, March 2021.

³²⁶ Izmir 1st Administrative Court, docket number: 2020/231, date of judgement: 16.10.2020.

³²⁷ Information provided by a stakeholder, March 2021.

³²⁸ Information provided by a stakeholder, February 2019.

³²⁹ Information provided by a stakeholder from Istanbul, February 2020.

³³⁰ Information provided by a stakeholder, March 2020.

Reception Conditions

In 2019, DGMM issued a new strategy, the Cohesion Strategy and National Action Plan,³³¹ according to which six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labour market and social support. The authorities started work with SGDD-ASAM, MUDEM and community-based organisations on these issues in 2019. Most initiatives were suspended in 2020 due to the COVID-19 pandemic. Family unity became quite difficult due to the pandemic. There was little information on what was concretely achieved in 2020 under the Cohesion Strategy and National Action Plan but a new project was (re)launched in December 2020 to promote inclusive migration management funded by the European Union (EU) and managed jointly by the International Organization for Migration (IOM) and the Turkish Directorate General of Migration Management (DGMM). It seeks to build social cohesion and inclusion as migrants and refugees integrate into Turkish society and includes objectives for employment, health, education, social policies, orientation, and social aid.³³²

The **Izmir** earthquake in October 2020 also affected those seeking international protection in that region. Demands for access to basic supplies and financial aid and support were very high. People lost their jobs in big cities due to COVID-19. Houses collapsed due to the earthquake. Nearly 500 people seeking international protection from different backgrounds had houses that were damaged. Even families whose houses had minor or moderate damage experienced difficulties due to COVID-19, and they requested financial support. There is still a container city in İzmir Bayraklı where 8 families are living. NGOs tried to provide a rent allowance to refugees whose conditions were the most serious.³³³

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Admissibility procedure	☐ Yes	☒ Reduced material conditions	☐ No
❖ Accelerated procedure	☐ Yes	☒ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Subsequent application	☒ Yes	☐ Reduced material conditions	☐ No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

☒ Yes	☐ No
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International protection applicants are entitled to reception conditions from the moment they make a request for international protection and continue to be eligible until a final negative decision is issued.

Under Articles 65 and 69, the LFIP differentiates between the act of “requesting international protection” (*uluslararası koruma talebinde bulunan*) which can be expressed to any state authorities and the “registration of an application for international protection” (*uluslararası koruma başvurusunun kaydı*) by DGMM. Therefore, persons must be considered as international protection applicants from the time they

³³¹ See DGMM, *Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023*, available in Turkish at: <https://bit.ly/2VlssZY>.

³³² Relief Web, ‘New Social Cohesion Initiative to Promote Inclusive Migration Management in Turkey’, 4 December 2020, available at: <https://bit.ly/3boQeTt>.

³³³ Information provided by a stakeholder, March 2021.

approach state authorities and express a request to international protection. The actual registration of an applicant by DGMM may come later.

That said, holding a Foreigners Identification Number (*Yabancı kimlik numarası*, YKN) is an essential prerequisite for all foreign nationals in procedures and proceedings regarding access to basic rights and services. International protection applicants are not assigned a YKN until they are issued an International Protection Applicant Identification Card after they have travelled to their assigned “satellite city” and have registered their application with the competent PDMM. Given the severe obstacles to and corollary delays in accessing the international protection procedure (see [Registration](#)), the time lag between an asylum seeker’s intention to apply for international protection and the issuance of a YKN can be particularly long. This leaves asylum seekers without access to some basic rights.

1.1. Restrictions on reception conditions by type of procedure

With regard to (a) information, (b) provisions for family unity, (c) and provisions for vulnerable persons, both regular procedure applicants and accelerated procedure applicants are subject to the same level of rights and benefits.

With regard to: (a) documentation; (b) freedom of movement and accommodation; (c) “material reception conditions” i.e. housing, social assistance and benefits, financial allowance; (d) healthcare; (e) vocational training; (f) schooling and education for minors; (g) and employment, there are differences in the level and modalities of reception conditions committed to applicants processed in the regular procedure and those processed in the accelerated procedure.

Furthermore, applicants who are detained during the processing of their application and processed under the accelerated procedure – including those detained at border premises – are subject to specific reception modalities. Applicants in whose case an inadmissibility decision has been taken – whether their application was being processed under the regular procedure or the accelerated procedure – will continue to be subject to the same reception regime as before, until the inadmissibility decision becomes a final decision.

1.2. Means assessment

The LFIP contains a “means” test for some of the reception rights and benefits but not for others. With regards to access to primary and secondary education and access to labour market, there is no means criterion. With regards to health care, social assistance and benefits and financial allowance, applicants are subject to a means criterion. The PDMM shall conduct this assessment on the basis of the following considerations:³³⁴

- a. whether the applicants have the means to pay for their shelter;
- b. level of monthly income;
- c. number of dependant family members;
- ç. any real estate owned in Turkey or country of origin;
- d. whether they receive financial assistance from family members in Turkey or country of origin;
- e. whether they receive financial assistance from any official bodies in Turkey or NGOs;
- f. whether they already have health insurance coverage;
- g. any other considerations deemed appropriate.

³³⁴ Article 106(1) RFIP.

Where it is determined that an applicant has unduly benefited from services, assistance and other benefits, they shall be obliged to refund costs in part or in their entirety.³³⁵

Furthermore, for applicants who fail to comply with the obligations listed in Article 89 LFIP or to whom a negative status decision was issued, the DGMM “may” reduce rights and benefits, with the exception of education rights for children and basic health care.³³⁶

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

- | | |
|---|---------------|
| 1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2020 (in original currency and in €): | Not available |
|---|---------------|

While the LFIP does not employ the term of “reception conditions” as such, Articles 88 and 89 LFIP commit a set of rights, entitlements and benefits for international protection applicants, which thematically and substantially fall within the scope of the EU Reception Conditions Directive.

Articles 88 and 89 LFIP govern the level of provision and access that shall be granted to international protection applicants (and status holders) in the areas of education, health care, social assistance and services, access to labour market, financial allowance. Turkey does not commit the provision of shelter to international protection on applicants,³³⁷ but authorises DGMM to extend, on discretionary basis, state-funded accommodation to international protection applicants under the auspices of Reception and Accommodation Centres. At present, there is only one Reception and Accommodation Centre in operation in **Yozgat**.³³⁸

Rights and benefits granted to international protection applicants and status holders may not exceed the level of rights and benefits afforded to citizens.³³⁹

2.1. Financial allowance

International protection applicants who are identified to be “in need”, may be allocated a financial allowance by DGMM.³⁴⁰ DGMM shall establish the criteria and modalities for this financial allowance, and the Ministry of Finance’s input will be sought in determining the amounts. Applicants whose applications are identified to be inadmissible and those processed in accelerated procedure are excluded from financial allowance.

It must be underlined that this is not a right but rather a benefit that “may be” allocated to “needy” applicant by DGMM on discretionary basis. DGMM should put in place implementation guidelines, which may include guidance as to the specific criteria and procedure by which an applicant would be identified as “needy” for the purposes of financial allowance. In this regard, applicants are required to keep the competent PDMM informed of their up-to-date employment status, income, any real estate or other valuables acquired.³⁴¹ This indicates that such information may be a factor in the assessment of “neediness” for the purpose of financial allowance. However, there is currently no implementation of Article 89(5) LFIP, and therefore the possibility of financial allowance to international protection applicants by the state remains only theoretical to date.

³³⁵ Article 90(1)(ç) LFIP.

³³⁶ Article 90(2) LFIP.

³³⁷ Article 95 LFIP.

³³⁸ DGMM, *Removal centres*, available at: <http://bit.ly/2osejRh>.

³³⁹ Article 88(2) LFIP.

³⁴⁰ Article 89(5) LFIP.

³⁴¹ Article 90(1) LFIP.

2.2. Social assistance and benefits

International protection applicants identified “to be in need” can seek access to “social assistance and benefits”.³⁴² The LFIP merely refers international protection applicants to existing state-funded “social assistance and benefits” dispensed by the provincial governorates as per Turkey’s Law on Social Assistance and Solidarity. The Governorates dispense social assistance and benefits under this scheme by means of the Social Solidarity and Assistance Foundations; government agencies structured within the provincial governorates.

According to the Law on Social Assistance and Solidarity, the Governorates dispense both in kind assistance such as coal and wood for heating purposes, food and hygiene items and financial assistance to “poor and needy residents” in the province, including foreign nationals. As such, it will be up to the provincial Social Solidarity and Assistance Foundation to determine whether they qualify for the “poor and needy” threshold.

As of 2018, if the person in need is an adult, social assistance varies between 410-760 TL / €82-152 and if the applicant goes into university the amount of assistance rises up to 928 TL / €186. There is also another quarterly financial assistance from the governorates that varies between 80-100 TL / €15-20.³⁴³

The Social Solidarity and Assistance Foundation also provides disabled home care assistance to families who have a disabled family member who is unable to cater for his or her daily needs without the care and assistance of another family member. This is a regular financial assistance provided to the caregiver.

There are also social assistance benefits granted by the Ministry of Family and Social Services. The social workers of the Ministry of Family and Social Services’ social service units take the final decision in practice. Their evaluation is based on criteria such as the presence of a working family member, provision of social assistance from other bodies, the presence of an emergency situation or numbers of children in the household. There are biannual or yearly assessment periods upon which social workers might stop this assistance if they deem that the financial situation of the family has changed. In addition, the Ministry of Family and Social Services has an assistance programme to increase the number of refugees speaking Turkish, in coordination with UNHCR.

Municipalities may also provide assistance to applicants for and beneficiaries of international protection. The types of assistance provided by the municipalities differ as they depend on the resources of each municipality. Assistance packages may include coal, food parcels, clothing and other kinds of non-food items. The eligibility criteria to receive assistance may also differ between municipalities.³⁴⁴

The Turkish Red Crescent (*Türk Kızılay*) is an important actor in this field and is active in each city of Turkey as a public interest corporation. In most cases, their social assistance is not financial but in kind: distribution of wheelchairs to disabled persons, distribution of food, clothes or soup in winter for people in need. They have also a special fund for people with special and emergency needs. With the help of this fund, they can provide medical help such as buying a prosthesis or hearing instruments for children.³⁴⁵

Beyond social assistance from the state, the EU has funded cash assistance programmes such as the Emergency Social Safety Net (ESSN) and the Conditional Cash Transfer for Education (CCTE). These are

³⁴² Article 79(2) LFIP.

³⁴³ Information provided by Ministry of Family and Social Services, February 2018. There was no updated information in 2019 or 2020.

³⁴⁴ UNHCR, *Social and financial assistance*, available at: <https://bit.ly/2GjSOJ1>.

³⁴⁵ Information provided by Türk Kızılay, January 2019.

described in **Temporary Protection: Social Welfare** as they are mainly, though not exclusively, addressed to Syrian temporary protection holders.

The ESSN scheme is the single largest humanitarian project in the history of the EU and as of early 2021, was assisting around 1.8 million people. It is estimated it will have helped 2 million people by the end of 2021.³⁴⁶ There were problems accessing the scheme in 2020 in **Central Anatolia**. Due to the pandemic, the Social Welfare and Solidarity Foundations (SYDV) stopped household visits so ESSN applications could not be received. Interruptions in data updating processes, also meant that protection holders could not submit an ESSN applications.³⁴⁷

The EU has also contributed €104 million to bi-monthly cash transfers to vulnerable refugee families whose children attend school regularly under the 'Conditional Cash Transfers for Education' (CCTE). By the beginning of 2021, CCTE had benefitted more than 750,000 children who attended school regularly. The EU has funded around 20,000 Syrian refugee children and young people to enroll in accelerated learning programmes helping them make up for lost years of schooling, where they also got basic literacy and numeracy classes, and Turkish language courses. Since 2017, the EU has also provided transportation to an average of 6,000 children per month to help them attend their formal and non-formal education activities.³⁴⁸ Access to distance education in the context of COVID-19 has been problematic so the EU will start to provide tablets and laptops to children. Student support packages (meal packages etc.) for students could not be used for students since they could not go to schools in 2020 and will go instead to buy new tablets and electronic devices for them.³⁴⁹

Refugees' material conditions considerably worsened due to the impact of the COVID-19 pandemic. ASAM published a sectoral analysis report after conducting interviews with their counselees on the phone. 1,162 temporary protection and international protection status holders were contacted - 960 Syrians, 131 Afghans, 49 Iraqis, 20 Iranians, 1 Palestinian, and 1 Somali. The main challenges encountered by participants were a lack of food and hygiene products. 63% of participants had difficulties in accessing staple food products and 53% struggled to meet basic hygiene needs. Many of them also confronted challenges with monthly expenses such as rent, utilities and bills.³⁵⁰

In 2020 UNHCR worked with DGMM to provide a one-off payment of 1,000 Turkish Lira (approximately 100 Euros at the time of writing) to refugees hit hardest by the pandemic. Vulnerability criteria were applied although it is not clear what these were. Around 79,400 households received the payment. UNHCR worked with partners to provide PPE kits to households and to temporary accommodation centres in south east Turkey. UNHCR also supported 12 community initiatives where Turkish citizens and people seeking international protection came together to make soap and masks to be distributed to refugees and host communities.³⁵¹

³⁴⁶ Information from a stakeholder, March 2021.

³⁴⁷ Information provided by a stakeholder, March 2021.

³⁴⁸ European Commission, available at: <http://bit.ly/3d0Bgm9>.

³⁴⁹ Information from a stakeholder, March 2021.

³⁵⁰ ASAM/ COVID-19 Salgınının Türkiye'deki Mülteciler Üzerindeki Etkilerinin Sektörel Analizi, *Sectoral Analysis of The Impacts of COVID-19 on Refugees In Turkey*, 2020, available at: <https://bit.ly/3scBehq>, 13.

³⁵¹ UNHCR Turkey 2020 Operational Highlights, available at: <https://bit.ly/3esx9AE>.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions? ☒ Yes ☐ No
2. Does the law provide for the possibility to withdraw material reception conditions? ☒ Yes ☐ No

For applicants who “fail to comply with the obligations listed in Article 90(1)” or “about whom a negative status decision was issued”, the DGMM has the discretion to reduce rights and benefits, with the exception of education rights for minors and basic health care.³⁵²

Article 90(1) LFIP lists the obligations of international protection applicants as follows:

- (a) Report changes in their employment status to the competent DGMM Directorate within 30 days;
- (b) Report changes in their income, real estate and valuables in their belonging within 30 days;
- (c) Report changes in their residence, identity data and civil status within 20 days;
- (ç) Refund in part or in full costs incurred where is identified after the fact that he or she has benefited from services, assistance and other benefits although he or she actually did not fulfil the criteria;
- (d) Comply with any other requests by the DGMM within the framework of various procedural obligations listed in the LFIP for applicants.

Failure to report to the assigned “satellite city” (see [Freedom of Movement](#)) may also lead to restrictions on rights and benefits, with the exception of education and health care.³⁵³ However, if the application is considered withdrawn (“cancelled”), General Health Insurance (*Genel Sağlık Sigortası*, GSS) is also de-activated.

There were changes to the LFIP in December 2019. Article 89(3)(a) LFIP now provides that access to health care under Turkey's General Health Insurance (*Genel Sağlık Sigortası*, GSS) is provided to applicants for international protection one year after the registration of their application, with the exception of persons with special needs. The right to health care ceases upon the issuance of a negative decision.³⁵⁴

The PDMM are responsible and authorised for making the assessment regarding an applicant's eligibility for GSS coverage. It must be deduced that the decision to request an applicant to refund part or all health care expenses incurred for him or her shall be made in accordance with the same financial means criteria.

According to Article 90(2) LFIP, the decision to reduce or withdraw rights and benefits must be based on a “personalised assessment” by the competent PDMM. The applicant must be notified in writing. Where he or she is not being represented by a lawyer or legal representative, he or she must be explained the legal consequences of the decision as well as the available appeal mechanisms.

Applicants can either file an administrative appeal against such a decision to reduce or withdraw reception rights with IPEC within 10 days of the written notification, or they can directly file a judicial appeal with the competent Administrative Court within 30 days.³⁵⁵

³⁵² Article 90(2) LFIP.

³⁵³ Article 91(6) RFIP.

³⁵⁴ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

³⁵⁵ Article 80 LFIP.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country? ☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

4.1. The “satellite city” system

Each applicant is assigned to a province, where he or she shall register with the PDMM, secure private accommodation by their own means and stay there as long as they are subject to international protection, including after obtaining status. This dispersal scheme is based on Article 71 LFIP, according to which the DGMM rarely refers an applicant to a Reception and Accommodation Centre but generally to take up private residence in an assigned province.

The RFIP elaborates the dispersal policy. It defines the concept of “satellite cities” as provinces designated by DGMM where applicants for international protection are required to reside.³⁵⁶ While new applicants for international protection can initiate their application in a province not listed in the list, and may remain there until they are assigned and referred to a satellite city.³⁵⁷

According to the latest list, 62 provinces in Turkey are designated by DGMM as “satellite cities” for the referral of international protection applicants:³⁵⁸

Satellite cities for international protection applicants			
Adana	Çorum	Karaman	Sakarya
Adıyaman	Denizli	Kars	Samsun
Afyon	Düzce	Kastamonu	Siirt
Ağrı	Elazığ	Kayseri	Sinop
Aksaray	Erzincan	Kırıkkale	Şanlıurfa
Amasya	Erzurum	Kırşehir	Sivas
Ardahan	Eskişehir	Kilis	Şırnak
Artvin	Gaziantep	Konya	Tokat
Balıkesir	Giresun	Kütahya	Trabzon
Batman	Gümüşhane	Malatya	Uşak
Bayburt	Hakkâri	Manisa	Van
Bilecik	Hatay	Mardin	Yalova
Bolu	Iğdır	Mersin	Yozgat
Burdur	Isparta	Nevşehir	Zonguldak
Çanakkale	Kahramanmaraş	Niğde	
Çankırı	Karabük	Ordu	

³⁵⁶ Article 2(hh) RFIP.

³⁵⁷ Article 66(3) RFIP.

³⁵⁸ For the earlier list of cities as of August 2017, see Refugee Rights Turkey, *Avukatlar için mülteci hukuku el kitabı*, August 2017, available in Turkish at: <https://bit.ly/2G9X5Ti>, 409.

In practice, however, not all provinces are available to applicants. It is up to the individual PDMM to decide on the ‘opening’ or ‘closing’ of a “satellite city” and on referrals thereto depending on their capacity. When a PDMM is ‘closed’, it usually processes existing applications to issue International Protection Application Identification Cards and Temporary Protection Identification Cards. The ‘closure’ or ‘opening’ of a PDMM is not officially or publicly notified.

The regulation of the “satellite city” system is not based on publicly available criteria, nor is there an official decision taken in respect of each applicant. In general, metropolises and border cities do not usually figure among satellite cities.

Since there is only one fully operational Reception and Accommodation Centres with a capacity of 100 places, currently almost all international protection applicants are in self-financed private accommodation in their assigned provinces.

Prior to the changes in the [Registration](#) system, international protection applicants had to approach UNHCR / SGDD-ASAM in **Ankara** with a view to registering an application with UNHCR. During joint registration, they were able to choose their preferred province, provided that it was ‘open’ and had available places. Following that registration, they were given a Registration Document indicating the province in which they were required to reside and which they needed to reach in order to report to the PDMM.

Practice is now no longer standardised. The appointment of a “satellite city” is now done by the PDMM taking into account the existence of family members in other provinces, for instance, but it is not clear whether other criteria are also relied upon.³⁵⁹ The interpretation of family links is confined to first-degree members, meaning that siblings or cousins are not accepted.

Since DGMM took over the registration process there is no official list of open and closed cities for registration of Syrians and non-Syrians but stakeholders can receive information upon request from the PDMM. The situation also changes according to capacity.

According to one stakeholder, the following cities were closed to all non-Syrians and Syrians (except vulnerable cases) in early 2020: **Istanbul, Edirne, Tekirdag, Kirklareli, Kocaeli, Canakkale, Bursa, Balikesir, Izmir, Aydin, Mugla, Antalya, Hatay** and **Yalova**. Istanbul was reportedly closed to registration of both non-Syrians and Syrians except for justified reasons such as education, health or employment. However, Istanbul PDMM was reportedly not accepting registrations due to educational needs as it would mean registering the whole family which leads to an increase in numbers.³⁶⁰

According to another stakeholder, this was the status of open and closed cities to Temporary (TP) and International Protection (IP) applicants in late 2019: **Mardin**: IP closed, TP open; **Mersin**: Both open but process is very long. For Iraqis for instance it takes more than 4 months; **Urfa**: Both open but TP takes 5 months; **Maras**: Both open; **Hatay**: Both closed as per a decision of the Governorate but open in emergency situations; **Malatya**: Both open; **Osmaniye**: Both closed except IP exemptions; **Antep**: Both closed but TP only in emergency situations.³⁶¹ In **Antep**, even NGOs on the ground did not always know if the city was open or closed to applications.³⁶² On the other hand, if there is a health or education emergency, both group of protection holders can be directed to other cities.

³⁵⁹ Information provided by an NGO, February 2019.

³⁶⁰ Information provided by a stakeholder, March 2020.

³⁶¹ Information provided by an NGO, February 2020.

³⁶² Information provided by an NGO, March 2020.

The situation in 2020 was complicated by COVID-19. It was often not clear if PDMMs were accepting applications or for how long and physical access was difficult for both lawyers and international protection applicants. This also delayed the registration process (see [Registration of the asylum application](#)).

After changes to the LFIP in December 2019 the law now foresees an administrative fine for those who provide accommodation to unregistered foreigners even unknowingly. In many provinces registration for Temporary Protection and International Protection is not taking place, foreigner citizens cannot complete registration even if they want to. This could lead to a rise in homelessness.³⁶³

4.2. Travelling outside the “satellite city” and sanctions

The PDMM has the authority to impose an obligation on applicants to reside in a specific address, as well as reporting duties.³⁶⁴ In practice, applicants are not subject to strict reporting requirements, but their effective residence in the address declared to the PDMM is monitored if they do not appear before the PDMM for prolonged periods. In this case, the PDMM might conduct unannounced checks.

Any travel outside the assigned province is subject to written permission by the PDMM and may be permitted for a maximum of 30 days, which may be extended only once by a maximum of 30 more days.³⁶⁵

As of November 2019, travel permits could be obtained through the online system (E-Devlet) through the e-accounts of refugees. Refugees are expected to get a password from National Postal Services. Some people still have language barriers and have difficulties in accessing the online system.³⁶⁶ In 2020 during lock-down due to the COVID-19 pandemic, travel permits were not issued and many refugees and people seeking international protection were not able to travel to health services they were referred to, especially in urgent cases.³⁶⁷

Failure to stay in an assigned province has very serious consequences for the applicant. International protection applicants who do not report to their assigned province in time or are not present in their registered address upon three consecutive checks by the authorities are considered to have implicitly withdrawn their international protection application.³⁶⁸ In practice, if the person is not found at his or her declared address, the DGMM may issue a “V71” code declaring that the applicant is in an “unknown location” (*Semt-i meçhul*) following a residence check.

Furthermore, applicants’ access to reception rights and benefits provided by the LFIP are strictly conditional upon their continued residence in their assigned province. The International Protection Applicant Identification Card is considered valid documentation only within the bounds of the province where the document was issued. They may also be subject to [Reduction or Withdrawal of Reception Conditions](#) if they fail to stay in their assigned satellite city.

In practice, however, applicants may be subject to even more severe – and arbitrary – sanctions such as administrative detention in a Removal Centre,³⁶⁹ with a view to their transfer to their assigned province (see [Grounds for Detention](#)). It seems, however, that the rigour of sanctions for non-compliance with the obligation to remain in the assigned province varies depending on the nationality, sexual orientation or

³⁶³ Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey, 4 December 2019, available at: <http://bit.ly/2IRYovQ>.

³⁶⁴ Article 71(1) LFIP.

³⁶⁵ Article 91(1)-(2) RFIP.

³⁶⁶ Information from a stakeholder, Ankara, February 2020.

³⁶⁷ Information provided by a stakeholder, March 2021.

³⁶⁸ Article 77(1)(ç) LFIP.

³⁶⁹ HRW, Turkey Stops Registering Syrian Asylum Seekers, July 2018, available at: <https://bit.ly/2XM5t2V>

gender identity or civil status of the applicant (e.g. single woman) or simply due to the working relationship of the applicant with the PDMM staff. Afghan applicants, for example, often face stricter treatment than other groups. Even where released from Removal Centres after being detained for non-compliance with the obligation to reside in their assigned province, asylum seekers are often required to regularly report to the Removal Centre or to a PDMM in a different province from the one where they reside. In 2019 the number of T6 forms issued increased because new detention centres opened. Ankara PDMM reportedly does not register people with T6 forms or those who illegally enter Turkey.³⁷⁰

It is possible for applicants to request that DGMM assign them to another province on grounds of family, health or other reasons.³⁷¹ Requests for a change in assigned province for other reasons may be granted by the DGMM Headquarters on an exceptional basis. Where an applicant is unhappy about his or her province of residence assignment and his or her request for reassignment is denied, he or she can appeal this denial by filing an administrative appeal with the IPEC within 10 days or filing a judicial appeal with the competent Administrative Court within 30 days.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres: ³⁷²	1
2. Total number of places in the reception centres:	100
3. Total number of places in private accommodation:	Not available
4. Type of accommodation most frequently used in a regular procedure:	
☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☒ Private housing ☐ Other	
5. Type of accommodation most frequently used in an accelerated procedure:	
☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☒ Detention	

One of the most prominent shortcomings of Turkey's legal framework for asylum is the failure to commit to providing state-funded accommodation to asylum applicants. Article 95(1) LFIP clearly establishes that as a rule, international protection applicants and status holders shall secure their own accommodation by their own means. Neither the LFIP nor the RFIP indicate any plans to offer international protection applicants financial assistance to cover housing expenses.

However, the DGMM is authorised to set up Reception and Accommodation Centres to be used to address "accommodation, nutrition, health care, social and other needs" of international protection applicants and status holders.³⁷³ The Reception and Accommodation Centres referred to in Article 95 LFIP should not be confused with the "temporary accommodation centres", the large-scale camps in the south of Turkey that accommodate refugees from Syria subject to the temporary protection regime (see [Temporary Protection: Housing](#)).

As of April 2021, there was only one remaining Reception and Accommodation Centre in operation in the province of **Yozgat** with a modest capacity of 100 places.³⁷⁴ The centre is envisioned as a short-stay facility,

³⁷⁰ Information provided by a stakeholder, March 2020.

³⁷¹ Article 110(5) RFIP.

³⁷² Both permanent and for first arrivals.

³⁷³ Article 95(2) LFIP.

³⁷⁴ DGMM, *Removal centres*, available at: <https://bit.ly/2PThCI9>.

where persons apprehended and wishing to apply for international protection may be hosted for a couple of days before being directed to register their application. In practice, these centres are mainly available to applicants with special needs such as victims of gender-based violence, torture or physical violence, single women, elderly and disabled people.

In previous years, there was an expectation that 6 new Reception and Accommodation Centres would become operational with a cumulative accommodation capacity of 2,250 beds. These 6 centres were built within the framework of an EU twinning project and 80% of the construction budget was financed by the European Commission. The locations chosen for the centres were **Izmir, Kırklareli, Gaziantep, Erzurum, Kayseri and Van**.³⁷⁵ However, following the EU-Turkey Action Plan on Migration of 29 November 2015 and the EU-Turkey statement of 18 March 2016, all 6 centres have been re-purposed to serve as Removal Centres (see [Place of Detention](#)).

In crisis situations involving urgent cases, NGOs may be able to arrange accommodation in hotels for individual applicants with special needs within the remit of their capacities.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No

As elaborated in the section on [Types of Accommodation](#), the only Reception and Accommodation Centre is in **Yozgat** and has a modest capacity of 100 places. Little is known by civil society about the conditions in the centre.

While the current capacity of Reception and Accommodation Centre is extremely limited as compared to the size of the population seeking international protection in Turkey, Article 95 LFIP and the Regulation on the Establishment of Reception and Accommodation Centres and Removal Centres ("Removal Centres Regulation"), dated 22 April 2014 lay down the parameters for the operation and organisational structure of these facilities and Removal Centres.

"Persons with special needs" shall have priority access to free accommodation and other reception services provided in these facilities.³⁷⁶

Reception services provided in the reception and accommodation centres may also be extended to international protection applicants and status holders residing outside the centres,³⁷⁷ although in practice because of the dispersal policy, only applicants registered and residing in the same province as the centre would be able to access any such services.

However, Article 4 of the Removal Centres Regulation provides that a list of 9 general principles must be observed in all functioning and provision in the Centres, including prioritisation of persons with special needs, best interest of the child, confidentiality of personal data, due notification of residents and detainees

³⁷⁵ European Commission, *Fiche: IPA decentralised National Programmes*, Project TR 07 12 17, available at: <http://bit.ly/1Jujtxl>.

³⁷⁶ Article 95(3) LFIP.

³⁷⁷ Article 95(4) LFIP.

on the nature and consequences of all proceedings they undergo, respect for right to religious affiliations and worship and non-discrimination.

Currently, almost all international protection applicants pay for private accommodation in their assigned provinces out of their own resources. Access to housing remains deeply challenging due to a range of factors, including high rental prices and onerous advance payment requirements from owners. Rent prices are very high, resulting in two or three families living together in one place to be able to afford rent. Deposits are not paid back when the tenancy contract comes to an end. As a result, a large number of applicants, likely temporary protection beneficiaries (see [Temporary Protection: Housing](#)) remain exposed to destitution and homelessness, or accommodation in substandard makeshift camps.

Another obstacle affecting applicants' accommodation stems from marginalisation from local communities or other refugee populations, whereby people are forced to live in districts far from the city centre, hospitals, education centres and public buildings. Although the types of challenges vary depending on the province and the profile of the applicant, the most common problem is finding a suitable place to live in highly conservative **Central and Eastern Anatolian** cities. For instance, for applicants of African origin this issue demands more efforts due to prevalent racism. In other provinces such as **Hatay**, Afghan asylum seekers live in an isolated community far away from the centre of Antakya, due to discrimination from both local and Syrian populations. In **Ankara**, however, they generally reside in the Altındağ neighbourhood together with Syrian refugees. In **Istanbul**, an increasing number of Afghans have settled in Küçüksu and Yenimahalle.³⁷⁸ In **Adana** and **Mersin** they mostly live in rural areas under precarious conditions with together with Syrians.³⁷⁹

In 2007 a young Nigerian man, Festus Okey, was shot whilst in police custody in Istanbul and died later in hospital. Key evidence went missing. A police officer was found guilty in 2011 of involuntary manslaughter but did not serve any time in prison. The case was appealed but more years were spent identifying the victim than investigating the death itself. The case became a symbol of access to justice for migrants in Turkey.³⁸⁰ The case was finally solved in March 2021 when a police officer was sentenced to 16 years, 8 months in prison.³⁸¹ The Constitutional Court stated that the right to life of the applicant was violated by the public officers but rejected any racist motivation in the homicide. The Court awarded 80,000 TL (approx. 8,000 EUR) as non-pecuniary damages.³⁸²

In 2020, 18-year-old Syrian textile worker called Ali el Hemdan was stopped by the police at ID control in Adana. Hemdan did not show his ID and kept walking in the same direction. Although Hemdan obeyed the police warning and turned around, the police shot him. A lawsuit has been filed against the police officer on the grounds of intentional murder.³⁸³

³⁷⁸ Yiğit Seyhan, 'The evolution of Afghan migration in Istanbul', 17 December 2017, available at: <http://bit.ly/2tkCRjH>.

³⁷⁹ Information provided by the Adana Bar Association, February 2018; Mersin Bar Association, February 2018.

³⁸⁰ See news report at: <http://bit.ly/33mNpxb> and Facebook campaign page, available at: <http://bit.ly/2QmJhb9>.

³⁸¹ İstanbul - BIA News Desk, Police officer sentenced to prison over killing of Festus Okey, 18 March 2021, <https://bit.ly/2QKgl11>.

³⁸² Tochukwu Ganaliag Ogu case, Constitutional Court, 2018/6183, 13.01.2021.

³⁸³ Case of Ali el Hemdan, 1 July 2020, see: Amnesty International at: <https://bit.ly/3wHedX7>; and T24, "Ali Hemdan cinayetinde dair iddianame kabul edildi: Polis sendelememiş, Hemdan dur ihtarına uymuş", 21 May 2020, available at: <https://bit.ly/3uFuji8>.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

- | | |
|--|---|
| 1. Does the law allow for access to the labour market for asylum seekers?
❖ If yes, when do asylum seekers have access the labour market? | ☒ Yes ☐ No
6 months |
| 2. Does the law allow access to employment only following a labour market test? | ☒ Yes ☐ No |
| 3. Does the law only allow asylum seekers to work in specific sectors?
❖ If yes, specify which sectors: | ☒ Yes ☐ No |
| 4. Does the law limit asylum seekers' employment to a maximum working time?
❖ If yes, specify the number of days per year | ☐ Yes ☒ No |
| 5. Are there restrictions to accessing employment in practice? | ☒ Yes ☐ No |

Asylum seekers may apply for a work permit after 6 months following the lodging date of their international protection application.³⁸⁴

The principles and procedures governing the employment of applicants or international protection beneficiaries shall be determined by the Ministry of Family, Labour and Social Services in consultation with the Ministry of Interior.³⁸⁵ On that basis, the Regulation on Work Permit of Applicants for International Protection and those Granted International Protection adopted on 26 April 2016 confirms that applicants may apply to the Ministry of Family, Labour and Social Services for a work permit through an electronic system (*E-Devlet*) after 6 months from the lodging of their asylum application.³⁸⁶

Applicants must hold a valid identification document in order to apply,³⁸⁷ meaning that those applicants who do not hold an International Protection Identification Card – due to **Admissibility** grounds or the applicability of the **Accelerated Procedure** – are not permitted to apply for a work permit. In any event, it would be difficult for these categories of applicants to obtain a right to access the labour market given the general 6-month waiting period to apply for a work permit.

An exemption from the obligation to obtain a work permit is foreseen for the sectors of agriculture and livestock works. In these cases, however, the applicant must apply for an exemption before the relevant Provincial Directorate of Family, Labour and Social Services.³⁸⁸ The Ministry of Family and Social Services may introduce province limitations or quotas in these sectors.³⁸⁹ More generally, the Regulation entitles the Ministry to impose sectoral and geographical limitations to applicants' right to employment, without providing further detail as to the applicable grounds for such restrictions.³⁹⁰ In addition, applicants cannot be paid less than the minimum wage.³⁹¹

³⁸⁴ Article 89(4)(a) LFIP.

³⁸⁵ Article 89(4)(ç) LFIP.

³⁸⁶ Articles 6-7 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁸⁷ Article 6(1)-(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁸⁸ Article 9(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection. Provisionally, however, these applications are lodged with the Ministry of Family and Social Services: Provisional Article 1 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁸⁹ Article 9(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁹⁰ Article 18(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁹¹ Article 17 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

In the Cohesion Strategy and National Action Plan (2018-2023)³⁹² priorities for the labour market, include:

- Providing reliable and standardised information on labour market;
- Research on professional qualifications of migrants and access to the labour market;
- Protection of right to work as well as information on rights and working conditions.

The action plan includes:

- A website with information on conditions for access to the labour market depending on status;
- Awareness raising on rights and working conditions;
- Strengthening recognition of migrants' qualifications.

As mentioned above, most initiatives were suspended in 2020 due to the COVID-19 pandemic.

In an interesting case Istanbul Magistrate Court examined the situation of a person who had a deportation decision who was found to be working without a work permit. An administrative fine of 249 TL had been charged. In its judgment the Court noted that the person had to survive and to do that had to work. Although there had been a violation of a specific law from the constitutional perspective there was no violation as the person had to survive. The fine was cancelled.³⁹³

In practice, it currently takes the authorities 1-2 months to process work permit applications.³⁹⁴

In 2019 a total of 145,232 work permits were issued including 63,789 to immigrants from Syria, 3,935 to citizens of Iran, 1,947 to citizens of Iraq and 1,466 to citizens of Afghanistan. Figures are not yet available for 2020.³⁹⁵ Applicants for international protection continue to face widespread undeclared employment and labour exploitation in Turkey, similar to temporary protection beneficiaries (see [Temporary Protection: Access to the Labour Market](#)).

The Regulation also foresees the possibility for applicants to have access to vocational training schemes organised by the Turkish Job Agency (İŞKUR).³⁹⁶ In practice, Public Education Centres under provincial Governorates and İŞKUR offer vocational courses to asylum seekers in many localities.

A new project was launched in early 2020 by the Ministry of Foreign Affairs and the United Nations Development Programme (UNDP) on creating accelerators for entrepreneur refugees in Turkey.³⁹⁷ According to research, in the nine years since the Syrian crisis, over 10,000 companies have been established in Turkey by Syrians that have created around 100,000 jobs and Syrian businesspeople have invested over 1,5 billion TRY in Turkey.³⁹⁸

In 2020, the Leather, Textiles, and Footwear Workers Association released a report documenting the abuse of refugees' rights who work in the **Izmir** leather, textile, and footwear industries. They surveyed 100 employees (77 Syrians, 12 Afghans, 6 Iranians, and 5 Iraqis). The most predominant problem they encountered was underpayment due to informal employment practices. 60% of the participants stated that they were paid below the minimum wage and Turkish workers get paid 200-250 Turkish lira more per month.³⁹⁹ 65% of the refugees stated that they worked 11-12 hours every day without getting paid overtime.

³⁹² See DGMM, Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023, available in Turkish at: <https://bit.ly/2VlssZY>.

³⁹³ Istanbul Marmara Magistrate Court decision 2018/8, date 2 February 2018.

³⁹⁴ Refugees International, *I am only looking for my rights: Legal employment still inaccessible for refugees in Turkey*, December 2017, available at: <http://bit.ly/2ylz434>, 5. Confirmed by a stakeholder as still the case in April 2021.

³⁹⁵ See report: Work Permits of Foreigners, 2019, available at: <https://bit.ly/2QbV8Mw>.

³⁹⁶ Article 22 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁹⁷ More information is available at: <http://bit.ly/3aZ4CiF>

³⁹⁸ See, UNDP Turkey, *UNDP to Bring Turkish and Syrian Businesses Together at Mersin*, 16 January 2020, available at: <http://bit.ly/33q1lkp>.

³⁹⁹ Leather, Textiles and Footwear Workers Association, *Deri, Tekstil ve Kundura İşkolunda Çalışan Mülteci İşçilerin Yaşadığı Hak İhlalleri Raporu*, March 2020, available at: <https://bit.ly/3fXrULy>, 13.

A textile worker also added that employers threaten to fire them when they complain about long working hours.⁴⁰⁰ 77% of the refugees said they worked longer hours compared to Turkish citizens.⁴⁰¹ Lastly, refugees working in these industries were likely to be exposed to ill-treatment, discrimination, and hate speech. One Syrian leatherworker explained that refugees are subject to degrading treatment by employers which makes the existing biases towards Turkish workers even worse.⁴⁰²

Covid-19 had a huge impact on work possibilities in Turkey, including for refugees and asylum seekers. Due to the type of work typically undertaken by refugees, their poor economic situation and a lack of access to public services such as healthcare, the onset of the COVID-19 pandemic affected refugees to a greater extent, deepening already existing income inequality.⁴⁰³ Since Turkey's economy depends a great deal on temporary workers, refugees' declining labour force participation during the pandemic had a negative impact on the economy. 64% of migrant households in Turkey experienced a sharp decrease in their monthly household income during the pandemic, in 56 % of these households debts increased and their access to food and hygiene decreased.⁴⁰⁴ Research conducted by NGO ASAM with 1,162 temporary protection and international protection status holders showed that after the COVID-19, breakout unemployment rates among refugees went up substantially from 18% to 89%.⁴⁰⁵

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | ☒ Yes ☐ No |
| 2. Are children able to access education in practice? | ☒ Yes ☐ No |

International protection applicants and their family members shall have access to elementary and secondary education services in Turkey.⁴⁰⁶

Turkey has been a party to the United Nations Convention on the Rights of the Child since 1995. The right to education is also recognised by Article 42 of the Turkish Constitution, which provides that “no one shall be deprived of the right of learning and education”. Turkey's Law on Primary Education and Training provides that primary education is compulsory for all girls and boys between the ages of 6-13 and must be available free of charge in public schools.⁴⁰⁷ Currently the 8-year compulsory primary education is divided into two stages of 4 years each. Parents or guardians are responsible for registering school-age children to schools in time. Furthermore, the Basic Law on National Education also explicitly guarantees non-discrimination in extension of education services to children, “regardless of language, race, gender, religion”.⁴⁰⁸

In order for a parent to be able to register his or her child to a public school, the family must already have International Protection Applicant Identification Cards, which also list the Foreigners Identification Number (YKN) assigned by the General Directorate of Population Affairs to each family member. This YKN registry

⁴⁰⁰ Ibid., 17.

⁴⁰¹ Ibid., 14.

⁴⁰² Ibid., 19.

⁴⁰³ Göçmenlerin Aynasından COVID-19 salgınında Dünya, 12 October 2020, available at: <https://bit.ly/39V2Wcb>.

⁴⁰⁴ TEPAV Report on Social Justice for Refugees: Role of municipalities and NGOs During the Pandemic, 9 February 2021, available at: <https://bit.ly/2QX2jrK>.

⁴⁰⁵ ASAM/ COVID-19 Salgınının Türkiye'deki Mülteciler Üzerindeki Etkilerinin Sektörel Analizi, *Sectoral Analysis of The Impacts of COVID-19 on Refugees In Turkey*, 2020, available at: <https://bit.ly/3scBehq>, 14.

⁴⁰⁶ Article 89(1) LFIP.

⁴⁰⁷ Law No 222 on Primary Education and Training.

⁴⁰⁸ Law No 1738 Basic Law on National Education.

is a prerequisite for school authorities to be able to process the child's registration.⁴⁰⁹ However, the Ministry of National Education instructs public schools to facilitate the child's access to school even where the family has not yet completed their international protection registration process at the PDMM. Children need to attend school in the "satellite city" to which the family has been assigned (see [Freedom of Movement](#)).

According to UNICEF, the number of non-Syrian refugee children enrolled in formal education at the end of March 2019 was 56,701.⁴¹⁰

Since the language of education is Turkish, language barriers present a practical obstacle for asylum seeker children. There is no nationwide provision of preparatory or catch up classes for asylum-seeking children who start their education in Turkey or who did not attend school for some time due to various reasons. In practice, unaccompanied children who are accommodated in state shelters are offered Turkish language classes provided in the shelters before they are enrolled in schools. For other asylum-seeking children, while in theory they have access to Turkish classes provided by public education centres or the municipalities in their assigned province, in practice such language classes attuned for them are not universally available around Turkey. Nor does the Turkish educational system offer adaptation or catch-up classes to foreign children whose previous education was based on a different curriculum. However, community centres operated by Türk Kızılay across the country also offer Turkish language classes and other services to applicants (see [Content of Temporary Protection](#)).

Where the child has previous educational experiences prior to arrival to Turkey, he or she will undergo an equivalence assessment by Provincial Education Directorate to determine what grade would be appropriate for him or her to enrol. Particularly in cases where the family does not have any documents demonstrating the child's previous schooling, the equivalence determination may prove complicated.

Finally, although public schools are free, auxiliary costs such as notebooks, stationary and school uniforms present a financial burden on parents, who are already finding it very difficult to make ends meet in their assigned provinces.

Regarding asylum-seeking children with special needs, the Ministry of National Education instructs that where a foreign student is identified to be in need of special education, necessary measure shall be taken in accordance with the Regulation on Special Education Services, which governs the provision of education services to children with physical and mental disabilities.

Asylum-seeking children can also have access to private schools, which are subject to tuition fees. Such schools exist in **Ankara** for Libyan and Iraqi children and are supervised by the Ministry of National Education, for example.⁴¹¹

As part of the new Cohesion Strategy and National Plan, which foresees key issues to be addressed by DGMM, education is listed as one of the six focus areas.

Priorities for education include:

- Research why some migrant children miss school or stop attending;
- Improving the continuity of schooling including in formal education;
- Supporting access to higher education;
- Creating more informal programmes of education in line with the needs of migrants.

⁴⁰⁹ The specifics of the registration procedure are governed by a 23 September 2014 dated Ministry of National Education Circular No: 2014/21 regarding the Provision of Education and Training Services to Foreign Nationals.

⁴¹⁰ UNICEF, *Turkey Humanitarian Situation Report*, January-March 2019, 1.

⁴¹¹ Stakeholders confirmed these schools were still accessed in this way in March 2020.

Plans include:

- A review of the legislative base;
- Increase in capacity of formal education institutions;
- Information activities;
- Training for teachers including on psychological needs of children who may have undergone trauma;
- GEM transition to schools;
- Resources and assistance in libraries;
- Language skills and other courses to fill gaps;
- Post-school study and peer education including with Turkish classmates;
- Awareness raising with families of migrant children;
- Promoting access to pre-school education;
- Assistance for those with breaks in education;
- More higher education opportunities;
- Intercultural programmes at universities;
- Turkish language curriculum for different ages and levels of education;
- Non-formal education opportunities including in libraries, community and municipal centres etc;
- Mobile libraries in temporary accommodation centres;
- Vocational courses.

As mentioned above, most initiatives were suspended in 2020 due to the COVID-19 pandemic, particularly in the field of education as most students (Turkish included) studied at home for most of the year. From the list above the Temporary Education Centres (GEM) were all closed in 2020.

In 2019 social cohesion classes were initiated at schools. Foreign and Turkish students began to attend classes to better understand their cultures.⁴¹²

Covid-19 had a significant impact on the access to education from early 2020 with the majority of schools closed for the majority of age groups throughout the year. The Turkish government has provided EBA TV (known as Education Information Network TV) offering educational services to those who are unable to go to school. Education is provided for students in twenty-minute videos on three channels by TRT (known as Turkish Radio Television). Research showed that the restrictions due to the virus affected the learning processes of forced migrant children as there were problems accessing the internet or devices such as televisions, tablets, computers.⁴¹³

Other research by the NGO ASAM with 1,162 refugees and beneficiaries of temporary protection showed that 47% of participants were not able to benefit from distance education applications. The main reason for this challenge was a lack of suitable devices or hardware, such as a TV, mobile phone, computer or internet access.⁴¹⁴ In **Konya**, only 20-25% of children could access EBA. The main problems were a lack of smartphones, tablets and laptops. A higher risk of child labour and early child marriages was also reported. Families also complained that their children were losing their language skills.⁴¹⁵

⁴¹² Information provided by a stakeholder, February 2020.

⁴¹³ TEPAV *Report on Social Justice for Refugees: Role of municipalities and NGOs During the Pandemic, 09 February 2021*, available at: <https://bit.ly/2QX2jrK>.

⁴¹⁴ ASAM/ COVID-19 Salgınının Türkiye'deki Mülteciler Üzerindeki Etkilerinin Sektörel Analizi, *Sectoral Analysis of The Impacts of COVID-19 on Refugees In Turkey*, 2020, available at: <https://bit.ly/3scBehq>, 16.

⁴¹⁵ Information from a stakeholder, March 2021.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
☐ Yes ☒ Limited ☐ No

Turkey's General Health Insurance (*Genel Sağlık Sigortası*, GSS) scheme makes it compulsory for all residents of Turkey to have some form of medical insurance coverage, whether public or private. For persons whose income earnings are below a certain threshold and are therefore unable to make premium payments to cover their own medical insurance, the scheme extends free of charge health care coverage.⁴¹⁶

A means assessment for the purpose of health care coverage decisions on applicants is foreseen in the law (see [Criteria and Restrictions to Access Reception Conditions](#)) and is carried out by DGMM. The law also states that where DGMM at a later stage identifies that an applicant is partially or fully able to pay their own health insurance premiums, he or she may be asked to pay back in part or in full the premium amount paid for by DGMM to the general health insurance scheme.

Article 89(3) LFIP provides that "international protection applicants and status holders who are not covered by any medical insurance scheme and do not have the financial means to afford medical services" shall be considered to be covered under Turkey's GSS scheme and as such have the right to access free of charge health care services provided by public health care service providers. For such persons, the health insurance premium payments shall be paid by DGMM.

Article 89(3) LFIP designates that DGMM shall make the premium payments on behalf of international protection applicants and status holders. Previously the Ministry of Family and Social Services made the payments in the framework of an arrangement between the two agencies. The assessment of means took the form of an "income test" which classified the beneficiary according to the level of income. Persons in the "G0" class have health care premiums covered entirely, while individuals in categories "G1", "G2" and "G3" proportionally cover some of their health care costs.⁴¹⁷ However, the assessment criteria changed in 2019 after changes to the LFIP. According to the new law, the General Health Insurance Scheme is no longer applicable for international protection applicants one year after their registration, apart from those with special needs or ones approved by the Directorate General.

Assessment criteria are, therefore, no longer applied to non-Syrians apart from vulnerable groups. For vulnerable cases the DGMM requires evidence such as health and medical reports issued by state hospitals showing the vulnerable person's health condition. These medical reports are difficult to obtain for those who do not have health care coverage.⁴¹⁸

In 2020 some applicants with special needs had difficulties accessing healthcare. After the LFIP amendment in December 2019, an applicant for international protection with special needs had her health insurance terminated after 1 year even though the law states that people with special needs should continue

⁴¹⁶ Law No 5510 on Social Security and General Health Insurance lays down the scope and modalities of Turkey's general health insurance scheme.

⁴¹⁷ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

⁴¹⁸ Information provided by a stakeholder, March 2020.

to have access. For patients who were HIV-positive or with chronic illnesses it was necessary to submit a medical certificate to prove a specific disease, but it is very expensive to get them without health insurance. Documents can sometimes be provided with the financial support of NGOs.⁴¹⁹ In **Van** there was no free access to medical care except in emergency cases during COVID-19 in 2020.⁴²⁰

In **Central Anatolia** people do not disclose their HIV+ status during the initial application for health insurance because if they do their applications for health insurance are not accepted. However, if they report their HIV status after being registered, their insurance will be activated. There are different practices in different cities against LGBTI people but in **Kayseri**, for instance, all LGBTI people received a rejection for their application for health insurance so far. There was a HIV-positive applicant in **Konya** who received a deportation decision and whose health insurance was not activated by PDMM. His lawyer challenged the deactivation decision of the health insurance. The administrative court in **Kayseri** ruled that the deactivation was unlawful and that the insurance should be re-activated. However, the PDMM did not activate the insurance. Sex workers do not inform PDMM about their vulnerabilities and needs because PDMMs often try to deport them.⁴²¹

1. Scope of health care coverage

Under the Turkish health system, differentiation is made between primary, secondary and tertiary public health care institutions:

- Health stations, health centres, maternal and infant care and family planning centres and tuberculosis dispensaries that exist in each district in each province are classified as primary healthcare institutions;
- State hospitals are classified as secondary health care institutions;
- Research and training hospitals and university hospitals are classified as tertiary health care institutions.

Persons covered under the GSS scheme are entitled to spontaneously access initial diagnosis, treatment and rehabilitation services at primary health care institutions. These providers also undertake screening and immunisation for communicable diseases, specialised services for infants, children and teenagers as well as maternal and reproductive health services. The EU-funded **SIHHAT** project supported and developed primary health care services between 2016 and 2019 in 28 provinces with a dense Syrian population to increase access to health services.

GSS beneficiaries are also entitled to spontaneously approach public hospitals and research and training hospitals in their province. Their access to medical attention and treatment in university hospitals, however, is on the basis of a referral from a state hospital. In some cases, state hospitals may also refer a beneficiary to a private hospital, where the appropriate treatment is not available in any of the public health care providers in the province. In such a case, the private hospital is compensated by the GSS and the beneficiary is not charged.

In principle, referrals to university hospitals and private hospitals are only made for emergency and intensive care services as well as burn injuries and cancer treatment. That said, in situations of medical emergency, persons concerned may also spontaneously approach university hospitals and private hospitals without a referral.

⁴¹⁹ Information provided by a stakeholder, March 2021.

⁴²⁰ Information provided by a stakeholder, March 2021.

⁴²¹ Information provided by a stakeholder, March 2021.

GSS beneficiaries' access to secondary and tertiary healthcare services is conditional upon whether the health issue in question falls within the scope of the 2013 Health Implementation Directive (*Sağlık Uygulama Tebliği*, SUT).⁴²²

For treatment of health issues which do not fall within the scope of the SUT or for treatment expenses related to health issues covered by the SUT which exceed the maximum financial compensation amounts allowed by the SUT, beneficiaries may be required to make an additional payment.

According to SUT, persons covered by the general health insurance scheme are expected to contribute 20% of the total amount of the prescribed medication costs. In addition, beneficiaries are expected to pay 3 TL per medication item up to three items, and 1 TL for each item in more than three items were prescribed.

If persons have a chronic disease such as diabetes, hypertension, or asthma that requires taking medicine regularly, in this case, they can approach a state hospital and ask them to issue a medication report. By submitting the medication report to the pharmacy, they can be exempted from the contribution fee.

People can also approach public health centres (*toplum sağlığı merkezi*) in their satellite city to benefit from primary health services free of charge.

According to Article 67(2) LFIP, applicants who are identified as "victims of torture, rape and other forms of psychological, physical or sexual violence" shall be provided appropriate treatment with a view to supporting them to heal after past experiences. However, as to the actual implementation of this commitment, guidance merely mentions that DGMM authorities may cooperate with relevant public institutions, international organisations and NGOs for this purpose.⁴²³ That said, the free health care coverage of international protection applicants would also extend to any mental health treatment needs of applicants arising from past acts of persecution. In any case, free health care coverage under the general health insurance scheme also extends to mental health services provided by public health care institutions. Provincial Directorates of Family and Social Policies also offer psychological assistance, although interpreters are not available in all of them.

A number of NGOs also offer a range of psycho-social services in different locations around Turkey although capacity is limited. SGDD-ASAM, IKGV, Support to Life and Türk Kızılay are some of the NGOs providing psycho-social support in different cities across Turkey. Türk Kızılay Community Centre in Urfa has a new project in collaboration with UNICEF, DGMM and the Ministry of Health on empowering the mental health of refugees. Mental health centres will be established in Urfa and Ankara (pilot cities) then extended to 18 cities.⁴²⁴ As of April 2021 there were twelve community centers in Bursa, Izmir, Adana, Ankara, Kayseri, Konya, Gaziantep, Kahramanmaraş, Mersin, Şanlıurfa and two in Istanbul. The teams consist of psychiatrists, clinical psychologists, child development specialists, psychiatric nurses and translators.⁴²⁵

According to the Cohesion Strategy and National Action Plan (2018-2023) the following were priorities for improvements in the area of health:

- Health assessments for immigrants upon arrival
- Vaccinations
- Access to primary care
- Increasing capacity for access to secondary and tertiary care

⁴²² Directive No 28597, 24 March 2013.

⁴²³ Article 113(1) RFIP.

⁴²⁴ Information provided by Türk Kızılay Community Centre Urfa, February 2020.

⁴²⁵ Daily Sabah, 'Joint Turkish, German project to help traumatized Syrians', 16 March 2021, available at: <https://bit.ly/3bidd2w>.

- Coordination
- Sensitizing health sector staff to needs of immigrants

The Action Plan includes:

- Ensuring better coordination of services;
- Health assessments upon arrival and vaccination programmes;
- Migrant health centres where there are high concentrations of people with temporary protection;
- Development of health services in return centres;
- Mobile health services for disadvantaged groups such as the elderly and disabled as well as for agricultural workers;
- Access to reproductive health;
- Migrant health centres able to provide oral/dental health services;
- Increasing access to community health centres;
- Central health appointment system in other languages than Turkish;
- Information tools in different languages;
- Bilingual patient orientation staff in hospitals where high concentration of migrants.

Many initiatives were suspended in 2020 due to the COVID-19 pandemic however information materials were provided in different languages on the pandemic and different measures for individuals to take.

2. Practical constraints on access to health care

To benefit from GSS, applicants must already be registered with the PDMM and issued an International Protection Applicant Identification Card, which also lists the YKN assigned by the General Directorate of Population Affairs to each applicant. This YKN designation is a prerequisite for hospitals and other medical service providers to be able to intake and process an asylum seeker. The current obstacles to [Registration](#) thus have repercussions on asylum seekers' access to health care.

The language barrier remains the predominant problem encountered by asylum seekers in seeking to access to health care services.⁴²⁶ Hospitals in Turkey give appointments to patients over the telephone. Since hospital appointment call centres do not serve prospective patients in any language other than Turkish, foreign nationals need the assistance of a Turkish speaker already at appointment stage. There is no nationwide system for the provision of interpretation assistance to international protection applicants and beneficiaries, although the EU-funded [SIHHAT](#) project 2016 and 2019 included interpreters for Syrian temporary protection beneficiaries (see [Temporary Protection: Health Care](#)). NGOs in some locations also offer limited services to accompany particularly vulnerable asylum seekers to hospitals. In some provinces such as **Hatay**, doctors only accept interpreters under oath, while in others like **Ankara** hospitals have their own interpreters.⁴²⁷

Where an international protection applicant has a medical issue, for which no treatment is available in his or her assigned province of residence, he or she may request to be assigned to another province to be able to undergo treatment (see [Freedom of Movement](#)). Article 110(5) RFIP allows applicants to request to be assigned to another province for health reasons.

Article 90(2) LFIP states that for applicants who fail to comply with the obligations listed in Article 90(1) or about whom a negative status decision was issued, the DGMM may proceed to a [Reduction](#) of rights and benefits, with the exception of education rights for minors and basic health care. In practice, however, PDMM have proceeded with the de-activation of the GSS for persons whose application for international

⁴²⁶ Information provided by Bosphorus Migration Studies, January 2019.

⁴²⁷ Information provided by Bosphorus Migration Studies, January 2019.

protection is considered withdrawn (“cancelled”) due to non-compliance with the obligation to stay in the assigned “satellite city” or rejected, even without the decision having become final. Lawyers have challenged these cases but unsuccessfully so far.⁴²⁸

In addition, in provinces such as **Afyon** and **Kırıkkale**, where individuals are able to re-activate their GSS, they cannot benefit from health care before paying outstanding premium debts for the period during which their GSS was de-activated.⁴²⁹

After the recent legal amendments, the health insurance of Afghans was deactivated immediately in **Adiyaman** and **Antep**. In **Van** the health insurance of both Iranians and Afghans was deactivated right after the law entered into force.⁴³⁰

Obstacles in accessing healthcare continued in 2020 during the COVID-19 pandemic, although Presidential Decision number 2399 from 13 April 2020 guaranteed that everyone, regardless of whether they have social security or insurance, could access personal protective materials, diagnostic tests and medicine free of charge. There have been some problems due to the lack of a written regulation about how to register unregistered/undocumented immigrants who do not benefit from general health insurance in the system and it is unclear at time of writing if hospitalization is covered.⁴³¹

In a report published by the NGO ASAM, which involved 1,162 refugees and temporary protection holders, 15% of all participants stated that they felt the need to go to a hospital during COVID-19 but could not access health services for a variety of reasons. 25% thought that healthcare centres were closed, showing that a significant portion of refugees were not adequately informed about COVID-19 measures.⁴³² As of 2021 there had not been an official statement on whether refugees registered or unregistered were to be included in the vaccine roll out.⁴³³

In the southeast region, if the health insurance of a person with special needs is deactivated and DGMM recognises the need then they temporarily re-activate the health insurance of the applicant for a month and request a health report. The health report is then used to determine whether the insurance should be extended or not. Private hospitals in the south east region receive a contribution fee from Syrian patients. If patients cannot pay for the contribution fee they have to sign a bill. In case of non-payment, their insurance is deactivated. As opposed to Turkish citizens, applicants for international protection have to pay a contribution fee for cancer treatment, eye treatment, child medical care and hepatitis.⁴³⁴

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?

☒ Yes

☐ No

⁴²⁸ Information provided by stakeholders, February 2019.

⁴²⁹ *Ibid.*

⁴³⁰ Information provided by a lawyer from the Van Bar Association, March 2020.

⁴³¹ Public Health Professionals Association, *Pandemi Sürecinde Göçmenler ve Mültecilerle İlgili Durum*, 15 April 2020, available in Turkish at: <https://bit.ly/34MbXjI>.

⁴³² ASAM/COVID-19 Salgınının Türkiye'deki Mülteciler Üzerindeki Etkilerinin Sektörel Analizi, *Sectoral Analysis of The Impacts of COVID-19 on Refugees In Turkey*, 2020, available at: <https://bit.ly/3scBehq>, 18.

⁴³³ Arab News, Will Turkey's refugees be vaccinated against the coronavirus? 24 January 2021. Available at: <https://bit.ly/3vWXSvm>.

⁴³⁴ Information provided by a stakeholder, March 2021.

The “persons with special needs” category includes “unaccompanied minors, handicapped persons, elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence”.⁴³⁵

In addition to the measures set out in **Identification**, the LFIP makes a number of special provisions regarding the reception services to be extended to “persons with special needs” including unaccompanied children. However, the additional reception measures prescribed by the law are far from sufficient.

1. Reception of unaccompanied children

When it comes to unaccompanied children, Article 66 LFIP orders that the principle of “best interests of the child” shall be observed in all decisions concerning unaccompanied minor applicants. According to the new Article 66(B) LFIP, all children younger than 18 shall be placed in children’s shelters or other premises under the authority of the Ministry of Family and Social Services.⁴³⁶

There are different procedures applied for separated children. In **Kilis** and **Mersin**, if one of the parents is alive the courts cancel the custody of children first and then appoint a guardian. In **Antep** the courts directly appoint a guardian.⁴³⁷ In **Antakya**, there is a protocol between the PDDM and the Ministry of Family and Social Policies with regard to the registration of separated children and constitution of their legal relationships with their families. In **Antakya** in 2019 there were concerns over the custody of unaccompanied and separated children and legal assessments of new guardians not being conducted carefully.⁴³⁸

Unaccompanied male children may face difficulties in accessing protection. If the child does not have an identity card, the Child Support Centres (ÇODEM) will help to obtain one. If the child goes directly to a PDMM, he will not obtain an ID card as he must receive a guardianship decision from a court first. However, when children go to court for the appointment of a guardian, judges say that they cannot appoint a guardian because the child is not registered and, therefore, legally does not exist. This creates a vicious circle where children remain in a prolonged state of limbo and further hinders their access to the international protection procedure. Children staying in dormitories get a foreign identification number, not an ID card to access basic services such as education. When they leave the dormitory and reach the age of 18, they can apply for an ID. This is common practice, especially in **Çanakkale**.

Syrian children in **Kilis** State Hospital and **Adana** Balcali Hospital come from camps in the buffer zone due to poor medical infrastructure in the camps. They come alone in an ambulance, with no adult companion to take care of them then return to their camps in an ambulance again. A guardian is not appointed. Their legal representative (their parents)’ consent is not received and they can undergo operations without consent.⁴³⁹

2. Reception of survivors of torture or violence

According to Article 67(2) LFIP, applicants who are identified as “victims of torture, rape and other forms of psychological, physical or sexual violence” shall be provided appropriate treatment with a view to helping them heal from past experiences. However, as to the actual implementation of this commitment, guidance merely mentions that DGMM authorities may cooperate with relevant public institutions, international

⁴³⁵ Article 3(1)(I) LFIP.

⁴³⁶ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

⁴³⁷ Information provided by a stakeholder, February 2020.

⁴³⁸ Information provided by a lawyer from the Antakya Bar Association.

⁴³⁹ Information provided by a stakeholder, March 2021.

organisations and NGOs for this purpose (see [Health Care](#)). It is also important to note that registration is a pre-requirement to access shelters. When unregistered women, or any other unregistered applicant for that matter, go to a police station to lodge a complaint, they can be sent to removal centres and may face deportation. A example of good practice reported in Istanbul in 2020 concerned a Syrian woman and two Afghan women, who were not international protection applicants, who had been living in Istanbul without registration for a long time. The judge immediately issued an order to PDDM to issue an identity card for the concerned women so as to grant them access to a women's shelter.⁴⁴⁰

Gender-based violence against refugee women persists as a risk. In early 2019, an Uzbek woman was raped by a police officer in **Istanbul** and, as criminal proceedings were pending before the 8th Criminal Court of Istanbul, it was reported by lawyers that the woman was deported due to a violation of visa obligations and was no longer reachable in Uzbekistan to give a power of attorney.⁴⁴¹ Research from 2020 on healthcare for refugees included two women who reported cases of physical and sexual violence. In one case, a Syrian woman said she was sexually assaulted by a hospital janitor at a public hospital in Gaziantep. In the second case, an Afghan woman said that she was beaten by doctors at a public hospital.⁴⁴²

In some cases, the history of gender-based violence of female applicants might be used against them by public authorities that possess their private data through personal interviews. Also, according to incidents reported from **Eskişehir** and **Denizli**, interpreters who are not generally under oath might leak this type of information within small networks in the satellite cities. It is widely known by NGOs working with women that there are rape and sexual harassment incidents committed by public officers or third parties against single women and victims of gender-based violence.

Victims of gender-based violence are referred to Centres for the Elimination and Monitoring of Violence (*Şiddet Önleme ve İzleme Merkezi, ŞÖNİM*) which in turn refer them to women's shelters (*kadın konukevi*), mostly run by the Ministry of Family and Social Services, municipalities or NGOs.⁴⁴³ In 2019 there were reports of 145 shelters with a capacity of 3,482 places.⁴⁴⁴

There are now four dedicated facilities for victims of human trafficking: one operated by DGMM for women in **Kırıkkale** with 12 places, and another shelter for women operated by the municipality of **Ankara** with 30 places.⁴⁴⁵ There is also a shelter for men in **Kırıkkale** with 40 places and a family shelter with 40 places in **Aydın**. However, conditions in those centres vary. For example, a woman ran away from the centre managed by DGMM in Kırıkkale due to poor security conditions.⁴⁴⁶

Some NGOs, municipalities provide places for short stays in case of emergency (see also [Temporary Protection: Vulnerable Groups](#)).

⁴⁴⁰ Information provided by a stakeholder, March 2021.

⁴⁴¹ Birgün, 'İstanbul'da polis, taksiden indirdiği kadına tecavüz etti', 20 January 2019, available in Turkish at: <https://bit.ly/2U2HuMb>; Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁴⁴² Barriers to and Facilitators of Migrant Communities' Access to Health Care in Istanbul, GAR (Association for Migration Research), September 2020, available at: <https://bit.ly/3wk4nu6>.

⁴⁴³ Ministry of Family, Labour and Social Services, *Şiddet Önleme ve İzleme Merkezi*, available in Turkish at: <https://bit.ly/2HLo6fm>.

⁴⁴⁴ See BBC Turkey, 25 Kasım Kadına Yönelik Şiddetle Mücadele Günü - Kadınların ağzından sığınma evleri: 'Sanki suç işlemişiz gibi davranıyorlar', 25 November 2019, available in Turkish at: <https://bbc.in/33S3g7j>; See also, NPR, 'We Don't Want To Die': Women In Turkey Decry Rise In Violence And Killings, 15 September 2019, at: <https://n.pr/2WZtP8T>.

⁴⁴⁵ DGMM, *Victims of human trafficking*, available at: <https://bit.ly/2uFKMpT>.

⁴⁴⁶ Information provided by a stakeholder, February 2019.

3. Reception of LGBTI persons

LGBTI persons are not mentioned as a category of “persons with special needs” in the LFIP. Nevertheless, their particular situation was taken into consideration in the process of assignment of a “satellite city” in the past.⁴⁴⁷ Prior to the termination of the “joint registration” system in September 2018, UNHCR / SGDD-ASAM mainly referred LGBTI persons to specific provinces, where communities were known to be more open and sensitive to this population.

Due to capacity shortages in these provinces in 2018, applicants were directed to more conservative provinces, where they face greater risks of discrimination.⁴⁴⁸ However, in 2019 LGBTI refugees were still being referred to **Eskişehir**, **Denizli** and **Yalova** from **Ankara** at least. LGBTI ex-minors are also referred to these cities.⁴⁴⁹

There are no shelters for LGBTI + people. In one case reported in 2020, unregistered trans women refugees in Istanbul could not access shelters, so they were accommodated by a political party representative for two days.⁴⁵⁰ In many provinces, LGBTI applicants face additional challenges to reception, particularly due to the lack of state-provided accommodation and the requirement to secure their own accommodation. For persons who do not fit in the predominant gender roles, housing may become more difficult to find but also precarious, as many fear the risk of being evicted by landlords if their orientation or identity is discovered.⁴⁵¹ In the past SGDD-ASAM referred trans applicants to the Transgender House (*Trans evi*) in **Istanbul** for short stays where the applicant had specific needs,⁴⁵² however it is no longer open as the project ended in 2019. Now NGOs can sometimes find temporary housing, but only in very vulnerable cases.

In addition, trans persons who start or are undergoing gender reassignment process may face obstacles in securing treatment due to hospitals’ limited familiarity with this field, as well as restricted financial capacity to afford hormones which are not covered by social security.⁴⁵³ In general, they consult the nearest research and training public hospitals with medical councils responsible for deciding on medico- legal processes. The very first ruling on the legal recognition of an Iranian trans woman’s application dated 2016 was published on 25 January 2018 and allowed her to proceed to gender reassignment.⁴⁵⁴ In another positive decision, the 7th Civil Court of Izmir approved the gender reassignment process of an Iranian refugee.⁴⁵⁵ More recently, however, lawyers have witnessed court decisions refusing gender reassignment procedures to trans refugees in **Izmir** and **Yalova**.

LGBTI refugees can access psychological support from contracted psychiatrists and clinics through UNHCR, state hospitals or NGOs in satellite cities. Since hospitals do not have interpreters, this group usually accesses psychological support from SGDD-ASAM and **Human Resource Development Foundation** (HRDF) offices in satellite cities. LGBTI refugees have stated that they find it difficult to express themselves easily in sessions due to the fact that they access psychological support through interpreters, and experts sometimes do not have adequate awareness of gender, sexual orientation and gender identity and prejudices.⁴⁵⁶

⁴⁴⁷ Information provided by a stakeholder, February 2018.

⁴⁴⁸ See e.g. Deutsche Welle, ‘Suriyelilerin İstanbul’a kaydı durduruldu’, 6 February 2018, available in Turkish at: <http://bit.ly/2sjHtWS>.

⁴⁴⁹ Information provided by a stakeholder in Ankara, February 2020.

⁴⁵⁰ Information provided by a stakeholder, March 2021.

⁴⁵¹ Kaos GL, *Turkey’s challenge with LGBTI refugees*, 4 December 2019, 29-32.

⁴⁵² Information provided by a stakeholder, March 2018.

⁴⁵³ Kaos GL, *Waiting to be “safe and sound”: Turkey as an LGBTI refugees’ way station*, July 2016, 39.

⁴⁵⁴ 2nd Civil Court of Denizli, Decision 2018/19, 25 January 2018.

⁴⁵⁵ 7th Civil Court of Izmir, Decision 2018/370, 9 October 2018.

⁴⁵⁶ Kaos GL report, *Turkey’s challenge with LGBTI refugees*, 4 December 2019, available at: <http://bit.ly/2TXasf4>.

4. Reception of persons living with HIV

People living with HIV are not explicitly identified as a group having special needs in the LFIP. Few NGOs deal with the needs of this group such as Positive Life in **Istanbul** and SGDD-ASAM in **Ankara**. Unfortunately, information on their situation is not well known. The limited training and familiarity of health care institutions with their situation creates obstacles to effective access to health care.⁴⁵⁷

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

Following the changes in the [Registration](#) system in 2018, when a PDMM is unable to register their application, applicants for international protection are sometimes informed of the province (“satellite city”) where they have to report to the PDMM in order to register their application and where they will be required to reside. This is not consistently done across provinces, however.

In addition, the [Help](#) platform established by UNHCR provides information on rights such as education, employment and health care in English, Turkish, Arabic and Farsi (see [Information for asylum seekers and access to NGOs and UNHCR](#)).

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
- ☐ Yes ☒ With limitations ☐ No

As stated in [Types of Accommodation](#), the only Reception and Accommodation Centre currently in operation to shelter international protection applicants is in the province of **Yozgat** with a modest capacity of 100 places. Since Reception and Accommodation Centres are defined as open centres, neither Article 95 LFIP nor the Removal Centres Regulation make any specific provisions concerning residents’ access to family members, legal advisors and UNHCR. In relation to NGOs’ access to Reception and Accommodation Centres specifically, according to Article 95(8), NGOs’ “visits” to these facilities will be subject to the permission of DGMM (see [Information for asylum seekers and access to NGOs and UNHCR](#)).

Finally, Article 92(3) LFIP guarantees UNHCR’s access to all international protection applicants. This access provision must be interpreted to extend to applicants accommodated in Reception and Accommodation Centres.

G. Differential treatment of specific nationalities in reception

Given the dual system operated by Turkey, which distinguishes international protection from temporary protection, different reception arrangements are laid down for applicants for international protection and persons under temporary protection. While a small fraction of the population of temporary protection beneficiaries from **Syria** subject continue to be sheltered in Temporary Accommodation Centres, the vast

⁴⁵⁷ Information provided by an NGO, February 2019.

majority have to secure their own accommodation, similar to applicants for international protection. That said, Syrians' access to essential rights is generally described as more straightforward than that of non-Syrian applicants for international protection.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2020: ⁴⁵⁸	Not available
2. Number of asylum seekers in detention at the end of 2020:	Not available
3. Number of Removal Centres:	26
4. Total capacity of Removal Centres:	16,108

Statistics on pre-removal detention of asylum seekers and other migrants are not available. There are no statistics available on the number of persons applying from detention across the country either.

While most international protection applicants are not systematically detained, categories of international protection applicants most commonly detained include:

- Persons who make an international protection application in border premises;
- Persons who apply for international protection after being intercepted for irregular presence and being placed in a Removal Centre, including persons readmitted to Turkey from another country;
- Persons who have made an application for international protection and are apprehended without documentation or outside their assigned province ("satellite city") without authorisation;
- Persons issued a security restriction code, for example on suspicion of being foreign terrorist fighters (*Yabancı Terörist Savaşçı*, YTS).

While Removal Centres (*Geri Gönderme Merkezi*, GGM) are essentially defined as facilities dedicated for administrative detention for the purpose of removal, in practice they are also used to detain international protection applicants (see [Place of Detention](#)). According to DGMM, as of March 2021, there were 26 active Removal Centres in Turkey with a total detention capacity of 16,108 places. The EU provides support for migration management under its pre-accession assistance to Turkey. This includes the construction of fourteen removal centres (of which eight are completed), and the refurbishment and maintenance of eleven additional centres. This support amounts to a total of EUR 84 million provided under the Instrument for Pre-accession Assistance.⁴⁵⁹

The LFIP provides that international protection applications of detained applicants other than requiring that applications of detained applicants shall be finalised "as quickly as possible",⁴⁶⁰ and that they fall within the scope of the [Accelerated Procedure](#).⁴⁶¹

There is little information available on detention during COVID-19. This being said, persons were released from removal centres in early 2020 because flights were cancelled as a result of travel restrictions and to ensure that there was social distancing measures/ that detention centres were not too crowded. Released persons were subsequently subject to reporting duties, which is an alternative to detention that has been increasingly used throughout the year as described in [Alternatives to detention](#).

⁴⁵⁸ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

⁴⁵⁹ Answer to European Parliamentary Question reference P-002884/2019 on behalf of the European Commission, available at: <http://bit.ly/2TWAO0o>.

⁴⁶⁰ Article 68(5) LFIP.

⁴⁶¹ Article 79(1)(ç) LFIP.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- | | | |
|--|---|-----------------------------|
| 1. In practice, are most asylum seekers detained | | |
| ❖ on the territory: | ☒ Yes | ☐ No |
| ❖ at the border: | ☒ Yes | ☐ No |
| 2. Are asylum seekers detained during a regular procedure in practice? | | Varies |

The LFIP provides for two types of administrative detention:

- ❖ Administrative detention of international protection applicants during the processing of their applications;⁴⁶² and
- ❖ Administrative detention for the purpose of removal.⁴⁶³

1.1. Detention of international protection applicants

The decision to detain an applicant for international protection is issued by the governorate of the “satellite city” in which the applicant resides. That said, administrative detention of international protection applicants must be an exceptional measure.⁴⁶⁴ Persons “may not be detained for the sole reason of having submitted an international protection application.”⁴⁶⁵

Article 68(2) LFIP identifies 4 grounds that may justify detention of international protection applicants:

- (a) In case there is serious doubt as to the truthfulness of identity and nationality information submitted by the applicant for the purpose of verification of identity and nationality;
- (b) At border gates, for the purpose of preventing irregular entry;
- (c) Where it would not be possible to identify the main elements of the applicant’s international protection claim unless administrative detention is applied;
- (ç) Where the applicant poses a serious danger to public order or public security.

In practice, there is no substantial information on detention being ordered under Article 68 LFIP for the purpose of the international protection procedure. Most detained asylum seekers are deprived of their liberty on the basis of pre-removal detention.

1.2. Pre-removal detention

According to Article 57(2) LFIP, detention for the purpose of removal may be ordered to persons issued a removal decision who:

- Present a risk of absconding;
- Have breached the rules of entry into and exit from Turkey;
- Have used false or forged documents;
- Have not left Turkey after the period of voluntary departure, without a reasonable excuse;
- Pose a threat to public order, public security or public health.

⁴⁶² Article 68 LFIP.

⁴⁶³ Article 57 LFIP.

⁴⁶⁴ Article 68(2) LFIP; Article 96(1) RFIP.

⁴⁶⁵ Article 68(1) LFIP.

The law further provides that detention shall immediately cease where it is no longer necessary.⁴⁶⁶ Judgments from Magistrates' Courts of **Antalya** and **Hatay** in 2018 held that there is no basis to detain under Article 57 LFIP if removal cannot be carried out due to interim measures from the Constitutional Court and the Administrative Court.⁴⁶⁷ Conversely, the Magistrates' Court of **Van** has reached the opposite conclusion in similar cases.⁴⁶⁸

The RFIP provides that where a person makes an application for international application while detained in a Removal Centre, he or she will remain in detention without being subject to a separate detention order for the purposes of the international protection procedure.⁴⁶⁹ This not only runs contrary to the LFIP, which provides that applicants for international protection are protected from deportation, but also raises the risk that grounds for detention under Article 68 LFIP will not be adequately assessed with a view to maintaining or releasing an applicant from pre-removal detention. In practice, asylum seekers remain subject to pre-removal detention orders, although some persons are released after their application for international protection has been registered.⁴⁷⁰ Even this can nevertheless entail a prolonged period of pre-removal detention due to the significant obstacles to the **Registration** of applications from Removal Centres. There is limited information on how the new provision on alternatives to detention from December 2019 has been implemented but practice in 2020 seems to indicate an increased use of reporting duties and being placed at a residential address. See section on **Alternatives to detention**.

1.3. Detention without legal basis

Beyond detention in the international protection procedure and pre-removal detention, a number of migrants and asylum seekers are arbitrarily detained without legal basis. Firstly, persons who are apprehended outside their designated province ("satellite city") may be detained in order to be transferred back. According to HRW, the combination of the registration ban in certain provinces and the travel ban forces Syrians either to stay illegally in one province or to travel illegally to other provinces, thus risking detention and deportation.⁴⁷¹ While it appears that detention is imposed on applicants who violate residence restrictions with varying rigour, often depending on different factors such as the nationality of the individual, in 2018 and 2019⁴⁷² the authorities intensified checks on persons travelling outside their designated province, resulting in an increasing number of applicants for international protection detained in Removal Centres (see **Freedom of Movement**). Administrative detention based on a lack of travel permission was common in 2019.⁴⁷³ In 2020 travel restrictions still applied and there were new restrictions due to the COVID-19 pandemic. Intercity travel banned for several weeks from April 2020. There was no information given by stakeholders on how this affected detention practices.

In addition, persons arriving at international airports and refused entry into Turkey are also held under a regime of detention as "inadmissible persons" (*kabul edilemez*), even though this occurs *de facto*. Turkey does not consider holding people in transit zones as a form of detention, on the basis that "at any time

⁴⁶⁶ Article 57(4) LFIP.

⁴⁶⁷ 2nd Magistrates' Court of Antalya, Decision 2018/1761, 2 April 2018; 2nd Magistrates' Court of Hatay, Decision 2018/4659, 26 December 2018.

⁴⁶⁸ 2nd Magistrates' Court of Van, Decision 2018/6023, 27 November 2018; Decision 2018/6166, 7 January 2018.

⁴⁶⁹ Article 96(7) RFIP.

⁴⁷⁰ Information provided by a stakeholder, February 2018.

⁴⁷¹ HRW, Turkey Stops Registering Syrian Asylum Seekers, July 2018, available at: <https://bit.ly/2XM5t2V>.

⁴⁷² For the situation for Syrians in Istanbul, see: Amnesty International, 'Turkey: Syrians illegally deported into war ahead of anticipated 'safe zone'', 25 October 2019, available at: <https://bit.ly/2XTTa4V>; and Human Rights Watch, 'Turkey: Syrians being deported to danger', 24 October 2019, available at: <https://bit.ly/2VFjCw7>.

⁴⁷³ Information provided by a stakeholder, March 2020.

inadmissible passengers can leave holding areas to travel to a country where they would like to go.”⁴⁷⁴ These persons are required to sign an “inadmissible passenger form” (*kabul edilemez yolcu formu*).⁴⁷⁵

In practice, it is widely reported that applicants for international protection are held in facilities at the airport. However, it was reported that people arriving irregularly ‘inadmissible passengers’ are not held for long in the new airport in Istanbul in 2019.⁴⁷⁶ In 2020 due to COVID-19 restrictions people held in detention were released to allow for social distancing measures in detention and asked to report regularly or stay at a particular address.

In conformity with the law, the duration of assessment of the applications in the accelerated procedure does not exceed 2-3 days.⁴⁷⁷ However, even though this is not formally regarded as a form of detention, as stated in the judgment of the Constitutional Court in *B.T.*, any detention beyond 48 hours prior to transfer to a Removal Centre is unlawful and constitutes a violation of the right to liberty.⁴⁷⁸

In 2019 the LFIP was amended regarding ‘inadmissible passengers’ to say that ‘Foreigners covered under this article shall stay at the designated areas at border gates until the process in relation to them is finalised.’ NGOs were concerned that this would create problems and violations of procedural safeguards, and about the period of detention, conditions and access to appeal.⁴⁷⁹ It was difficult to know how this was implemented in practice in 2020 due to COVID-19 restrictions on admissible and inadmissible passengers and quarantine, that took precedence.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
☒ Reporting duties
☐ Surrendering documents
☐ Financial guarantee
☒ Residence restrictions
☒ Other
2. Are alternatives to detention used in practice?
☐ Yes ☒ No

Article 68(3) LFIP requires an individualised assessment of the necessity to detain, and the consideration of less coercive alternatives before detention in the international protection procedure. It instructs authorities “to consider whether free residence in an assigned province and regular reporting duty as per Article 71 LFIP will not constitute a sufficient measure”. The residence and reporting obligations set out in Article 71 LFIP involve residence in a designated Reception and Accommodation Centre, a specific location or a province, and reporting to the authorities at designated intervals.⁴⁸⁰

⁴⁷⁴ Council of Europe, *Response of the Turkish Government to the report of the CPT on its visit to Turkey from 16 to 23 June 2015*, CPT/Inf (2017) 33, 17 October 2017, available at: <http://bit.ly/2G8tjL7>, 3.

⁴⁷⁵ DGMM, *Kabul Edilemez Yolcu Formları*, available at: <https://bit.ly/2Fz961l>.

⁴⁷⁶ Information provided by a lawyer from the Istanbul Bar Association, March 2020.

⁴⁷⁷ Information provided by a stakeholder, March 2018.

⁴⁷⁸ Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017, available at: <https://bit.ly/2IWjuS0>. The applicant was an Uzbek national who tried to exit Turkey and enter Greece with a counterfeit passport. B.T. was detained in **Sabiha Gökçen Airport** in Istanbul for 6 days before being transferred to **Kumkapı** Removal Centre. There, he applied for international protection and after 44 days he was released and assigned to **Sinop**. See also Anadolu Agency, ‘AYM'den Özbekistan vatandaşı için hak ihlali kararı’, 16 February 2018, available in Turkish at: <https://bit.ly/2plzGhq>.

⁴⁷⁹ Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey, 4 December 2019, available at: <http://bit.ly/2IRYovQ>.

⁴⁸⁰ Article 71(1) LFIP.

The LFIP states that the competent authority may end detention at a later time following the detention order and put in place less coercive alternative measures.⁴⁸¹ This is echoed by the RFIP, which provides that an applicant who is released from administrative detention may be required “to fulfil other obligations besides mandatory residence and notification obligation.”⁴⁸² Both provisions are problematic as they refer to such obligations *after* detention is lifted rather than before it is ordered.

Since 2019, it has been observed that applicants who were released after the expiry of the maximum duration of pre-removal detention were issued an Administrative Surveillance Decision (“T6”) and were obliged to regularly report to the PDMM (see [Registration](#)). This was a concerning practice, as the imposition of reporting obligations to the PDMM is as an additional restriction when detention may no longer be applied, rather than an alternative to detention. Applicants are often ordered to report to PDMM in the Removal Centre from which they are released, or in provinces located far from their assigned “satellite cities” within tight deadlines, without necessarily possessing the means to get there. NGOs are aware of cases where clients have been obliged to discharge their reporting duties in a distant city, two, three or even five days a week, thereby entailing disproportionate transportation and accommodation costs for applicants.⁴⁸³ For instance, **Aydin** Removal Centre obliged a non-Syrian registered in **Afyon** to give his signature every week in Aydin.⁴⁸⁴ In addition, people were not properly informed of this obligation upon release from the Removal Centre.⁴⁸⁵

Lawyers have appealed cases of reporting obligations after detention is terminated, but with varied outcomes. One case before the Administrative Court of **Gaziantep** concerned a Yemeni national subject to an administrative decision on reporting obligation five days per week in a city other than his assigned city. The Court annulled the decision on the ground that “the application of this duty will cause irreversible damages for the applicant residing in Istanbul in terms of his family unity and financial burden.”⁴⁸⁶

New amendments to the law in December 2019 included Article 57(A) LFIP which lays down alternatives to pre-removal. The measures are:

- a) Residence at a specific address
- b) Notification
- c) Family-based repatriation
- ç) Return consultancy
- d) Working on a voluntary basis in public benefit services
- e) Guarantee
- f) Electronic monitoring

These measures shall not be applied for more than 24 months and non-compliance shall be a ground for imposing pre-removal detention. Article 57(8) LFIP inserts that a person’s electronic tagging device may be examined by the authorities to establish the person’s identity.

⁴⁸¹ Article 68(6) LFIP.

⁴⁸² Article 96(5) RFIP. Article 68(6) LFIP only refers to the obligations in Article 71 LFIP where detention is lifted.

⁴⁸³ Information provided by a stakeholder, February 2018.

⁴⁸⁴ Information provided by a stakeholder in Ankara, February 2020.

⁴⁸⁵ Information provided by a stakeholder, February 2019.

⁴⁸⁶ 1st Administrative Court of Gaziantep, Decision 2017/1302, 9 October 2017.

In 2019, concerns were expressed about return counselling given reported pressure on detained refugees to voluntarily return.⁴⁸⁷ In **Istanbul** lawyers requested return counselling as an alternative to detention for a woman from Kyrgyzstan, however, the request was rejected by the court. The woman was issued a T6 form with an obligation to report in a specific city.⁴⁸⁸

Two alternatives to detention started to be used more frequently in 2020 – i.e. signing in/reporting duties and being placed at a residential address. There was no regulation or guidance on how to implement alternative measures to detention and in practice lawyers were mainly aware of their clients being asked to undertake reporting duties.⁴⁸⁹ People in removal centres in **Izmir**, **Mugla** and **Aydin** were released with a signature obligation and a T6 form. Due to their obligation to sign in, they could not stay in the three provinces but had to go to another city where registrations were open during COVID-19. This meant that they had to constantly travel at their own costs between their city of registration and city of ‘signature’.⁴⁹⁰ In **Adana** a person was issued a decision on ‘not leaving the domicile’ as an alternative to detention.⁴⁹¹ COVID-19, however, meant that people were released from removal centres in early 2020 because flights were cancelled and in several cities reporting duties were required. For example, in **Van** people were released from removal centres, including to reduce the numbers detained there and obliged to give their signature. People were also released from the airport, due to COVID-19. In **Istanbul** reporting duties seemed linked to security measures under criminal law.⁴⁹² There is a consultation project on alternatives to detention between DGMM and IOM that started in early 2020. The project “Supporting Directorate General of Migration Management (DGMM) to Develop Alternatives to Immigration Detention (ATDs) System in Turkey” is funded by the Embassy of the Kingdom of the Netherlands and will support DGMM in establishing and implementing an effective ATD program in Turkey. It finished in early 2021. Under the project consultative meetings were held with the participation of representatives at the national, regional and international level. In addition, several assessment reports including legal analysis, cost analysis and feasibility analysis were conducted and guidelines for the implementation of ATD measures were prepared.⁴⁹³ There will be a new EU project from March 2021.⁴⁹⁴ This is part of a new project on the enhancement of removal centres’ capacity building (better process management in handling of complaints or disciplinary investigations, coordination with other ministries), alternatives to administrative detention (capacity support in the framework of international standards – two alternatives, giving signature and being placed in a residential place are already actively implemented by removal centers) and access to basic services (implementation of right based healthcare standards like the Mandela standards, access to legal aid, access to protection). The project launched in March 2021.

⁴⁸⁷ Information provided by a stakeholder, February 2020.

⁴⁸⁸ Information provided by a stakeholder in Istanbul, March 2020.

⁴⁸⁹ Information provided by a stakeholder, March 2021.

⁴⁹⁰ Information provided by a stakeholder, March 2021.

⁴⁹¹ Information provided by a stakeholder in Gaziantep, February 2020.

⁴⁹² Information provided by a stakeholder, March 2021.

⁴⁹³ See IOM, Turkey's First Standalone Project on Alternatives to Immigration Detention was Finalized, 12 May 2021. Available at: <https://bit.ly/3ocw1pk>.

⁴⁹⁴ See DGMM, “İdari Gözetime Alternatifler” Konulu İstişare Toplantısı Gerçekleştirildi”, (Consultation Meeting on “Alternatives to Administrative Detention” was Held), 9 March 2021, available in Turkish at: <https://bit.ly/326TIL6>.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☐ Rarely ☒ Never
- ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☐ No
2. Are asylum seeking children in families detained in practice?
☒ Frequently ☐ Rarely ☐ Never

Unaccompanied children international protection applicants should be categorically excluded from detention, since they must be placed in appropriate accommodation facilities under the authority of the Ministry of Family and Social Services.⁴⁹⁵ In practice, however, unaccompanied children often declare being over the age of 18 to avoid separation from their group.⁴⁹⁶ Unaccompanied minors are still kept in removal centres in border cities especially in **Van**.⁴⁹⁷ In **Gaziantep**, families are generally kept together although there have been some cases where unaccompanied children were deported alone.⁴⁹⁸

According to the law, children at risk and children convicted of an offence should be transferred to Child Support Centres (*Çocuk Destek Merkezleri*, ÇODEM).⁴⁹⁹ However, concerns remain regarding the number of children – usually beggars or street vendors – arbitrarily detained in police stations.⁵⁰⁰

Children with their families are generally detained.⁵⁰¹ In 2017, “G89” codes, corresponding to foreign terrorist fighters were issued to infants detained with their families in **Izmir** (Harmandalı), thereby illustrating a lack of individualised assessment prior to ordering detention. The Izmir Bar Association and members of the Grand National Assembly expressed concerns about this practice, all the more so since the coding system applied by the authorities has no legal basis.⁵⁰² Cases of children, as well as elderly people being issued YTS codes continue to be witnessed in different provinces.⁵⁰³

In 2019 in **Antakya** children held in removal centres with their families could access health services but not education. There was one case of a family from Iraq with four children held in the removal centre whose appeal against deportation was rejected by Yozgat 1st Administrative Court and they were transferred to Hatay removal centre. They did not sign the voluntary return form. The children could not access to education from the removal centre. One of the children needed access to health care due to her disability but she could not access it.⁵⁰⁴

In **Izmir** in 2019 the practice towards vulnerable groups was not sensitive at all in the removal centre. Generally young men are held in the removal centre but there can also be exceptional cases. For instance, children with their mother, pregnant women have been held in removal centre and there was a case of a

⁴⁹⁵ Article 66(1)(b) LFIP.

⁴⁹⁶ Information provided by a stakeholder, February 2019.

⁴⁹⁷ Information from a stakeholder in Ankara, February 2020.

⁴⁹⁸ Information from a stakeholder in Gaziantep, February 2020.

⁴⁹⁹ Regulation No 29310 of 29 March 2015 on Child Support Centres, available in Turkish at: <https://bit.ly/19lwjfo>.

⁵⁰⁰ Information provided by a stakeholder, February 2019.

⁵⁰¹ In one case concerning a 4-year old child of a detained US national, however, the 2nd Magistrates' Court of Hatay recognised that detention has negative effects on the child: 2nd Magistrates' Court of Hatay, Decision 2018/2686, 13 July 2018.

⁵⁰² Gazete Karınca, 'İzmir'deki Geri Gönderme Merkezi'nde bebeklere “Yabancı Terörist Savaşçı” kodu verildi', 2 December 2017, available in Turkish at: <http://bit.ly/2DHILNM>; Bianet, 'HDP'li Kürkçü Sordu: Bebekleri 'Terörist' Olarak Kodluyor Musunuz?', 12 December 2017, available in Turkish at: <http://bit.ly/2BNNPB3>.

⁵⁰³ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁵⁰⁴ Information provided by a lawyer from the Antakya Bar Association, March 2020.

victim of human trafficking held in the removal centre and then deported.⁵⁰⁵ The Gendarmerie and the Coast Guard can record children as being older than 18 without conducting a comprehensive age determination. Some refugees who appear to be over 18 in official documents are often children under 18 years old.⁵⁰⁶ In **Antakya**, two people from Morocco, victims of human trafficking were deported to Morocco.⁵⁰⁷

LGBTI persons are at particular risk of detention when apprehended outside their assigned province. Moreover, sex workers and (potential) victims of trafficking are also a category of persons detained in Removal Centres for reasons of public order and public health under Article 57 LFIP, though not necessarily engaging with the international protection procedure. Women from countries such as Russia, Azerbaijan, Kazakhstan and Kyrgyzstan are often held in Removal Centres of **Edirne**, **Izmir** (Harmandalı) and **Aydın**. In one judgment, the 2nd Magistrates' Court **Aydın** upheld a detention order on grounds of "public security" issued to eight foreign women who were informally working in a night club.⁵⁰⁸ LGBTI people are generally not held in removal centres in **Gaziantep**.⁵⁰⁹

Persons with health conditions are also detained in Removal Centres. In a case of an elderly asylum seeker who had suffered a heart attack, the ECtHR rejected a request for interim measures under Rule 39 of the Rules of the Court to ensure release from detention on the ground that there was no risk of violation of right to life.⁵¹⁰ In a different case, the Constitutional Court refused to grant interim measures on the basis that the individual could access health care in the Removal Centre and that detention was not *per se* life-threatening.⁵¹¹ There have been recent reports of a disabled person being held at the **Harmandalı** Removal Centre, despite the fact there was a court ruling that the person could not travel alone and be deported.⁵¹² A woman from Angola was giving birth but was still sent to the detention centre in **Silivri, Istanbul** due to non-payment of a fee.⁵¹³ Some people were kept in removal centres despite having cancer or being chronically ill, as well as persons undergoing intensive care treatment.⁵¹⁴

In 2020 in **Istanbul** vulnerable groups such as LGBT+ people and sex workers faced more discrimination. Police organised raids during the COVID-19 pandemic at midnight and those arrested were held at police stations. The PDMM issued deportation decisions based on LFIP 54/1 on the grounds of public order and public health. Access to a lawyer was also very difficult for these people. The number of lawyers working in these fields and have experience in immigration law is very limited. The number of lawyers working in the field dropped further due to COVID-19 restrictions in 2020. Applicants for international protection held in detention thus faced problems in exercising their right to defense.⁵¹⁵

In 2020 there was a case of sexual assault against a woman in a removal centre in **Van**. Despite the attack she was kept in the same removal centre and had to see the perpetrators every day. Her international protection application was not processed and a deportation decision was issued. After lawyers intervened she was transferred her to a shelter in another city. In Van removal centre, lawyers could not hold a face-

⁵⁰⁵ Information provided by a lawyer from the Izmir Bar Association, March 2020.

⁵⁰⁶ Information provided by a stakeholder, March 2021.

⁵⁰⁷ Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁵⁰⁸ 2nd Magistrates' Court of Aydın, Decision of 6 April 2017.

⁵⁰⁹ Information provided by a stakeholder in Gaziantep, February 2020.

⁵¹⁰ ECtHR, *Yapcan v. Turkey*, Application No 160/18.

⁵¹¹ Constitutional Court, Decision 2018/35518, 25 December 2018.

⁵¹² Evrencel, 'Engelli mülteci mahkeme kararına rağmen geri gönderme merkezinde tutuluyor', 10 January 2020, available in Turkish at: <https://bit.ly/2Jlo1P1>.

⁵¹³ EgazeteEtik, 'Doğum yapan göçmen kadın faturayı ödeyemediği için polise teslim edildi', 14 December 2019, available in Turkish at: <https://bit.ly/2Uv3f6h>.

⁵¹⁴ Information from a stakeholder, March 2021.

⁵¹⁵ Information from a stakeholder, March 2021.

to-face meeting with her and had difficulties in getting power of attorney. They had to lodge an official complaint against the removal centre administration. Now, two security guards are in prison.⁵¹⁶

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|---------------|
| 1. What is the maximum detention period set in the law: | |
| ❖ Asylum detention | 1 month |
| ❖ Pre-removal detention | 12 months |
| 2. In practice, how long in average are asylum seekers detained? | Not available |

Administrative detention in the international protection procedure is permitted for up to 30 days.⁵¹⁷

Pre-removal detention, on the other hand, may be ordered for 6 months, subject to the possibility of extension for another 6 months.⁵¹⁸ This extension is systematically applied in practice, especially for persons under a YTS-related code.⁵¹⁹ In one case, however, the 2nd Magistrates' Court of **Edirne** quashed a detention order on the basis that detention for over 6 months exceeded reasonable time limits.⁵²⁰

In current practice, since the law allows for persons who register an international protection application to remain in pre-removal detention without a separate detention order under Article 68 LFIP (see [Grounds for Detention](#)),⁵²¹ lawyers and other experts are aware of several cases where the persons concerned were never communicated Article 68 detention orders and held in detention for more than 30 days while their asylum application was processed by the PDMM, in clear violation of the law.

Persons facing removal have to be transferred to a Removal Centre within 48 hours of the issuance of the detention order.⁵²² As the Constitutional Court clarified in its *B. T.* judgment in 2017, this means that a person can only be detained in a police station for a maximum of 48 hours before being transferred to a Removal Centre.⁵²³ In provinces such as **Istanbul** and **Hatay**, detention exceeding the 48-hour deadline is a general practice, however.⁵²⁴ There is a pre-removal centre at **Pendik** in **Istanbul** where the detention period can often be longer than 48 hours, sometimes as much as 20 or even 25 days.⁵²⁵

⁵¹⁶ Information from a stakeholder, March 2021.

⁵¹⁷ Article 68(5) LFIP.

⁵¹⁸ Article 57(3) LFIP.

⁵¹⁹ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁵²⁰ 2nd Magistrates' Court of Edirne, Decision 2018/2746, 3 July 2018.

⁵²¹ Article 96(7) RFIP.

⁵²² Article 57(2) LFIP.

⁵²³ Constitutional Court, *B. T.*, Decision 2014/15769, 30 November 2017, available at: <https://bit.ly/2IWjuS0>.

⁵²⁴ Information provided by NGOs and lawyers, February 2019 and March 2020.

⁵²⁵ Information provided by a stakeholder, March 2020.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☒ Yes ☐ No

The LFIP clearly differentiates between administrative detention for the purpose of removal and detention in the international protection procedure, which are governed by Articles 57 and 68 respectively. In practice, however, applicants for international protection are detained in Removal Centres.

1.1. Removal Centres

As of March 2021, there were 26 active removal centres in Turkey with a total detention capacity of 16,008 places. **Izmir** (Harmandalı), **Kırklareli**, **Gaziantep**, **Erzurum**, **Kayseri** and **Van** (Kurubaş) were initially established as Reception and Accommodation Centres for applicants for international protection under EU funding, prior to being re-purposed as Removal Centres (see [Types of Accommodation](#)). **Adana** removal centre was supposed to close with a new one opening in **Urfa**.⁵²⁶ Akyurt removal centre opened in **Ankara** in 2019 and became operational in 2020.⁵²⁷ The facilities located in **Iğdır** and **Malatya** are listed as temporary Removal Centres. The **Osmaniye Düziçi** removal centre was closed but the camp is still open. People detained in this removal centre were transferred to **Gaziantep** removal centre. In 2020 one of the removal centres listed in **Van** was also removed from the list. The total detention capacity in removal centres thus decreased from 20,000 in 2019 to 16,108 places as of March 2021.

The locations and capacities of Removal Centres are listed as follows:

Capacity of pre-removal detention centres in Turkey	
Pre-removal detention centre	
Adana	Istanbul (Binkılıç)
Ağrı	Istanbul (Tuzla)
Ankara	Izmir (Harmandalı)
Antalya	Kayseri
Aydın	Kirikkale
Bursa	Kırklareli (Pehlivan Köyü)
Çanakkale	Kocaeli
Çankırı	Malatya

⁵²⁶ Information provided by a stakeholder in Gaziantep, February 2020.

⁵²⁷ Information provided by a lawyer from the Ankara Bar Association, March 2020.

Edirne	Muğla
Erzurum 1	Van
Erzurum 2	
Gaziantep (Oğuzeli)	Iğdır (temporary)
Hatay	
Istanbul (Silivri)	Malatya (temporary)
Total capacity as of March 2021	16,108

Source: DGMM, *Removal centres*, <https://bit.ly/2PThCI9>.

The EU works in close collaboration with DGMM on detention as part of the Instrument for Pre-Accession Assistance⁵²⁸. From March 2021 onwards, a new project will start with the support of the EU to enhance removal centre's capacity building (e.g. better process management in handling of complaints or disciplinary investigations, coordination with other ministries), and promote alternatives to administrative detention as well as access to basic services (i.e. implementation of rights-based healthcare standards in line with the Mandela standards, access to legal aid, access to protection).⁵²⁹

According to lawyers, it seems that some Removal Centres accommodate different categories of persons. For example, in **Hatay** and **Gaziantep** Syrians who have not signed a voluntary return form are mainly detained. Previously there was one removal centre in **Van** but a reception centre was built in the Kurubas area with a capacity of 750 people and it was turned into a removal centre. The latter was for Iranians and the former was for all other groups but the latter was closed down and now it is a sort of administrative branch of the removal centre where no one is held. The removal centre in **Kurubas** is quite busy because migrants to be deported are transferred to this removal centre from other cities including migrants apprehended in **Bitlis**, **Hakkari**, **Mus** and **Sirnak**.⁵³⁰ People issued a security restriction code can be held separately from others under worse conditions. Their access to NGOs and/or legal assistance is limited and lawyers reported facing difficulties in meeting these clients.⁵³¹

In **Istanbul** Selimpaşa Removal Centre is for women, Binkılıç for men. These removal centres mostly accommodate ex-convicts or refugees involved in a criminal case. A removal centre was established in **Tuzla** for men. The major problem for lawyers is to determine the removal centre where the client is being held. PDMM do not share information on where the person is being held. Lawyers must proactively search for their clients in each removal centers, which may take to a couple of days.⁵³²

In **Istanbul** refugees are generally not informed about their rights in removal centres except in Selimpaşa - the removal centre where women are kept, and where the administrators are trying to implement better practices. The administrators have agreed to put some posters on the walls of Selimpaşa Removal Centre in different languages explaining the international/temporary protection procedures and ways to access

⁵²⁸ See for example, COMMISSION IMPLEMENTING DECISION of 16.10.2020 on adopting the Annual Action Programme for Turkey for the year 2020 under the Instrument for Pre-accession Assistance (IPA II), 21 October 2020, available at: <https://bit.ly/3ocDhBv>.

⁵²⁹ Information from a stakeholder, March 2012.

⁵³⁰ Information provided by a lawyer from the Van Bar Association, March 2020.

⁵³¹ Information provided by a stakeholder, March 2021.

⁵³² Information provided by a stakeholder, March 2021.

them alongside the phone numbers of several NGOs.⁵³³ Many refugees and people living in Istanbul have been transferred from Istanbul to other removal centres in different cities. This situation can violate their right to access legal representation (as lawyers do not always know their whereabouts).⁵³⁴

1.2. Airport holding facilities and police stations

There is a border facility for persons refused entry into Turkey (“inadmissible passengers”) at international airports. These include **Istanbul** Airport, Istanbul Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **Izmir** Adnan Menderes Airport (see [Access at the airport](#)).

The authorities generally do not consider holding in transit zones as a deprivation of liberty, although a Council of Europe report of 2016 refers to them acknowledging that persons held in such facilities are deprived of their liberty.⁵³⁵

Police stations can be used for short-term detention of up to 48 hours prior to a Removal Centre.⁵³⁶ These are used in practice in provinces such as **Istanbul** and **Mersin**.

1.3. Unofficial detention facilities

Stakeholders have witnessed a number of practices consisting of *de facto* detention of people in facilities e.g. sport halls in different provinces, without a detention order, prior to being transferred to a Removal Centre or to signing voluntary return documents. It is not clear whether these centres are managed by DGMM or the Directorate General for Security Affairs.

Şanlıurfa: Persons apprehended are detained in a sports hall for periods reaching one week before being transferred to the nearest Removal Centre in Gaziantep.⁵³⁷

Istanbul: In Istanbul, detention in Pendik police station sometimes lasts longer than 48 hours before a person is transferred to the removal centres. There are other ‘holding places’ in a few other parts of the city. These areas are legally police stations, but they are implicitly used as removal centres. Detention time exceeds 48 hours most of the time,⁵³⁸ including at Beyoğlu, Beşiktaş, and Kağıthane police stations where most refugees were held. Foreigners involved in a legal case were kept at the police station until called by the PDMM. They were kept for 2-3 days, sometimes even 7 days. Detention periods were extended to 10-15 days during the pandemic period in 2020. Since quarantine places were full, people were kept at police stations. There were refugees held at police stations for 14 days, exceeding the maximum period set in law. Some refugees were held in police stations because of the lack of a vehicle to transport them to a removal centre.⁵³⁹

Mersin: The basement of the Yumuktepe police station in Demirtaş district has been unofficially used for detention of persons pending transfer to the Removal Centre. In some cases detention reaches one or two

⁵³³ Information provided by a stakeholder, March 2021.

⁵³⁴ Information provided by a stakeholder, March 2021.

⁵³⁵ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).

⁵³⁶ Article 57(2) LFIP.

⁵³⁷ Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.

⁵³⁸ Information provided by a stakeholder, March 2021. According to the experience from another stakeholder, clients in Pendik were not always held in detention for longer than 48 hours.

⁵³⁹ Information provided by a stakeholder, March 2021.

months, and deportation and international protection procedures are being conducted in the facility.⁵⁴⁰ This practice was unchanged in 2020.

Hatay: A former facility of the Special Forces Unit (*Özel Harekat Şubesi*) of the Directorate of Police, located in 500 Konutlar district close to the Removal Centre, was still used for detention of persons caught in an irregular situation and for persons under a criminal investigation who are released by the Public Prosecutor in 2020. Persons detained there have reportedly been told to sign voluntary return documents, failing which they will be transferred to the Removal Centre.⁵⁴¹ There have been reports of unlawful practice such as making people sign voluntary return forms by force or fraudulently, preventing lawyers from examining personal files of refugees or meeting them face to face. There are two floors and rooms for detention in the basement. Women and men are held in the same place in different cells. There seem to be pushes to apprehend migrants. Detained people do not get food directly in but have to pay for it from somewhere outside the police station. Lawyer-client meetings have been followed by a person who does not identify themselves.⁵⁴² There is no third-party monitoring returns from here. UNCHR only monitors official voluntary returns which are managed by the PDMM.⁵⁴³

In **Van**, irregular migrants are held in three police stations: Caldiran, Balaban and Beblesin police stations.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | ☒ Yes | ☐ No |
| ❖ If yes, is it limited to emergency health care? | ☒ Yes | ☐ No |

All Removal Centres in Turkey are under the authority of DGMM and each centre is managed by a director.⁵⁴⁴ The LFIP makes no explicit provision on conditions of detention of applicants for international protection. However, Article 4 of the Removal Centres Regulation provides that “The establishment, operation and operation of the Centres and the fulfilment of the services to be provided under this Regulation shall be carried out according to the following principles and procedures:

1. Protection of the right to life;
2. Human-centred approach;
3. Observing the best interests of the unaccompanied child;
4. Priority to applicants having special needs;
5. Confidentiality of personal information;
6. Informing the persons concerned about the operations to be performed;
7. Social and psychological strengthening of the housing;
8. Respect for the freedom of beliefs and worship of the people
9. Providing services to the residents without discrimination based on language, race, colour, sex, political thought, philosophical belief, religion, sect and similar reasons.”

Removal Centres are required to provide among others: accommodation and food; security; emergency and basic health care services; psychological and social support.⁵⁴⁵ A series of judgments from the

⁵⁴⁰ Information provided by a stakeholder, February 2019.

⁵⁴¹ Information provided by a lawyer of the Antakya Bar Association, February 2019.

⁵⁴² Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁵⁴³ Information provided by a stakeholder, February 2020.

⁵⁴⁴ Article 11 Removal Centres Regulation.

⁵⁴⁵ Article 14(1) Removal Centres Regulation.

Constitutional Court against detention in **Istanbul** (Kumkapı), now closed, have highlighted the need to provide adequate detention conditions in Turkey.⁵⁴⁶

In 2017, in line with the monitoring provisions of the Regulation,⁵⁴⁷ DGMM instructed all the mayoralities managing a Removal Centre to set up dedicated Migration Commissions comprising of experts, academics, civil society, officials from health and education institutions and municipality representatives, tasked with regular visits to the centres. The composition of the commission depends entirely on each mayoralty. Generally, Türk Kızılay is present in these commissions.⁵⁴⁸ In 2019, NGOs could still in theory be invited to attend the commissions by governorates but it became extremely rare. There is not enough information to know whether these commissions are active or not.

In 2020 the Constitutional Court ruled that a Kazak detainee had been subject to torture in Erzurum removal centre after being held in solitary confinement for 10 days. He was awarded 30,000 TL (i.e. approx. 3,000 EUR) for non-pecuniary damages.⁵⁴⁹

2.1. Material conditions in detention

Conditions in Removal Centres vary from one facility to another. In 2020 the density in removal centres was lower compared to 2019 due to the effect of Covid-19 and DGMM applied quarantine measures prior to detention in removal centres for 10 or 14 days.

Recent observations of detention conditions in selected centres include the following:

Izmir (Harmandalı): The centre has capacity for 750 persons in a total of 126 rooms located in two blocks, “Block A” and “Block B”. “Block A” accommodates mainly single adults and persons under a YTS code, while families are detained in “Block B”.⁵⁵⁰ There are two separate rooms for persons with disabilities accessible by lift. Each room has six beds and is equipped with a bathroom and toilet. Some of the rooms require repair, while no curtains are provided. In addition, heat and humidity adversely affect living conditions in the centre.⁵⁵¹ While rooms are cleaned every day, the family units have faced bug infestation which has led to allergies in children.⁵⁵² The centre is equipped with a gym, a library, two spaces for religious practice, two playgrounds, television and internet stations, as well as a tailor and a hairdresser.

During a visit of the Human Rights and Equality Commission in 2018, the centre held 475 persons. Of those, 51 were women of whom three pregnant women, 36 children, two elderly persons, one LGBTI person. A total of 172 persons under a YTS code were detained in the centre.⁵⁵³ In 2019 there were up to 1,000 people held at the centre at any one time, so sometimes it was over capacity with no plans to build extra capacity in Izmir.⁵⁵⁴ During the pandemic, a report by the Izmir Bar Association Commission on Migration and Asylum noted several human rights violations occurring in the Harmandalı Removal Centre from 18 March to 13 April 2020. According to the report, refugees were not kept in places which can be

⁵⁴⁶ Constitutional Court, *F.A. and M.A.*, Application No 2013/655, Judgment of 20 January 2016; *A.V.*, Application No 2013/1649, Judgment of 20 January 2016; *T.T.*, Application No 2013/8810, Judgment of 18 February 2016; *A.S.*, Application No 2014/2841, Judgment of 9 June 2016; *I.S.*, Application No 2014/15824, Judgment of 22 September 2016.

⁵⁴⁷ Article 16 Removal Centres Regulation.

⁵⁴⁸ Information provided by a stakeholder, February 2018.

⁵⁴⁹ Y.K case, 2016/14347, 2 June 2020.

⁵⁵⁰ Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, available in Turkish at: <https://bit.ly/2UOmJjl>, paras 11-12 and 20.

⁵⁵¹ *Ibid*, paras 21-26.

⁵⁵² *Ibid*, para 28.

⁵⁵³ *Ibid*, paras 19-20.

⁵⁵⁴ Information from a lawyer from the Izmir Bar Association.

described as “quarantine”. As of the end of March, 12-15 refugees were staying in a single room. The number of refugees accommodated on the same floor was approximately 200. Rooms were cleaned by the refugees themselves, not the staff. Sanitary products (masks, gloves, sanitizers etc.) were not provided by the removal centre. Access to doctors was severely limited. There was a bug causing swelling and itching of the skin. However, the authorities did not respond to complaints.⁵⁵⁵

Erzurum: Two Removal Centres are established in a large complex: GGM 1 has four blocks for detained persons and GGM 2 has two blocks. Each centre has a separate block for offices and administration.⁵⁵⁶ Each centre has a capacity of 750 places.⁵⁵⁷ Women are accommodated on the top floor of GGM 2.⁵⁵⁸ Bedrooms accommodate six people on average and include a bathroom and toilet, although they have no curtains.⁵⁵⁹ During its visit in 2018, the Human Rights and Equality Commission identified shortcomings such as clogged toilets and leaks, broken sinks, toilet doors and door handles, ceilings damaged by humidity, and a lack of adequate ventilation.⁵⁶⁰ It also witnessed interruptions in the provision of hot water in GGM 2.⁵⁶¹

GGM 1 has a playground and football, basketball and volleyball courts, a cafeteria, prayer rooms,⁵⁶² playrooms for children, a library, an internet room which is not accessible to detainees, a projector room, a hairdresser and barber shop, while GGM 2 has a playground and similar indoor facilities.⁵⁶³ Some persons complained that they were not allowed outdoor access in GGM 2 on some days and that the sports facilities were not accessible.⁵⁶⁴ During a visit of the Human Rights and Equality Commission in 2018, a total of 1,157 people were detained, of whom 627 in GGM 1 and 530 in GGM 2. 16 children, 14 women, one elderly person and one disabled person were detained.⁵⁶⁵

Gaziantep (Oğuzeli): Physical conditions in the facility are improving. Families are held together. However, a riot took place following a suicide of an Afghan national in the centre in February 2019. Lawyers from the Migration and Asylum Commission of the Gaziantep Bar Association inquired about the incident but were not provided with information by the management of the centre. The association later established that detainees had gone on hunger strike in the centre.⁵⁶⁶

Istanbul: Women are generally detained in the Selimpaşai Removal Centre, while men are held in Binkılıç.⁵⁶⁷

Antalya: People are held in cells that can be locked from the inside. Men and women are accommodated separately.⁵⁶⁸

Çanakkale: Conditions have been reported to be adequate overall.⁵⁶⁹

⁵⁵⁵ İzmir Harmandalı Geri Gönderme Merkezi *Korona Pandemisi Raporu*, 18 March - 13 April 2020, available at: <https://bit.ly/3uzkXof>.

⁵⁵⁶ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, available in Turkish at: <https://bit.ly/2UJjyKd>.

⁵⁵⁷ *Ibid*, para 24.

⁵⁵⁸ *Ibid*, para 28.

⁵⁵⁹ *Ibid*, para 29. The administration building has curtains, however.

⁵⁶⁰ *Ibid*, paras 30, 35-36.

⁵⁶¹ *Ibid*, para 32.

⁵⁶² According to the Commission, people reported being unable to use the room: *Ibid*, para 37.

⁵⁶³ *Ibid*, paras 12-13.

⁵⁶⁴ *Ibid*, paras 49-51.

⁵⁶⁵ *Ibid*, paras 24-25.

⁵⁶⁶ Information provided by a lawyer of the Gaziantep Bar Association, February 2019.

⁵⁶⁷ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁵⁶⁸ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵⁶⁹ Information provided by a lawyer of the Ankara Bar Association, February 2018.

Hatay: Lawyers have received reports of substandard conditions. Persons have no access to showers or hot water, and only have 40 minutes of outdoor access.⁵⁷⁰

Kayseri: The centre has capacity for 750 persons and started operating in 2016.⁵⁷¹ Rooms have bunkbeds and are equipped with a cupboard, bathroom and toilet.⁵⁷² There are also two rooms for disabled persons, accessible by lift.⁵⁷³ The walls, rooms and linen were found to be generally in good condition during a visit of the Human Rights and Equality Commission in 2018.⁵⁷⁴ However, ventilation and hot water supply have been noticed as inadequate.⁵⁷⁵

The facility has a prayer room, a library, a gym and a computer room.⁵⁷⁶ During the visit of the Human Rights and Equality Commission in 2018, the centre held 630 persons, including 18 women, 59 children and two disabled persons.⁵⁷⁷ Due to the rapid turnover of persons, the centre has not exceeded its capacity.⁵⁷⁸ If there are no available places in the centre, people are transferred to other Removal Centres such as **Kırıkkale** or **Çankırı**.⁵⁷⁹

In **Van** a lawyer said the conditions are better in prisons than in the removal centre because people have the right to access books and other items in prisons. For instance, a Norwegian journalist client in a removal centre could not access medicines and books so decided to voluntarily return to Norway.⁵⁸⁰

In **Ankara** detained people have complained about low quality food, access to medicine and severe cold.⁵⁸¹ Another facility exists in **Esenboğa Airport** in Ankara. People have access to the internet and a phone, water and food during their stay in the airport.⁵⁸²

2.2. Staff, health care and special needs

Detainees shall be provided “urgent and basic health care services which cannot be afforded by the person concerned”.⁵⁸³ Also, access to psycho-social support service is possible.⁵⁸⁴

In **Izmir** (Harmandalı), a monitoring visit of the Human Rights and Equality Commission in 2018 noted that there is one psychologist, 2 social workers and 2 teachers present in the centre, as well as one doctor and 5 health staff.⁵⁸⁵ However, most detainees reported being unaware of the presence of the psychologist.⁵⁸⁶

⁵⁷⁰ Information provided by a lawyer of the Izmir Bar Association, February 2018.

⁵⁷¹ Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, available in Turkish at: <https://bit.ly/2HLRi62>, paras 10-13.

⁵⁷² *Ibid*, para 23.

⁵⁷³ *Ibid*, para 25.

⁵⁷⁴ *Ibid*, paras 32-34.

⁵⁷⁵ *Ibid*, para 52.

⁵⁷⁶ *Ibid*, para 51.

⁵⁷⁷ *Ibid*, paras 14-15.

⁵⁷⁸ *Ibid*, para 24.

⁵⁷⁹ Information provided by a lawyer of the Kayseri Bar Association, February 2019.

⁵⁸⁰ Information provided by a lawyer from the Van Bar Association, March 2020.

⁵⁸¹ Information provided by a lawyer from the Ankara Bar Association, March 2020.

⁵⁸² Information provided by a stakeholder, March 2018.

⁵⁸³ Article 14(1) Removal Centres Regulation.

⁵⁸⁴ Article 14(2) Removal Centres Regulation.

⁵⁸⁵ Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 18.

⁵⁸⁶ *Ibid*, para 37.

The Commission also expressed concerns about the lack of emergency response kits in the infirmary of the centre during its visit.⁵⁸⁷

Kayseri has one social worker, four teachers and one doctor.⁵⁸⁸ In **Erzurum**, a doctor is available from 08:00 to 17:00 and nurses work in shifts.⁵⁸⁹

Activities in Removal Centres vary across the country. In **Erzurum**, for example, detained Afghan children were able to access education in 2018.⁵⁹⁰ The same was reported in **Izmir** (Harmandalı), although a standard training programme is applied to children regardless of age or nationality.⁵⁹¹ In **Antalya**, detained children cannot access education but psycho-social support is available in the Removal Centre.⁵⁹²

There have been allegations of ill-treatment against detainees by staff such as security guards in **Izmir** (Harmandalı).⁵⁹³ In **Antalya**, a Syrian national was tortured by officers in the Removal Centre in June 2018 and later transferred to the Gaziantep Removal Centre, all the while suffering physical violence during the transfer.⁵⁹⁴ Incidents of violence, handcuffing and pressure to apply for “voluntary return” from guards have also been reported in **Hatay**.⁵⁹⁵ Similar complaints were reported from applicants or foreigners released from **Gaziantep**. These especially referred to ill-treatment against persons with a YTS code, including barriers to their access to water and hygiene.⁵⁹⁶ According to lawyers, poor detention conditions in Removal Centres are likely to be used as a tool to pressure migrants into opting for voluntary return.

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to:

❖ Lawyers:	☒ Yes	☐ Limited	☐ No
❖ NGOs:	☐ Yes	☐ Limited	☒ No
❖ UNHCR:	☐ Yes	☒ Limited	☐ No
❖ Family members:	☐ Yes	☒ Limited	☐ No

Under Article 68(8) LFIP, detained applicants for international protection will be provided opportunities to meet with their legal representatives, UNHCR officials and notaries. The law, however, fails to make explicit reference to the right of detained applicants to meet with NGO representatives. It is considered that this deliberate absence is meant to limit or deny detained applicants’ access to NGO legal counsellors, which must be seen as an arbitrary reduction of the safeguard in Article 68 LFIP.

Detained applicants may also receive visitors. In this regard, all visits will be subject to permission. Visits to detained applicants at border premises are subject to permission from the Vice-Governor’s Office in charge of the border gate. Visits to detained applicants in other facilities are subject to the permission of the DGMM

⁵⁸⁷ *Ibid*, para 44.

⁵⁸⁸ Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, para 19.

⁵⁸⁹ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 52.

⁵⁹⁰ Information provided by a stakeholder, February 2019.

⁵⁹¹ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 53.

⁵⁹² Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵⁹³ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, paras 32-33.

⁵⁹⁴ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵⁹⁵ See e.g. Dev Haber, ‘Antep Geri Gönderme Merkezin’de mülteciler ters kelepçeleniyor’, 25 December 2017, available in Turkish at: <http://bit.ly/2ETCOWC>.

⁵⁹⁶ Information provided by a lawyer of the the Gaziantep Bar Association, March 2018.

official in charge of the facility. Request for visiting a detained applicant may be turned down where the “applicant’s condition and the general circumstances are not suitable”. This vague formulation raises concerns that arbitrary restrictions may be imposed on visitors’ access to the centres.

Detention authorities shall determine the duration of the approved meetings and visits. On the other hand, they are required to take measures to ensure confidentiality of the encounters.

3.1. Access of lawyers to Removal Centres

According to an unpublished DGMM Circular of 17 December 2015, lawyers are only granted access to Removal Centres on the basis of written requests,⁵⁹⁷ and can only request a copy of documents deemed not to be confidential, provided they have a power of attorney.⁵⁹⁸

This practice changed in 2019 and lawyers were able to visit their clients in many removal centres without showing a power of attorney or written request. This was not the case in **Izmir**, **Kirikkale** or the new removal centre in **Ankara**, however.

In **Izmir** the removal centre management still required power of attorney to let the lawyers in to have a pre-meeting with their potential clients. Even though according to Code on Lawyers, lawyers have the right to meet with their potential clients without it.⁵⁹⁹ Lawyers have been also subjected to long delays and security checks including X-ray body searches before being able to interview clients.⁶⁰⁰ More generally, there have been allegations that detainees have not been allowed to meet with lawyers even where lawyers request to access them by name.⁶⁰¹ Complaints against security guards have also been filed by lawyers.⁶⁰²

Harmandalı Removal Centre management in **Izmir** does not report requests from refugees for legal aid to the lawyers directly. Lawyers become aware of the request through their relatives or by coincidence. This continued in 2020 when lawyers were informed of the presence of their clients in removal centres by NGOs and social networks of the person in detention. Lawyers have also complained to Izmir PDMM about physical limitations in the removal centre, such as unlawful body searches targeting lawyers.⁶⁰³ In 2019 lawyers from the Izmir Bar Association of Izmir were arbitrarily detained in the Harmandalı Removal Centre during a visit to meet with asylum seekers.⁶⁰⁴ There have been other reports of restrictions for legal aid lawyers such as not letting the lawyer examine the personal file of the refugee or banning the lawyer from reading all documents in the file or prohibiting the lawyer from the client-lawyer meeting. This is a worrying issue as the time limit to appeal deportation is now seven days, meaning there are only seven days to contact their lawyer, collect all relevant data and file the lawsuit. In addition, if a lawyer does not accept a body search, requests to see their client are not accepted or they have to wait long hours in the removal centre. It seems that young lawyers in particular are subject to these unlawful practices.⁶⁰⁵

⁵⁹⁷ According to UNHCR, this procedure is established with a view to ensuring that persons accessing the centres are accredited lawyers and does not constitute a violation of the right to a lawyer: Information provided by UNHCR, February 2018.

⁵⁹⁸ DGMM Circular No 31386081-000-36499 of 17 December 2015 “Avukatların Ggm’lerdeki Yabancılarla Görüşme Talebi”.

⁵⁹⁹ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶⁰⁰ Information provided by a lawyer of the Izmir Bar Association, March 2019. See also Human Rights Association, ‘İzmir Harmandalı Geri Gönderme Merkezi Hakkında Gözlem Raporu’, 9 July 2017, available in Turkish at: <http://bit.ly/2G7ZGtq>.

⁶⁰¹ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IV.2.

⁶⁰² Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁶⁰³ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶⁰⁴ ECRE, ‘Turkey: Lawyers Arbitrarily Detained in Izmir Removal Centre’, 31 May 2019, available at: <https://bit.ly/2WTgQG0>.

⁶⁰⁵ Information provided by a lawyer from the Izmir Bar Association March 2020.

Quarantine and pandemic measures further restrained access to removal centres in **Izmir** in 2020. Lawyers and interpreters were reluctant to go to removal centres out of fear of COVID-19 contaminations, and NGOs started working from home. Lawyers who did go to the removal centre in COVID-19 times only had the opportunity to see the file. Meetings with clients was not allowed because of quarantine. If there is no payphone in the relevant section of the removal centre, refugees' access to their family, lawyer, and the Bar Association was practically non-existent. Lawyers could not reach clients and there was no information about the fate of the person. Foreigners benefited from the decision of the Council of Judges and Prosecutors to suspend the legal time periods due to Covid-19 pandemic from April to 14 June 2020. However, after June 15, the seven-day time period continued to be a huge problem. A HES code was requested from lawyers to enter removal centres.

The removal centre in **Ankara** does not accept lawyers after 17.00. Lawyers have difficulties examining the files of their potential clients. The removal centre management asks for power of attorney to examine the files however Ankara PDMM has offered to assist in solving this issue. The removal centre is located far away from the centre and the only transportation is by car or taxi.⁶⁰⁶

In **Kirikkale** the removal centre is also far away from the city centre. Requests for a legal aid lawyer are not delivered to the bar association from the removal centre authority, which requests a power of attorney from the lawyer to access the removal centre. Requests for assistance are mainly received through the family members of the detained refugee or UNHCR.⁶⁰⁷

In 2019 lawyers were also subject to searches in Antep and Van removal centres.⁶⁰⁸ In **Van** removal centre the first person to deal with the lawyer is a gendarmerie or koy korucusu ("village guard") who can create problems especially for young lawyers such as unlawful body checks or prohibiting them from client-lawyer meetings. It is possible for lawyers to use the Union of Bar Association's translation service through a fix line in the removal centre. There is no translator in the removal centre.⁶⁰⁹ In 2020 Van Bar Association and PDMM agreed a protocol on not conducting client-lawyer meetings except in very urgent cases after March 2020 due to COVID-19. For urgent cases a remote meeting took place by phone. As of June, this practice ended and face to face interviews restarted. There were a lot of complaints from lawyers that cell phones were not allowed in the removal centre, and lawyers often could not meet their clients under pretexts such as staff shortages or because of small inconsistencies between the detained person's formal name and the name notified by NGOs.⁶¹⁰

Where the lawyer does not provide a sworn interpreter, the management of the centre usually relies on other detainees to provide interpretation, a practice which raises questions vis-à-vis the confidentiality of interviews in Removal Centres.⁶¹¹ Arabic-speaking staff of the centre provide interpretation assistance to lawyers when needed.⁶¹² In **Izmir** lawyers need to bring their own interpreter who has to be under oath. Certified translators continued to be requested in 2020. There is a fixed line to use the translation service provided by the Turkish Bar Association but the fixed line is not in the lawyers' meeting room but in a migration officer's room which is one floor above lawyer-client meeting room, meaning lawyers and their clients cannot benefit from it.⁶¹³ There is no obstacle for the notary to enter, but the fees and related

⁶⁰⁶ Information provided by a lawyer from the Ankara Bar Association, March 2020.

⁶⁰⁷ Information provided by a stakeholder, February 2020.

⁶⁰⁸ Information provided by a stakeholder in Gaziantep, February 2020.

⁶⁰⁹ Information provided by a lawyer from the Van Bar Association, March 2020.

⁶¹⁰ Information provided by a stakeholder, March 2021.

⁶¹¹ Information provided by a stakeholder, February 2019.

⁶¹² Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁶¹³ Information provided by a lawyer from the Izmir Bar Association, February 2020.

expenses are significant. Fees vary depending on whether the person has an ID and speaks Turkish or not. A power of attorney document costs around 1,000 Turkish Liras (approx. 100 EUR). However, if the lawyer is assigned through legal aid, this power of attorney can be presented to the court. Administrative courts in other provinces may not accept the assignment of legal aid from the Izmir Bar and demand a separate power of attorney.⁶¹⁴

In **Istanbul** NGO lawyers can access removal centres without submitting power of attorney but they usually wait for a long time. There are four detention centres in Istanbul: Selimpasa, Binkilic, Tuzla and Pendik. Tuzla and Pendik have been recently activated. Kumkapi and Vatan Police Stations in Istanbul are also used. This means that when a legal aid lawyer receives an appointment through the legal aid service, the lawyer has to check these six locations to find out where the client is. Police officers can reportedly give misleading information to lawyers in order to prevent them accessing their client. Kumkapi and Vatan Police Stations are not lawyer-friendly places. For legal aid lawyers, access to removal centres is very difficult if they have no car. They are 60 km away from the centre. The current legal aid project does not always cover transportation costs. Lawyers are not always willing to accept appointments on refugee law cases because it takes at least 3 hours to access removal centres.⁶¹⁵

In **Kayseri**, lawyers have reported having full access to the Removal Centre and benefitting from a separate room for meetings with clients; previously Removal Centre staff was present during meetings but this practice has now stopped.⁶¹⁶ In **Antalya**, a security guard is present during lawyer / client meetings if the person has been issued a YTS code.⁶¹⁷

Lawyers entering Removal Centres such as **Izmir** (Harmandalı), **Hatay**, **Adana** or **Mersin** are only allowed to see their clients in highly secured meeting rooms equipped with cameras.⁶¹⁸ In **Izmir** there are now separate rooms with one table and chairs specifically allocated for lawyers and their clients but they are monitored by cameras.⁶¹⁹ Lawyers can take notes of the meeting. In **Gaziantep**, a room for meetings with lawyers is currently under construction.⁶²⁰ In some centres the meeting room doors are open, thereby not guaranteeing confidentiality.

Lawyers' access to detained clients is often hindered by transfers of detainees between Removal Centres without notifying their legal representative or the family members.⁶²¹

Lawyers' access to airports was restricted in recent years but this improved overall in 2019.⁶²² There is now a new airport in Istanbul which is called Istanbul Airport. Conditions in the new airport for migrants who are not allowed to enter in Turkey is better than the old airport, Atatürk Airport. There is a unit of the PDMM in the airport and lawyers can easily access case files. This is new and good practice. The main problems are accessing notaries and the long distance between the airport and the centre. In 2019, there were no legal aid request from airports where migrants were kept waiting at airports for a long time. Now, people who are not allowed to enter in Turkey are sent back to their countries or a safe third country immediately.⁶²³

At the beginning of COVID-19, lawyers were not allowed to meet their clients at the removal centres and kept in contact via phone. NGOs also mainly worked by phone. Some NGOs like the Positive Living

⁶¹⁴ Information provided by a stakeholder, March 2021.

⁶¹⁵ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

⁶¹⁶ Information provided by a lawyer of the Kayseri Bar Association, February 2019.

⁶¹⁷ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁶¹⁸ Grand National Assembly, *Izmir-Aydın Geri Gönderme Merkezleri İnceleme Raporu*, November 2017, 20.

⁶¹⁹ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶²⁰ Information provided by a lawyer of the Gaziantep Bar Association, February 2019; an NGO, February 2019.

⁶²¹ Information provided by NGOs, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁶²² Information provided by an NGO, February 2019; International Refugee Rights Association, February 2019.

⁶²³ Information provided by a lawyer from Istanbul Bar Association, February 2020.

Association went on the field and occasionally an NGO would accompany refugees to PDMMs for registration, but this was rare. Overall, NGO activity decreased and was limited to tele-counseling.

In **Istanbul** there were serious problems in accessing Binkılıç, Selimpaşa, Tuzla removal centres and police stations as well as clients' files due to COVID-19. Lawyers were asked to wait outside buildings, i.e. they were not allowed to enter the building and meet with their clients. Lawyers were not able to get a copy of clients' file or get clear information about their client's location. There were interpreters present in removal centers and police stations and providing interpretation services when necessary, but other translators likely to be more neutral were not allowed in the buildings. Attorneys in Istanbul used CIMER (Communication Directorate of the Presidency) extensively in cases where there was no access to files, and it was effective. The Presidency's Communication Centre (CIMER) is an online platform established to provide a quick and effective response to requests, complaints and applications for information from the public.⁶²⁴ The administrative complaints mechanism is ineffective, judicial methods are rather slow, but CIMER is a very useful remedy in this regard. Due to the pandemic notaries and interpreters worked in shifts, and their fees were increased.⁶²⁵

3.2. Access of UNHCR and NGOs to Removal Centres

The Removal Centres Regulation does not expressly regulate the conditions upon which UNHCR and NGOs have access to Removal Centres.

In practice, UNHCR does not have unhindered access to Removal Centres but has developed working modalities with DGMM. In 2018 this meant UNHCR submitted requests to visit Removal Centres on a periodic basis. UNHCR visited the premises, observed procedures and provided recommendations.⁶²⁶ In previous years UNHCR rarely visited removal centres, but visits were even less frequent in 2020 due to COVID-19.⁶²⁷

NGOs have no established protocols with DGMM for access to Removal Centres.⁶²⁸ As regards access to and contact with family members, practice varies across the centres. In **Gaziantep**, detainees can call family members for a maximum of 15 minutes two days a week, while in **Hatay** they can call every day. Family visits are more restricted in Gaziantep.⁶²⁹

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

- | | | |
|---|---|--|
| 1. Is there an automatic review of the lawfulness of detention? | | |
| ❖ Asylum detention | ☐ Yes | ☒ No |
| ❖ Pre-removal detention | ☒ Yes | ☐ No |
| 2. If yes, at what interval is the detention order reviewed? | 1 month | |

⁶²⁴ See, Presidency of the Republic of Turkey, Directorate of Communications, "CIMER Revolution: In today's Turkey, our citizens have a share in state administration", 3 December 2019. Available at: <https://bit.ly/2Qbz9oK>.

⁶²⁵ Information provided by a stakeholder, March 2021.

⁶²⁶ Information provided by UNHCR, February 2019.

⁶²⁷ Information provided by a stakeholder, March 2021.

⁶²⁸ Information provided by SGDD-ASAM, February 2018.

⁶²⁹ Information provided by a lawyer of the Antakya Bar Association, February 2018.

The decision to detain an international protection applicant during the processing of his or her claim must be communicated in writing.⁶³⁰ The notification letter must provide the reasons justifying detention and the length of detention. The applicant must also be notified of the legal consequences of the detention decision and available appeal procedure. However, the LFIP does not impose a requirement to provide this information in writing.

In practice, due to limited familiarity with the rights of lawyers on the part of Removal Centres' staff, applicants and their legal representatives rarely receive a copy of the removal decision and/or the detention order so as to know when the time limit for appeal starts running,⁶³¹ or receive documents without official signatures and seals. In other cases, lawyers are prevented from examining the case files of their clients. In **Hatay** and **Adana**, access to files was easier in 2019 but it was difficult to get copies of necessary information.⁶³² Lawyers understand this as a measure to prevent them from quickly intervening in detention cases. In **Erzurum**, people have reported being insufficiently informed of the reasons for their detention and their case.⁶³³

While there is no requirement of automatic periodic review of the detention decision by either the judiciary or DGMM itself in relation to detention in the international protection procedure,⁶³⁴ pre-removal detention must be reviewed by the governorate on a monthly basis.⁶³⁵

The decision to detain can be challenged at the competent Magistrates' Court through a non-suspensive appeal.⁶³⁶ The law does not set out a time limit for appealing detention.

The competent Magistrates' Court judge must decide on the judicial review application within 5 days. The decision of the Magistrates' Court is final and cannot be appealed. However, there are no limitations on new appeals by the applicant to challenge his or her ongoing detention.⁶³⁷

According to lawyers' observations, the poor quality of detention review by Magistrates' Courts persists as a problem. In the **Izmir**, **Istanbul**, **Aydın**, **Hatay**, **Gaziantep**, **Adana**, **Kayseri** and **Erzurum** Removal Centres,⁶³⁸ appeals against detention are rejected as a general rule.⁶³⁹ In **Hatay**, about 200 appeals against detention are filed per year.⁶⁴⁰ In **Izmir** lawyers are concerned about a 'systemic practice' in courts to reject administrative detention reviews. One lawyer has applied to the Constitutional Court based on the lack of

⁶³⁰ Article 68(4) LFIP.

⁶³¹ Information provided by a lawyer of the Izmir Bar Association, March 2018. This has been acknowledged as relevant to procedural obligations of the authorities: District Court of Izmir, Decision 2017/511-5711, 6 April 2017.

⁶³² Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018.

⁶³³ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 47.

⁶³⁴ Article 68(6) LFIP only states that detention may be lifted at any point.

⁶³⁵ Article 57(4) LFIP.

⁶³⁶ Article 68(7) LFIP; Article 96(6) RFIP. In November 2015, the High Council of Judges and Prosecutors passed a decision to designate the 2nd Chamber of each Magistrates' Court responsible for appeals against administrative detention decisions within the scope of LFIP.

⁶³⁷ Article 68(7) LFIP; Article 96(6) RFIP.

⁶³⁸ Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018; International Refugee Rights Association, February 2018; a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Istanbul Bar Association, February 2019.

⁶³⁹ See e.g. 2nd Magistrates' Court of Gaziantep, Decision 2018/7568, 13 December 2018; Decision 2018/1773, 6 March 2018; Decision 2018/1776, 6 March 2018; 2nd Magistrates' Court of Van, Decision 2018/6023, 27 November 2018; Decision 2018/6166, 7 January 2018; 2nd Magistrates' Court of Antakya, Decision 2018/4287, 27 November 2018.

⁶⁴⁰ Information provided by a lawyer, February 2019.

careful assessment of the magistrate court.⁶⁴¹ In **Van** appeals against administrative detention are usually rejected but there was a case of an Iranian client who appealed against his administrative detention decision twice. The first appeal was rejected but the second appeal was accepted after a month. The reason for the acceptance was ‘detention has already taken long enough’ which is not a criterion stated in the law. When the lawyer went to the removal centre to release their client they were informed that the client had been sent to the border to be deported. However, the deportation was stopped at the last minute.⁶⁴² In **Antakya** there have also been no positive decisions on administrative detention and concerns that there is a ‘systematic’ legal practice on this issue.⁶⁴³

One of the rare positive decisions in this area was issued by the Magistrates’ Court of **Kirklareli** on the application of Rida Boudraa, the first applicant who obtained an interim measure from the Constitutional Court. The lawyer of the applicant appealed again against the administrative detention decision after the issuance of the judgment of the Constitutional Court and the Magistrates’ Court accepted the application on the ground that “the applicant has a legal domicile and family life in Turkey and there is no risk of fleeing the country.”⁶⁴⁴ In a 2018 case, the 2nd Magistrates’ Court of **Edirne** quashed a detention order on the basis that detention for over 6 months exceeded reasonable time limits.⁶⁴⁵

Flexibility with regard to detention review may also depend on the Magistrates’ Court examining the appeal. In the case of a person detained for six months, the appeal was denied by the **Ankara** Magistrates’ Court, which ordered a prolongation of detention for six more months,⁶⁴⁶ but following a separate appeal the **Çanakkale** Magistrates’ Court ordered his release and imposed reporting obligations.⁶⁴⁷

One crucial gap in the LFIP provisions on detention concerns remedies against detention conditions.⁶⁴⁸ On 11 November 2015, the Constitutional Court ruled in the *K.A.* case that the mechanisms set out in LFIP “failed to foresee any specific administrative or judicial remedy which sets the standards of detention conditions and includes monitoring and review of the conditions” so as to ensure review of compatibility with relevant standards.⁶⁴⁹ The Court reiterated this position in several cases in 2016,⁶⁵⁰ which – similar to *K.A.* – concerned detention conditions in the former Removal Centre of **Istanbul** (Kumkapı).

Finally, where administrative detention is unlawful, the applicant can lodge a compensation claim (*Tam Yargı Davası*) before the Administrative Court.⁶⁵¹

⁶⁴¹ Information provided by a lawyer from the Izmir Bar Association, March 2020.

⁶⁴² Information provided by a lawyer from the Van Bar Association, March 2020.

⁶⁴³ Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁶⁴⁴ Magistrates’ Court of Kirklareli, Decision 2016/2732, 24 October 2016.

⁶⁴⁵ 2nd Magistrates’ Court of Edirne, Decision 2018/2746, 3 July 2018.

⁶⁴⁶ Information provided by a lawyer of the Ankara Bar Association, January 2019.

⁶⁴⁷ Magistrates’ Court of Çanakkale, Decision 2018/3777, 12 October 2018.

⁶⁴⁸ For a discussion, see Refugee Rights Turkey, *A pressing need: The lack of legal remedy in challenging material conditions of foreigners under administrative detention in Turkey*, January 2017, available at: <https://bit.ly/2WkCcZm>.

⁶⁴⁹ Constitutional Court, *K.A.*, Application No 2014/13044, Judgment of 11 November 2015. The Constitutional Court referred to Article 17 of the Turkish Constitution, which corresponds to Articles 3 and 13 ECHR.

⁶⁵⁰ Constitutional Court, *F.A. and M.A.*, Application No 2013/655, Judgment of 20 January 2016; *A.V.*, Application No 2013/1649, Judgment of 20 January 2016; *T.T.*, Application No 2013/8810, Judgment of 18 February 2016; *A.S.*, Application No 2014/2841, Judgment of 9 June 2016; *I.S.*, Application No 2014/15824, Judgment of 22 September 2016.

⁶⁵¹ Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
☒ Yes ☐ No
2. Do asylum seekers have effective access to free legal assistance in practice?
☐ Yes ☒ No

Detained international protection applicants must be given opportunity to meet with legal representatives, notary and UNHCR officials, if they wish so.⁶⁵² Persons who do not have the financial means to pay a lawyer are to be referred to the state-funded Legal Aid Scheme in connection with “judicial appeals” pertaining to any acts and decisions within the international protection procedure.⁶⁵³

However, the functioning of the Legal Aid Scheme in Turkey requires the applicant to approach the bar association to make a formal request for legal aid. It remains very difficult for a detained asylum seeker to access the legal aid mechanism by him or herself, especially since the authorities do not provide information on the right to legal assistance in a language understood by the individual.⁶⁵⁴ In most cases, either an NGO or UNHCR will alert the bar association and seek to ensure the appointment of a legal aid lawyer to the person. Lawyers appointed by bar associations have ties and work with NGOs in individual cases. However, it is observed from the field that no NGO has direct access to Removal Centres for the purpose of providing legal assistance. This is even impossible in practice if the applicant is classified as a foreign terrorist fighter.⁶⁵⁵

The requirement of a notarised power of attorney poses an additional constraint (see [Regular Procedure: Legal Assistance](#)). Since detained asylum seekers are not issued an identification card before they have had the possibility to register with the PDMM, it is impossible for them to notarise a power of attorney.⁶⁵⁶ Furthermore, issuing a power of attorney and interpretation entail financial costs which vary depending on the distance of the Removal Centre and the language of the individual. Fees were approximately 180 TL in **Kayseri** but reach 400 TL to 700 TL in **Antalya**, 500 TL to 800 TL for Removal Centres in **Istanbul**, and 1,500 TL for airports in 2019.⁶⁵⁷ Some notaries did not accept requests from refugees who had a travel permit but who were registered in other cities.⁶⁵⁸

Nevertheless, the Administrative Court of Ankara has held that access to legal counselling is a basic human right and should be granted to refugees without the requirement of a power of attorney.⁶⁵⁹ Moreover, when a lawyer is appointed by a bar association to represent a person under the Legal Aid Scheme, the official appointment letter can serve as a temporary substitute in place of a notarised power of attorney. In practice,

⁶⁵² Article 68(8) LFIP.

⁶⁵³ Article 81(2) LFIP.

⁶⁵⁴ Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018; a lawyer of the Mersin Bar Association, February 2018.

⁶⁵⁵ Information provided by a lawyer of the Ankara Bar Association, January 2018; a lawyer of the Adana Bar Association, February 2018; a lawyer of the Gaziantep Bar Association, March 2018.

⁶⁵⁶ Izmir Bar Association, *Izmir Geri Gönderme Merkezlerinde Adalet Erişim Hakkı Çerçevesinde Yaşanan Sorunlar Raporu*, July 2017, 18-19. See also Refugee Rights Turkey, *Barriers to the right to an effective legal remedy: The problem faced by refugees in Turkey in granting power of attorney*, February 2016, available at: <http://bit.ly/1PLX9SH>.

⁶⁵⁷ Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Antalya Bar Association, March 2019; International Refugee Rights Association, February 2019.

⁶⁵⁸ Information provided by a stakeholder, March 2020.

⁶⁵⁹ Evrensel, ‘Yargı: Mülteciler vekaletnamesiz avukat hizmeti alabilir’, 20 January 2018, available in Turkish at: <http://bit.ly/2CG9RCI>.

the courts accept representation of detained applicants under a legal aid appointment document without a power of attorney.⁶⁶⁰

Obstacles for lawyers in accessing removal centres throughout 2020, and reluctance from lawyers to meet their clients out of fear of COVID-19 contamination, are also described in [Access to detention facilities](#).

E. Differential treatment of specific groups in detention

There is no known policy of differential treatment of persons in detention on the basis of nationality, although according to observations from stakeholders, some Removal Centres detain specific population groups. For example, **Izmir** (Harmandalı),⁶⁶¹ **Kayseri**,⁶⁶² and **Hatay** detain mixed populations, including irregular migrants and foreign fighters, **Gaziantep** mostly holds Syrians classified as YTS (Foreign Terrorist Fighters).

In **Izmir** there is differential treatment for people who have been assigned a code compared to other irregular migrants, for example, there are restrictions on their right to make phone calls and go outdoors. The detention conditions of YTS are worse than other detainees and they are subject to arbitrary body checks and have limited rights to leave their cells. There have been claims of torture and ill-treatment.⁶⁶³

In **Istanbul** there are reports of discrimination especially against Afghan and Pakistani nationals who do not get released as easily. The deportation procedure is reportedly executed much faster for Afghan nationals. The situation of sex workers is also problematic. A Turkmen national was accused of being a sex worker and was held in the removal centre for one year, before being released due to the COVID-19 outbreak. There is also discrimination against people suspected of a crime who find it more difficult to get a positive decision from the administrative courts.⁶⁶⁴

⁶⁶⁰ Information provided by a lawyer from the Izmir Bar Association, February 2019. See also District Court of Ankara, 10th Chamber, Decision 2017/1267, 20 December 2017.

⁶⁶¹ During the Human Rights and Equality Commission's visit in 2018, the centre held nationals of Afghanistan, Syria, Iraq, Angola, Algeria, Morocco, Iran, China, US, Pakistan, The Gambia, Congo, Cuba, Egypt and Central African Republic. Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 19.

⁶⁶² During the Human Rights and Equality Commission's visit in 2018, the centre held nationals of Afghanistan, Syria, Iraq, Iran and Central Asian countries: Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, para 17.

⁶⁶³ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶⁶⁴ Information provided by a stakeholder, March 2021.

Content of International Protection

The LFIP provides three types of international protection status in accordance with Turkey's "geographical limitation" policy on the 1951 Refugee Convention.

1. Persons who fall within the refugee definition in Article of the 1951 Convention and come from a "European country of origin"⁶⁶⁵ qualify for **refugee status** under LFIP, in full acknowledgment of Turkey's obligations under the 1951 Convention. The Turkish legal status of refugee under LFIP should afford rights and entitlements in accordance with the requirements of the 1951 Convention, including the prospect of long-term legal integration in Turkey. Only three persons had been recognised as refugees as of January 2018,⁶⁶⁶ although a March 2018 report of the Grand National Assembly referred to 70 persons with refugee status.⁶⁶⁷ There was no official data in 2019.
2. Persons who fall within the refugee definition in Article of the 1951 Convention but come from a so-called 'non-European country of origin', are instead offered **conditional refugee status** under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from 'non-European' states and those originating from 'European' states. The status of conditional refugee affords to beneficiaries a set of rights and entitlements lesser to that granted to refugee status holders and to subsidiary protection holders in some respects. Most importantly, conditional refugees are not offered the prospect of long-term legal integration in Turkey and are excluded from **Family Reunification** rights.
3. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at "individualised risk of indiscriminate violence" due to situations or war or internal armed conflict, qualify for **subsidiary protection** status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive. Similar to the conditional refugee status holders, subsidiary protection beneficiaries receive a lesser set of rights and entitlements as compared to refugee status holders and are barred from long-term legal integration in Turkey. Notably however, unlike conditional refugees, subsidiary protection beneficiaries are granted family reunification rights in Turkey.

⁶⁶⁵ For the purpose of "geographical limitation" in regards to the interpretation of the 1951 Convention, Government of Turkey considers Council of Europe member states as 'European countries of origin'.

⁶⁶⁶ T24, 'Türkiye'de 4.3 milyon göçmen yaşıyor; mülteci statüsünde 3 kişi var', 17 January 2018, available in Turkish at: <http://bit.ly/2D4ByFa>.

⁶⁶⁷ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

A. Status and residence

2. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
 - ❖ Refugee status 3 years
 - ❖ Conditional refugee status 1 year
 - ❖ Subsidiary protection 1 year

According to the LFIP, foreign nationals who seek legal stay in Turkey are required to obtain a residence permit. There are 6 types of residence permits available to foreign nationals.⁶⁶⁸ Neither the International Protection Status Holder Identification Document issued to international protection status holders nor the Temporary Protection Identification Document issued to beneficiaries of **Temporary Protection** are identified as “residence permits” as such in Turkish law. The LFIP does not envision the granting of residence permits to either international protection status holders or beneficiaries of temporary protection.

The law instead identifies these categories of foreign nationals to be “exempt from the residence permit requirement” that applies to other categories of foreign nationals.⁶⁶⁹ They are instead envisioned to stay in Turkey on the basis of open-ended international protection status documents respectively. The International Protection Status Holder Identification Document “shall substitute a residence permit” within the meaning of being equivalent to residence permit for the person concerned in the sense of authorising legal stay in Turkey.⁶⁷⁰

Previously **refugees** were granted an International Protection Status Holder Identification Document with a validity period of 3 years,⁶⁷¹ **conditional refugees** and beneficiaries of **subsidiary protection** were issued a document valid for 1 year.⁶⁷² However, these provisions were amended on 24 December 2019. For those who are granted conditional refugee, subsidiary protection and international protection status, an identity document including foreign identity number is issued.⁶⁷³ The duration of validity of these documents, along with the rules on format and content, is to be determined by the Ministry of Interior.

Therefore, in summary, it should be concluded that the law stops short of offering clear legislative guidance as to the duration of legal stay envisioned for international protection status holders regardless of what types of international protection the person concerned was granted. International Protection Status Holder Identification Document granted to status holders are to “remain valid until terminated by DGMM”. That is, the discretion to terminate an International Protection Status Holder Identification Document and thereby the actual duration of legal stay afforded by an international protection status are left to the discretion of DGMM.

By default, in light of the *non-refoulement* obligation guaranteed by Article 4 LFIP and in the absence of **Cessation** or **Withdrawal** procedures, it is unclear whether there can be any other circumstances under which the International Protection Status Holder Identification Document issued to an international protection status holder may be justifiably terminated.

On the other hand, from the vantage point of an international protection beneficiary, since the International

⁶⁶⁸ Article 30(1) LFIP.

⁶⁶⁹ Article 20(1)(g) LFIP, citing Article 83; Article 93(2) RFIP.

⁶⁷⁰ Article 83(3) LFIP.

⁶⁷¹ Article 83(1) LFIP.

⁶⁷² Article 83(2) LFIP.

⁶⁷³ Article 83 as amended by 85 7196 Law, 24 December 2019.

Protection Status Holder Identification Document cannot lead to **Long-Term Residence** in Turkey and since time spent in Turkey on the basis of an International Protection Status Holder Identification Document cannot count towards the fulfilment of the 5-year uninterrupted legal residence requirement for **Naturalisation**, the legislative framework in Turkey fails to offer international protection status holders any prospect of long term legal integration in Turkey.

This approach adopted in LFIP and reinforced by the RFIP should be interpreted as an extension of Government of Turkey's ongoing "geographical limitation" policy in relation to its obligations under 1951 Refugee Convention.

In **Istanbul** in 2020 there was a leniency regarding the grant of residence permits during the COVID-19 pandemic. In August 2020, the PDMM issued a circular recalling those whose residence permit applications had been denied but who could not leave Istanbul due to the pandemic to reapply for a permit. Later, even those not originally included in the criteria were encouraged to apply for temporary residency. This policy was applied between August 2020 and January 2021. The PDMM imposed a re-application fee. Some applications resulted positively, but the exact number of persons concerned is not available. The PDMM mainly applied this policy for economic purposes, and to document the number of unregistered people.⁶⁷⁴

2. Civil registration

2.1. Civil registration of child-birth

Birth registration is both a right and an obligation for foreigners including beneficiaries of international protection. Births that take place in Turkey need to be notified to the Population and Civil Registry Departments under the Governorates. Notification shall be done by the mother, father or legal guardian of the child. In the absence of parents or a legal guardian, the child's grandmother, grandfather, adult siblings or other persons accompanying the child shall notify the Population and Civil Registry Departments.

The notification needs to be made to the Population and Civil Registry Departments within 30 days. After birth registration, a birth certificate will be issued for the child. The registration process and the issuance of the certificate are free of charge.

Reporting the birth of the child to the PDMM is important as the child will be issued with an identity document certifying his or her legal status in Turkey. Registration enables children to access rights such as education and health care. Birth registration proves the age of the child and protects the child from being vulnerable to protection risks such as trafficking, child labour, child marriage, illegal adoption and sexual exploitation. Birth registration also proves the parental linkage between the child and the parents and protects the unity of the family. It can also help family reunification of the child with the parents in the future in case of family separation.

The language barrier has an impact on child-birth registration in practice.⁶⁷⁵

2.2. Civil registration of marriage

Turkish law is applied for all marriage procedures for international protection beneficiaries and applicants. Under Turkish law, a Turkish national and an applicant or beneficiary or two applicants or beneficiaries of

⁶⁷⁴ Information provided by a stakeholder, March 2021.

⁶⁷⁵ Information provided by a stakeholder, February 2019.

different nationalities can be married by the Turkish authorities. All marriages carried out by the Turkish authorities are subject to the Turkish Civil Code and related regulations.

Marriages are conducted by marriage officers at the Marriage Departments of municipalities. Couples intending to marry therefore need to submit the relevant documents to municipalities. Relevant documents are:

- Petition of the marriage: the couple must file a petition of marriage (*evlenme beyannamesi*), signed by both individuals applying to marry;
- Celibacy document certifying that the applicants are not already married;
- Medical report confirming that the applicants are free from diseases that would prevent them from getting married;
- International protection applicant registration document; international protection applicant identity document or international protection status holder identity document;
- Four photographs.

Non-official marriages are not recognised in Turkey. A religious marriage (carried out by imams) is only permitted after the official marriage.

In **Antakya** a new problem arose in 2019 linked to the data verification process (see section on [Temporary protection identification document](#)). It was revealed that some people had lied about their marital status, particularly single women to protect themselves from potential threats. A problem then occurred when the women really wanted to get married. This is a legally unresolved problem unfortunately that has meant people have tried to produce fake divorce or marriage documents. In Antakya, there has been an explosion in this type of fake documents. The courts only accept documents sealed by the Syrian consulate in Istanbul and apostilled by DGMM. For the others, the public prosecutors open investigations based on 'forgery of official documents' and PDMM issues deportation decisions.

The number of lawsuits on the correction of civil records increased after the data verification process. As an example, a lawsuit was opened regarding a child who was registered with the wrong family. The court asked for registration documents showing that the child belongs to the Syrian family, but the latter was not able to receive such documents by an official authority in Idlib, where they came from. In civil rights matters, there are a lot of counterfeited document circulating but people often have no other choice but to resort to counterfeit documents because the public authorities do not issue the necessary documents. The only document accepted by the courts is the one sealed by the Syrian Consulate in Istanbul. Opponents of the Syrian authorities are afraid to go to the Consulate, however.⁶⁷⁶

In 2020, registrations of births and marriages were one of the only services that was not interrupted despite COVID-19. Regional PDMMs now process data updates (civil status matters such as changing the marital status, registration of a new born etc.) over an electronic appointment system called E-Randevu. People can get an appointment by ringing 157 or [goc.net.org](#). An appointment system is in place in big cities such as **Gaziantep**, **Urfa**, and **Hatay** where there are large refugee populations. In small cities such as **Kahramanmaras** and **Malatya**, people can apply without an appointment. Appointment schedules depend on the province and may sometimes be very busy. There were reports of refugees giving bribes to get an appointment in **Adana** and **Gaziantep**, as the waiting period for an appointment could reached up to 2-3 months, except in urgent cases. This waiting time is one month in **Adana**. This system is used for data updates only.⁶⁷⁷

⁶⁷⁶ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁶⁷⁷ Information provided by a stakeholder, March 2021.

3. Long-term residence

The EU Long-Term Residence Directive does not apply to Turkey. However, as regards long-term resident status under Turkish law, Article 42(2) LFIP governing “long-term residence permits” in Turkey specifically provides that international protection beneficiaries are not eligible for transition to a long-term residence permit.

4. Naturalisation

Indicators: Naturalisation

- | | |
|---|---------------|
| 1. What is the waiting period for obtaining citizenship? | 5 years |
| 2. Number of citizenship grants to beneficiaries in 2020: | Not available |

According to Law No 5901 on Turkish Citizenship, there are three procedures for naturalisation of foreign citizens. Citizenship may be acquired through:

- a. **Normal procedure:** According to the normal procedure, the foreigner must have a valid residence permit in Turkey for 5 years. The foreigner with a valid residence permit must not leave Turkey more than 180 days during the 5-year residence period. If this period is exceeded, the 5-year period is restarted.

After the completion of 5 years, it is not possible to directly acquire citizenship. First, the Citizenship Committee makes an assessment of the economic status and social cohesion of the applicant. Afterwards, security checks are conducted by the local police and the National Intelligence Organisation and the collected information is sent to the General Directorate of Citizenship of the Ministry of Interior. If no issues are raised at the end of the security investigation, the applicant acquires the Turkish citizenship under a proposal of the General Directorate of Citizenship of the Ministry of Interior through the approval of the Minister of Interior.

- b. **Marriage to a Turkish citizen:** If the marriage of the applicant lasts 3 years and is effective, the applicant can acquire the citizenship. However, the applicant again needs to be ‘cleared’ by a security investigation.
- c. **Exceptional circumstances:** Citizenship based on exceptional circumstances is mostly granted to foreigners who bring industrial skills or contributing to the scientific, economic, cultural, social and sportive progress of Turkey, without any residence or temporal conditions. In this way, it is aimed at granting qualified people Turkish citizenship as quickly as possible.

While some Syrian nationals under temporary protection have been able to access citizenship through the exceptional circumstances procedure (see [Temporary Protection: Naturalisation](#)), access to citizenship is not provided to non-Syrian nationals in practice.

Detailed statistics are not available but there was a reported decrease in citizenship granted in 2020. Those who were granted citizenship who were known to stakeholders were mostly university students or those married to a Turkish citizen.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

Article 85 LFIP sets out the grounds and procedural rules governing cessation of international protection status.

The grounds for cessation of **refugee status** include the following cases where a beneficiary:⁶⁷⁸

- a. Voluntarily re-avails him or herself of the protection of his or her country of origin;
- b. Voluntarily re-acquires the nationality of the country he or she has lost;
- c. Has acquired a new nationality and enjoys the protection of the country of new nationality;
- ç. Has voluntarily returned to the country of origin;
- e. May no longer refuse to avail him or herself of the protection of the country of origin or habitual residence on the ground that the circumstances on which the status was granted no longer apply. In the assessment of change of circumstances, DGMM shall assess whether the change in the country of origin or habitual residence is significant and permanent.⁶⁷⁹

Subsidiary protection may also be ceased where circumstances have changed to such an extent that protection is no longer needed.⁶⁸⁰

Cessation is to be decided on an individual basis.⁶⁸¹ Where cessation grounds apply, DGMM shall communicate the review of status to the beneficiary in writing. The beneficiary shall have the opportunity to present his or her reasons to continue receiving protection, orally or in writing.⁶⁸² The RFIP refers to oral or written observations being submitted “within a reasonable period”, without specifying the timeframe in which the beneficiary should respond to DGMM.⁶⁸³

An appeal against a cessation decision may be lodged under the same conditions as in the **Regular Procedure: Appeal**, before IPEC within 10 days or before the competent Administrative Court within 30 days.⁶⁸⁴

⁶⁷⁸ Article 85(1) LFIP.

⁶⁷⁹ Article 85(2) LFIP.

⁶⁸⁰ Article 85(3) LFIP.

⁶⁸¹ Article 97(3) RFIP.

⁶⁸² Article 85(4) LFIP.

⁶⁸³ Article 97(1) RFIP.

⁶⁸⁴ Article 80(1)(a) LFIP.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

Withdrawal (“cancellation”) of international protection status is governed by Article 86 LFIP. The law provides that status shall be withdrawn where a beneficiary: (a) by way of false documents, fraud, deceit, or withholding facts, was granted protection; or (b) should have been excluded from international protection.⁶⁸⁵

While LFIP does not expressly provide the same level of guarantees in withdrawal procedures as in **Cessation**, as it makes no reference to a right of the beneficiary to present his or her observations,⁶⁸⁶ the possibility to submit oral or written observations “within a reasonable period” is provided in the RFIP.⁶⁸⁷ The remaining rules and procedures are the same as in **Cessation**.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification? ☐ Yes ☒ No
 - ❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application? ☐ Yes ☒ No
 - ❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

Family reunification is governed by Articles 34-35 LFIP. While the law allows **refugees** and **subsidiary protection beneficiaries** to be reunited with family members,⁶⁸⁸ under preferential conditions compared to other foreigners, **conditional refugees** are excluded from family reunification altogether. That is also implied by the fact that international protection beneficiaries are not granted a **Residence Permit**, whereas the law requires the sponsor to have resided in Turkey for more than one year on a residence permit.⁶⁸⁹ Refugees and subsidiary protection holders are expressly exempt from this condition, but conditional refugees are not.⁶⁹⁰

⁶⁸⁵ Article 86(1) LFIP.

⁶⁸⁶ Article 86(2) LFIP.

⁶⁸⁷ Article 98(1) RFIP.

⁶⁸⁸ Article 34(1) LFIP; Article 30(1)(d) RFIP.

⁶⁸⁹ Article 35(1)(ç) LFIP.

⁶⁹⁰ Article 35(4) LFIP.

A refugee or beneficiary of subsidiary protection may reunite with the following family members:⁶⁹¹

- Spouse, whereby only one spouse may benefit from family reunification in the case of polygamous marriages;⁶⁹²
- Minor children or minor children of the spouse;
- Dependent children or dependent children of the spouse.

As of January 2021, the Turkish Red Crescent had received 3,239 requests for family reunification in total. They also conduct family tracing and family messaging services.

2. Status and rights of family members

Upon arrival in Turkey, family members receive a “family residence permit” for a maximum duration of validity of 3 years.⁶⁹³ Holders of this permit have access primary and secondary education institutions without obtaining a student residence permit.⁶⁹⁴

Adult family members on a family residence permit may apply to transfer to a short-term residence permit after 3 years of residence in Turkey.⁶⁹⁵ However, this condition may be waived in cases where the spouse has been a victim of domestic violence,⁶⁹⁶ or in the event of death of the sponsor.⁶⁹⁷

C. Movement and mobility

1. Freedom of movement

DGMM may restrict the residence of **conditional refugees** and **subsidiary protection** beneficiaries within a specific province and impose reporting requirements, for reasons of public security and public order.⁶⁹⁸ While LFIP makes no reference to **refugees**, who should enjoy freedom of movement across the territory of Turkey subject to the provisions of Article 26 of the 1951 Refugee Convention, the RFIP adds that such residence restrictions “may also be applicable for refugee status holders.”⁶⁹⁹

The RFIP complements Article 82 LFIP by adding criteria such as the “person’s request, his or her special situation, medical and educational situation, kinship relations, culture, personal circumstances and capacity of the provinces” in the determination of the province where a conditional refugee or subsidiary protection holder will be allowed to reside.⁷⁰⁰

In practice, beneficiaries of international protection are subject to the same “satellite city” dispersal policy governing the movement of asylum seekers (see [Reception Conditions: Freedom of Movement](#)).

⁶⁹¹ Article 34 LFIP; Article 30 RFIP.

⁶⁹² Article 34(2) LFIP; Article 30(3) RFIP.

⁶⁹³ Article 34(1) LFIP.

⁶⁹⁴ Article 34(4) LFIP.

⁶⁹⁵ Article 34(5) LFIP.

⁶⁹⁶ Article 34(6) LFIP.

⁶⁹⁷ Article 34(7) LFIP.

⁶⁹⁸ Article 82(1) LFIP; Article 110(4) RFIP.

⁶⁹⁹ Article 110(5) RFIP.

⁷⁰⁰ Article 110(1) RFIP.

2. Travel documents

Article 84(1) LFIP provides that **refugees** “shall be” provided (Refugee) Travel Documents as referred to in the 1951 Refugee Convention. DGMM shall determine the “format, content and duration of validity” of (Refugee) Travel Documents to be issued to refugee status holders in accordance with the 1951 Convention.⁷⁰¹ Neither the law nor its Implementing Regulation set out a strict duration of validity for refugee travel documents.

As regards **conditional refugees** and beneficiaries of **subsidiary protection**, “if they make a request for a travel document”, their request “shall be evaluated” in reference to Article 18 of the Passports Law.⁷⁰² Article 18 of the Passports Law governs the issuing of special travel documents that may be issued to foreign nationals referred to as “passports with a foreign-nationals-only stamp” (*Yabancılar Mahsus Damgalı Pasaport*).

As such, conditional refugees and subsidiary protection holders are not issued Convention Travel Documents but “may be” issued another type of travel document referred to as “passport with a foreign-nationals-only stamp”. The wording used in Article 84(2) LFIP suggests that the decision as to whether or not to grant a travel document upon request by a conditional refugee or subsidiary protection holder is subject to the discretion of DGMM and is therefore not a right as such.

Under Article 18 of the Passports Law, there are two types of “passport with a foreign-nationals-only stamp”:

- The type that authorises either a single exit or a single entry and has a 1-month duration of validity; and
- The type that authorises a single exit and a single entry. The duration of validity of this type of passport is subject to Ministry of Interior discretion but “shall not be less than 3 months”.

No reports of “passports with a foreign-nationals-only stamp” issued to conditional refugees or subsidiary protection holders currently in Turkey have been seen to date.

3. Resettlement

UNHCR works in collaboration with DGMM to identify the most vulnerable cases and to assess their eligibility for resettlement. As of 10 September 2018, DGMM pre-identifies cases based on vulnerability and refers them to UNHCR, similar to the procedure already followed for temporary protection beneficiaries (see [Temporary Protection: Resettlement](#)). In general, stakeholders have noticed that the criteria and standards of ‘vulnerability’ used now by DGMM are different from the ones of UNHCR and NGOs. For instance, LGBTI people are not considered as vulnerable.⁷⁰³

The final decisions on resettlement are taken by the receiving countries. In 2019, UNHCR submitted 17,552 cases for resettlement, 67% of whom were Syrian refugees. In 2019, 10,558 refugees departed to start new lives in resettlement countries; out of whom 78% were Syrian refugees and 22% were refugees of other nationalities.⁷⁰⁴

According to DGMM statistics, a total 16,902 Syrians were transferred to third countries between 2014 and 1 April 2020, mainly to Canada, the US, the UK and Norway.⁷⁰⁵

⁷⁰¹ Article 104 RFIP.

⁷⁰² Article 84(2) LFIP; Article 104(2) RFIP.

⁷⁰³ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁷⁰⁴ UNHCR, *Turkey Operational Highlights 2019*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

⁷⁰⁵ DGMM statistics, available in Turkish at: <https://bit.ly/39v1fz5>.

All resettlement from Turkey was suspended in early 2020, including German and Turkey's bilateral agreement on the readmission of refugees, due to the Corona Virus. Travel restrictions meant departure for resettlement was postponed. *The COVID-19 situation significantly affected the processing for resettlement; however remote interviewing measures were set in place in five locations across Turkey, in cooperation with DGMM, allowing interviews, which were suspended from March to June to gradually resume. The pandemic also affected resettlement departures because of the global pause of international flights between March and September.* As of the end of October 2020, UNHCR provided over 5,633 resettlement submissions (4,625 Syrians and 1,008 refugees of other nationalities) to 18 countries; and 3,382 refugees (2,602 Syrian and 780 of other nationalities) departed for resettlement to 14 countries.⁷⁰⁶ NGOs reported that due to the economic crisis, the number of calls regarding resettlement increased enormously, meaning potentially that the pandemic had affected people's wish to live in Turkey.⁷⁰⁷

D. Housing

Similar to the situation of applicants (see [Reception Conditions: Housing](#)), beneficiaries of international protection are expected to secure accommodation through their own means in Turkey.

E. Employment and education

1. Access to the labour market

With regard to the right to employment, the law draws a distinction between the different categories of international protection beneficiaries. **Refugees** and **subsidiary protection** holders have access to employment or self-employment after being granted status, on the basis of their International Protection Holder Identity Document without satisfying additional requirements.⁷⁰⁸

These categories of beneficiaries also have preferential treatment with regard to the applicability of labour market tests. Any sectoral or geographical restriction on access to employment cannot be imposed on refugees or beneficiaries of subsidiary protection who have resided in Turkey for 3 years or are married to a Turkish citizen or have a Turkish child.⁷⁰⁹

Conversely, **conditional refugees** are subject to the same rules as applicants for international protection. They are required to apply for a work permit, or for a work permit exemption in the sectors of agriculture and livestock works, after 6 months of being granted protection.⁷¹⁰ Therefore they may also be subject to sectoral or geographical limitations on access to the labour market (see [Reception Conditions: Access to the Labour Market](#)).

In practice, it seems that only a few conditional refugees are able to access work permits.⁷¹¹

⁷⁰⁶ UNHCR Turkey, Operational Highlights 2020, March 2021, available at: <https://bit.ly/3esx9AE>.

⁷⁰⁷ Information from a stakeholder, March 2021.

⁷⁰⁸ Article 89(4)(b) LFIP; Article 4 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁷⁰⁹ Article 18 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁷¹⁰ Article 89(4)(a) LFIP; Articles 6 and 9 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁷¹¹ Refugees International, *I am only looking for my rights: Legal employment still inaccessible for refugees in Turkey*, December 2017, available at: <http://bit.ly/2ylz434>, 5.

2. Access to education

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to access to education (see [Reception Conditions: Access to Education](#)).

F. Social welfare

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to social assistance (see [Forms and Levels of Material Reception Conditions](#)).

G. Health care

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to health care (see [Reception Conditions: Health Care](#)).



Temporary Protection

Temporary Protection Procedure

The legal basis of the 2014 Temporary Protection Regulation (TPR) is Article 91 LFIP. Therefore, technically as a piece of secondary legislation, the provisions and implementation of the TPR must be compliant and consistent with the general normative framework laid down by the LFIP itself.

Under the new presidential system in place since 2018, all references to the “Council of Ministers” in the LFIP have been replaced by the term “Presidency”, since the Council of Ministers was abolished.⁷¹² No such amendment has been made to the TPR yet. For the purposes of clarity, the following sections refer to the “Presidency” rather than the “Council of Ministers”.

DGMM is designated as the competent agency authorised to decide on the eligibility of persons for temporary protection in Turkey in light of the scope laid down by the Presidency declaration decision and the general eligibility criteria laid down in the TPR.⁷¹³ Following a reform in March 2018, responsibility for accommodation and other services also lies with DGMM.⁷¹⁴ The agency has therefore taken over responsibility for all measures relating to temporary protection from the Disaster and Emergency Management Authority (*Afet ve Acil Durum Yönetimi Başkanlığı*, AFAD).⁷¹⁵

A. Scope and activation procedure

Temporary protection within the scope of Article 91 LFIP is a discretionary measure that may be deployed in situations of mass influx of refugees where individual processing of international protection needs is impractical due to high numbers.⁷¹⁶ As such, temporary protection under the TPR is not defined as a form of international protection but a complementary measure used in situations where individual international protection eligibility processing is deemed impractical.

The application of the Temporary protection regime is to be declared by a decision of the Presidency.⁷¹⁷ The declaration decision shall elaborate the scope of beneficiaries, the start date of the temporary protection regime and its duration, where necessary.⁷¹⁸ It may or may not designate a limitation on the implementation of the temporary protection regime to a specific region in Turkey. An existing temporary protection regime in place is to be terminated by a Presidency decision.⁷¹⁹

The Presidency has the authority to order limitations on temporary protection measures in place, or the suspension of existing measures for a specific period or indefinitely, “in the event of circumstances threatening national security, public order, public security and public health”.⁷²⁰ In such a case, the Presidency shall have the discretion to determine the specifics of the treatment existing registered temporary protection beneficiaries and measures that will be applied to persons within the scope of the temporary protection regime who approach Turkey’s borders after the limitation or suspension decision. Such very broadly and vaguely defined limitation or suspension measures are different from the actual termination of a temporary protection regime by means of a Presidency decision in accordance with Article 11 TPR.

⁷¹² Article 71 Decree 703 of 9 July 2018.

⁷¹³ Article 10 TPR.

⁷¹⁴ Regulation 2018/11208 amending the Temporary Protection Regulation.

⁷¹⁵ Presidential Decree No 4 of 15 July 2018 also amended the duties and tasks of AFAD.

⁷¹⁶ Articles 1 and 3 TPR.

⁷¹⁷ Article 9 TPR.

⁷¹⁸ Article 10 TPR.

⁷¹⁹ Article 11 TPR.

⁷²⁰ Article 15 TPR.

B. Qualification for temporary protection

1. Eligibility criteria

The principal characteristic and justification of the temporary protection approach generally is to swiftly attend to the protection needs of a large number of protection seekers in a situation of mass influx of refugees where individual processing is considered both impractical and unnecessary. The temporary protection approach is meant to categorically apply to and benefit all persons falling within the scope of beneficiaries formulated by the host Government, without any personalised assessment of international protection needs.

While generally a Presidency decision is required for the declaration of a temporary protection regime, in the case of the TPR in place for persons escaping the conflict in Syria, the Turkish Government opted to formalise the existing *de facto* temporary protection regime already in place since 2011 by means of a provisional article incorporated in the main text of the TPR itself – as opposed to issuing a separate Presidency decision.

1.1. “Syrian nationals, stateless persons and refugees”

Provisional Article 1 TPR specifically establishes that “Syrian nationals, stateless people and refugees” who have arrived in Turkey, whether individually or as part of a mass movement of people, due to events unfolding in Syria, are eligible for temporary protection in Turkey.

This formulation appears to indicate that in addition to Syrian nationals, also stateless persons originating from Syria, including members of the substantial stateless Palestinian population who were resident in Syria at the time of the beginning of the conflict in 2011, are covered by the TPR. Practice is consistent with this interpretation, as stateless Palestinians from Syria are registered as temporary protection beneficiaries.⁷²¹

1.2. “Directly arriving from Syria”

Provisional Article 1 TPR contains a phrasing which in practice is interpreted by border officials as a requirement for prospective beneficiaries to arrive directly from Syria, as opposed to travelling to Turkey from or via a third country.

The provision speaks of persons who “arrive at our borders” or “have crossed our borders”, whether “individually” or “as part of a mass movement of people”. As such, it actually does not articulate a clear requirement of arriving directly from Syria at all. A person taking a plane from a third country and landing in a Turkish airport may be perfectly understood to have “arrived at our borders” “individually”. Since 8 January 2016, however, Turkey no longer operates a visa-free regime for Syrians who enter by sea or air.

The imposition of visa requirements for persons coming by sea or air has been combined with strict enforcement of Provisional Article 1 TPR. Accordingly, DGMM only admits into the temporary protection regime Syrians who arrive directly from Syria.⁷²² Those arriving through a third country are excluded from the temporary protection regime. Although they should be allowed to apply for international protection under the LFIP, in practice they are not registered as international protection applicants. This includes Syrian

⁷²¹ Information provided by a lawyer of the Antakya Bar Association, March 2019.

⁷²² Zeynep Kivilcim, ‘Lesbian, gay, bisexual and transsexual (LGBT) Syrian refugees in Turkey’, 2016, 29.

nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection.⁷²³

In some cases, PDMM have referred these persons for a short-term visa and then a short-term residence permit.⁷²⁴ Health care and other benefits are not accessible free of charge on a short-term residence permit. In two known cases in 2018, however, Syrians arriving from Jordan at **Izmir Airport** were not allowed to access temporary protection and were returned to Jordan.⁷²⁵

1.3. The cut-off date of 28 April 2011

Provisional Article 1 TPR also provides a cut-off date for purpose of inclusion in the temporary protection regime. It provides that persons who have arrived from Syria from 28 April 2011 or later are to be exclusively processed within the framework of the temporary protection regime. As such, they shall be barred from making a separate international protection application. If they had already made an application for international protection before the publication of the TPR on 22 October 2014, these applications were suspended and the persons concerned were instead processed as temporary protection beneficiaries.

Any persons who had arrived in Turkey prior to 28 April 2011 and had already made an application for international protection were given the option of choosing whether they wished to remain within the international protection procedure framework or benefit from temporary protection. The number of Syrian nationals concerned by this provision is however very limited, since the population of Syrian asylum seekers in Turkey back in early 2011 before the beginning of the conflict in Syria was quite low.⁷²⁶

1.4. Syrian nationals with regular residence permits

Similarly, any Syrian nationals who were legally resident in Turkey as of 28 April 2011 or later, on the basis of a regular residence permit completely outside the asylum framework – like other nationalities of legally residing foreigners – are allowed the option of continuing their legal residence in Turkey on this basis, unless they wish to register as temporary protection beneficiaries. In fact, the relatively small number of Syrian nationals who continue to arrive in Turkey legally with valid passports in the period since the adoption of the TPR on 22 October 2014 still maintain this option.

In order for a foreign national to request and obtain a residence permit after they arrive in Turkey, he or she needs to have legally entered the country with a valid passport and either on the basis of a short-stay visa or visa-exemption grounds depending on the nationality. Since 2016, however, Turkey no longer allows visa-free entry to Syrian nationals. One problem encountered by such Syrian residence permit holders is that when and if the validity period of their passport expires and they do not generally manage to have it extended, they are no longer eligible for an extension of their residence permit.

⁷²³ Information provided by NGOs, March 2019.

⁷²⁴ *Ibid.*

⁷²⁵ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁷²⁶ As of 31 December 2010, there were only 224 Syrian nationals registered with UNHCR and Turkish authorities as asylum seekers: Information provided by UNHCR, December 2015.

2. Cessation of temporary protection

Indicators: Cessation

1. Is a personal interview of the temporary protection beneficiary in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

Temporary protection status shall cease for a particular beneficiary where he or she:⁷²⁷

- a. Leaves Turkey voluntarily;
- b. Avails him or herself of the protection of a third country;
- c. Is admitted to a third country on humanitarian grounds or for resettlement.

Voluntary return was a prominent issue and concern in the temporary protection system in 2019. The Minister of Justice stated that in 2019, 373,592 Syrian nationals had left Turkey to return to their country of origin,⁷²⁸ and the Ministry of Foreign Affairs declared that around 371,000 people had returned to safe zones in Syria.⁷²⁹ The Ministry of Defence has said that around 580,000 Syrians repatriated in 2019 including 380,000 to the Euphrates Shield Zone, 135,000 to the Peace Spring Shield Zone and over 65,000 to the Olive Branch Zone.⁷³⁰ These statements should be read with caution, however, vis-à-vis the voluntariness of returns to Syria, and re-entry to Turkey of persons who have travelled to Syria. In 2020 stakeholders interviewed did not report any major change in policy but due to COVID-19 the situation was different with less detention due to social distancing measures and less returns due to travel restrictions between March and September 2019.

2.1. Voluntariness of repatriation

The TPR does not specify how the cessation criterion of voluntary departure from Turkey is to be assessed. In theory, when a temporary protection beneficiary indicates the intention to return to Syria, he or she is interviewed by a panel consisting of DGMM, UNHCR and civil society; the latter not being applied in practice. A lawyer can also be present in the interview. The panel assesses whether return is in fact voluntary and the underlying reasons behind it. Return cases are often related to people having property or a job in Syria.⁷³¹

There was a campaign on return undertaken in 2019. According to Istanbul PDMM,⁷³² 42,888 irregular migrants were sent to detention centres in several cities and 6,416 unregistered Syrians were sent to temporary accommodation centres between 12 July 2019 and 15 November 2019. Unregistered single men were sent to removal centres such as **Tuzla** or **Pendik**. Even registered people were sent to removal centres in July 2019.⁷³³

⁷²⁷ Article 12(1) TPR.

⁷²⁸ Haber 3, '2019'da gönüllü olarak Suriye'ye dönen Suriyeli sayısı açıklandı', 1 January 2020, available in Turkish at: <https://bit.ly/3bB1R7H>.

⁷²⁹ AA news, 'Dışişleri Bakanı Çavuşoğlu: 371 bin Suriyeli güvenli şekilde geri döndü', 16 December 2019, available in Turkish at: <https://bit.ly/2QVuzs2>.

⁷³⁰ Ministry of Defence, available in Turkish at: <https://bit.ly/3atM5uZ>.

⁷³¹ Information provided by an NGO, February 2019.

⁷³² Istanbul PDMM statement available here (in Turkish): <https://bit.ly/33LBDwB>.

⁷³³ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

Amnesty International has also documented cases of persons being sent to removal centres, many of which concerned Syrians who were deported from Istanbul and were apprehended while they were working or walking down the street. Amnesty International further documented 20 cases of forced returns between 25 May and 13 September 2019, most of which (14) were carried out in July 2019. The Turkish authorities have said these were cases of “voluntary returns,” and claim that over several years, more than 315,000 Syrians have left of their own free will. However, Syrians consistently say they are being misled about the “voluntary return” forms they are being told or forced to sign, i.e. through intimidation, threats and beatings. Some people say they were also beaten on their journey to the border by the Gendarmerie. All the deportees said they were sent to north-western Syria.⁷³⁴

Lawyers in **Antakya** reported an approximate 20%-30% rise in deportation cases after the operations carried out in Istanbul in July 2019.⁷³⁵ The number of Syrian refugees whose temporary protection was ceased, and litigation on the matter, also rose significantly.⁷³⁶ The main reasons for cancellation were voluntary returns and ‘the serious suspect that they are involved in a criminal act’. The latter is against the presumption of innocence and in addition the authorities often interpret the latter when a Syrian refugee is a plaintiff or witness in a case or a criminal investigation. As a result, Syrian victims do not dare to complain before the authorities out of fear of being deported⁷³⁷.

UNHCR continued to monitor voluntary returns in 2020. According to their 2020 report, UNHCR observed over 16,805 voluntary return interviews in 2020 in 17 provinces across Turkey, although more than 90% of their work in this area was in the south east. The majority of returnees with whom UNHCR spoke in 2020 intended to return to **Idlib**, **Aleppo** and **Ar-Raqqa**. More than half indicated as reasons for return to reunite with family members, followed by the need to care for dependent family members.⁷³⁸

Where temporary protection is terminated based on cessation, DGMM issues a “V87” code to mark the person as a “voluntarily returned foreigner”. The person is usually left at the border and handles the return process him or herself.⁷³⁹ However, beneficiaries are not always adequately informed of the process.

Moreover, the aforementioned interview procedure is not followed in Removal Centres. Persons signing voluntary return documents – often following pressure from authorities (see [Detention of Asylum Seekers](#)) – do not undergo an interview by a panel aimed at establishing whether return is voluntary.⁷⁴⁰

2.2. Re-entry following cessation

It is common for refugees to travel back to Syria for administrative reasons e.g. renewal of passport, and then to return to Turkey.⁷⁴¹

Admission to the temporary protection regime of persons who previously benefitted from temporary protection in Turkey but their status was ceased is assessed on an individual basis by DGMM.⁷⁴² DGMM is authorised to grant or deny renewed access to temporary protection status upon repeat arrival in Turkey.

⁷³⁴ Amnesty International, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees*, 25 October 2019, available at: <https://bit.ly/3dBsknn>.

⁷³⁵ Information provided by a stakeholder in Antakya, February 2020.

⁷³⁶ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁷³⁷ Information provided by a stakeholder in Antakya, February 2020.

⁷³⁸ UNHCR, Turkey: *2020 Operational Highlights*, available at: <https://bit.ly/3esx9AE>.

⁷³⁹ Information provided by an NGO, February 2019.

⁷⁴⁰ Information provided by an NGO, February 2019.

⁷⁴¹ Information provided by Kirkayak Cultural Centre, February 2019.

⁷⁴² Article 13 TPR.

There continue to be cases of people whose temporary protection status was ceased, and who were issued a “V87” code, being unable to re-access rights upon return to Turkey. DGMM issued a Circular on 7 January 2019, instructing PDMM to lift the “V87 code” in respect of persons returning to Turkey after having signed a “voluntary return document”, especially pregnant women, elderly persons and children, as of 1 January 2019, to allow them to re-access services.⁷⁴³ The Circular also requires PDMM to provide detailed information to temporary protection beneficiaries on the legal implications of signing a “voluntary return document”.

In **Antakya** requests for reactivation of temporary protection were high in 2019. In case of deportation for a registered Syrian, temporary protection was deactivated and a code called a c-114 was issued. In case of return to Turkey, temporary protection was not re-activated during the first year of return leaving Syrians at risk of deportation even in the case of a minor problem or where they are the plaintiff or witness of a criminal issue or complaint. People sign voluntary return forms often without knowing what they are for and deportations are carried out mostly on weekends. There was a case of a married woman with four children including one disabled child who was deported alone to Syria.⁷⁴⁴ However, the ‘V-87’ circular had a positive effect. Interviews for those whose temporary protection had been cancelled began to be held mainly for vulnerable refugees with no criminal record in Turkey.⁷⁴⁵

In **Izmir** in 2019, the temporary protection of Syrians who were previously and unlawfully deported and kept in detention centres was not re-activated once they returned to Turkey which is against the law. However, Syrians with special needs like victims of violence or international human trafficking were treated with more care by PDMM.⁷⁴⁶ The deactivation of temporary protection can be problematic for families with school-age children. In urgent cases, PDMM can reactivate temporary protection in a limited way - meaning that it is activated only for health or education purposes.⁷⁴⁷ In 2020, when temporary protection was deactivated in Izmir, people were released with an obligation to regularly report and sign-in but their legal status remained uncertain. The Constitutional Court issues interim measures but it only rules over the question whether an applicant should be deported to the country of origin (Syria) or not. It does not give an injunction order not to be deported to a third country. As a result, there is an increasing practice of Syrians receiving deportation orders to a third safe third country. Therefore, the interim measures issued by the Constitutional Court are not functional.⁷⁴⁸ This has led to people signing voluntary return forms and returning to Syria but then returning back to Turkey. Upon return, these persons often do not apply to PDMM offices and live unregistered due to their lack of trust in authorities.⁷⁴⁹

The question of cessation has also arisen in the context of the readmission of Syrian nationals from **Greece** to Turkey under the EU-Turkey statement. An amendment to the TPR was introduced on 5 April 2016 to clarify that Syrian nationals, who entered Turkey after 28 April 2011 and who transited irregularly to the Aegean islands after 20 March 2016, “may” be provided temporary protection.⁷⁵⁰ DGMM statistics refer to 412 Syrian “irregular migrants” readmitted by Turkey from 4 April 2016 to 5 April 2021 – an increase of 8 persons in 2020.⁷⁵¹

⁷⁴³ DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.

⁷⁴⁴ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁷⁴⁵ Information provided by SGDD-ASAM Antakya, February 2020.

⁷⁴⁶ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁷⁴⁷ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁷⁴⁸ Information provided by a stakeholder, March 2021.

⁷⁴⁹ Information provided by a stakeholder, March 2021.

⁷⁵⁰ Provisional Article 1(6) TPR, as inserted by Article 1 Regulation 2016/8722 of 5 April 2016.

⁷⁵¹ DGMM, *Return statistics*, available at: <https://bit.ly/3wm3j97>.

3. Exclusion and cancellation of temporary protection

Indicators: Cancellation

1. Is a personal interview of the temporary protection beneficiary in most cases conducted in practice in the cancellation procedure? ☐ Yes ☒ No
2. Does the law provide for an appeal against the cancellation decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

The following categories of persons are excluded of benefitting from temporary protection in Turkey:⁷⁵²

- a. Persons for whom there is serious reason to believe that they have been guilty of acts defined in Article 1F of the 1951 Convention;
- b. Persons for whom there is serious reason to believe that they have engaged in acts of cruelty, for whatever rationale, prior to arrival in Turkey;
- c. Persons who have either participated in or provoked crimes or acts referred to in 1 and 2 above;
- ç. Persons, who, having participated in armed conflict in country of origin, have not permanently ceased armed activities after arrival in Turkey;
- d. Persons proven to have engaged, planned or participated in terrorist activities;
- e. Persons who have been convicted of a serious crime and therefore deemed to be presenting a threat against society; and those who are deemed to present danger to national security, public order and public security;
- f. Persons, who prior to their arrival in Turkey, committed crimes that would be punishable with a prison sentence in Turkey, and have left country of origin or residence in order to avoid punishment;
- g. Persons convicted of crimes against humanity by international courts;
- h. Persons who commit any of the crimes listed in Article 4(7) of the Turkish Criminal Code i.e. crimes related to state secrets and espionage.

Such cancellation is applied in practice for temporary protection holders designated as foreign terrorist fighters (YTS), for example, even where criminal proceedings have not led to a conviction.⁷⁵³ In some cases, DGMM has also ordered cancellation on the basis of Article 8(1)(e) TPR.⁷⁵⁴ It has also been applied in cases of inconsistencies between the personal details in the Temporary Protection Identification Document and the passport of the refugee, which have been determined as provision of misleading information to DGMM.⁷⁵⁵

DGMM is responsible and authorised to carry out and finalise the exclusion assessments and to communicate exclusion decisions to the persons concerned. Where it is identified that an existing beneficiary falls within the exclusion grounds listed above, their temporary protection status shall be cancelled. DGMM can delegate this power to governorates as of 25 December 2019.⁷⁵⁶

Nevertheless, given that the LFIP provides for a derogation from *non-refoulement*, temporary protection beneficiaries may also be subject to removal procedures without their status being cancelled. Such deportation cases were frequent in 2018 (see [Protection from Refoulement](#)).

⁷⁵² Article 8(1) TPR.

⁷⁵³ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁷⁵⁴ See e.g. Administrative Court of Izmir, Decision 2018/692, 29 November 2018, which quashed a cancellation decision on the basis that the conviction had not been established.

⁷⁵⁵ Information provided by an NGO, February 2019.

⁷⁵⁶ Article 12(2) TPR.

In 2020, beneficiaries of temporary protection were not informed by the authorities of the cancellation of their protection. They did not receive any written document providing the grounds for such cancellation; thus preventing any possibilities to appeal. Most of them learned about the cancellation of their temporary protection when going to a PDMM for other reasons, such as updating data or when their General Health Insurance (GSS) was deactivated

In 2020 cancellation of temporary protection was prevalent in the **south east** region because of people 'being a threat to public security', not paying administrative fines or not updating data. Those who were involved in the Edirne/Pazarkule incidents described in [Access to the territory and push backs](#) also lost their temporary protection. The cancellation of temporary protection was also prevalent in **Konya** where there are many Syrians. Reasons included allegations of false statements about civil status or again it affected those who went to Edirne in February 2020 to try to cross the border.⁷⁵⁷

C. Access to temporary protection and registration

1. Admission to territory

Indicators: Admission to Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No

While Article 6 TPR provides that all persons within the scope of the Regulation shall be protected from *refoulement*, the overall framework laid down by the TPR fails to explicitly guarantee the right of access Turkish territory for prospective beneficiaries. Persons approaching Turkey's borders without a valid travel document may be admitted to territory within the discretion of the provincial Governorate.⁷⁵⁸

Furthermore, the Presidency has the discretion to order either "limitations" or "suspension" of existing temporary protection measures in place "in the event of circumstances threatening national security, public order, public security and public health", including the possibility of the imposition of "additional measures concerning the mass movement of people both along Turkey's borderline or beyond Turkey's borderline".⁷⁵⁹ This formulation appears to indicate that the Turkish Government may choose to seal Turkey's borders to persons seeking temporary protection in Turkey, either for a specific period or indefinitely, where considerations of national security, public order, public security and public health are deemed to require so.

Access through the Turkish-Syrian land border has been limited through different restrictions. Turkey completed the construction of a 764km concrete wall on its Syrian border in June 2018 and has installed cameras and lighting systems in some parts.⁷⁶⁰ The wall stretches along the border provinces of **Gaziantep, Kilis, Hatay, Mardin** and **Şırnak**. Human Rights Watch reported the Turkish-Syrian border to be "effectively closed to new asylum seekers" in 2018.⁷⁶¹ In March 2019, however, Turkey announced the opening of a border-crossing point in the Afrin region, named "Olive Branch".⁷⁶² There are plans to reinforce the border-

⁷⁵⁷ Information provided by a stakeholder, March 2021.

⁷⁵⁸ Article 17(2) TPR.

⁷⁵⁹ Article 15 TPR.

⁷⁶⁰ Daily Sabah, 'Turkey finishes construction of 764-km security wall on Syria border', 9 June 2018, available at: <https://bit.ly/2l2bOD0>; Hürriyet, 'Turkey improves border security with smart system', 6 January 2019, available at: <https://bit.ly/2EqALRx>.

⁷⁶¹ Human Rights Watch, *World Report 2019: Turkey*, available at: <https://bit.ly/2W2P1bl>.

⁷⁶² Middle East Monitor, 'Turkey to open border gate with Syria's Afrin next week – minister', 5 March 2019, available at: <https://bit.ly/2ukw1s9>.

crossing point with new technology.⁷⁶³ For example, in July 2020 Turkey started to patrol the border using surveillance balloons able to scan an area of eight square kilometres.⁷⁶⁴

The physical barrier has not completely stopped arrivals, although it has exacerbated difficulties in crossing the Turkish-Syrian border. Refugees have reportedly had to climb the border wall,⁷⁶⁵ or to bribe border guards to enter Turkey.⁷⁶⁶ There are also reports of tunnels and that the wall has increased smugglers' prices.⁷⁶⁷ According to available statistics, the Armed Forces apprehended at least 224,358 individuals trying to irregularly cross the Syrian border in 2018 alone.⁷⁶⁸

DGMM figures for 2020 refer to a total of 122,302 apprehended irregular migrants countrywide, of whom only 17,562 were Syrian nationals. The largest group at 50,161 were Afghans.⁷⁶⁹ This represents an important decrease with 2019, where a total of 454,662 persons were apprehended, of whom 55,236 Syrians and 201,437 Afghans.

Allegations of push backs and violence at the Turkish-Syrian border continued. In a 2018 report, Human Rights Watch referred to 137 incidents of interception of Syrians after crossing the border between December 2017 and March 2018.⁷⁷⁰ There are reports that Turkish officers fire guns at times to stop people entering the country.⁷⁷¹ Applications for international protection are not accepted at the border.⁷⁷²

In October 2019 Turkey launched a military offensive in north-eastern Syria which Turkish President Recep Tayyip Erdogan said was aimed at removing Kurdish-led forces from the border area and creating a "safe zone" to which millions of Syrian refugees could be returned. Turkey spoke of returning ISIL fighters to the region and presented a plan to the United Nations Secretary-General Antonio Guterres for resettling up to two million Syrian refugees in the areas under its control.⁷⁷³ Attacks on Idlib causing the death of more than 50 Turkish soldiers in February 2020 escalated tensions in the region and led to President Erdogan 'opening the gates' between Turkey and the EU, saying amongst other things that Turkey could not cope with another mass influx of refugees from Syria. This led to Greece closing its border, criticisms of both Europe and Turkey's handling of the situation and concerns for the human rights of migrants and refugees in the middle.⁷⁷⁴ These incidents are further described in [Access to the territory and push backs](#).

In 2020, the Women's Solidarity Foundation also reported allegations of sexual violence and harassment committed by Turkish soldiers and security guards against Syrian women crossing the Turkish border.⁷⁷⁵

⁷⁶³ CNN Turk, 'Suriye sınırına akıllı güvenlik', 13 January 2020, available in Turkish at: <https://bit.ly/2UNgY73>.

⁷⁶⁴ Hürriyet, 'Turkish surveillance balloon patrolling Syria border', 21 July 2020, available at: <https://bit.ly/3hivXD4>.

⁷⁶⁵ Hürriyet, 'Footage shows Syrians scaling Turkish border wall with ladders', 7 September 2018, available at: <https://bit.ly/2EEp0bl>.

⁷⁶⁶ International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*, February 2019, available at: <https://bit.ly/2tSkVdX>, 5-6.

⁷⁶⁷ Information received from stakeholders from Ankara and Urfa, March 2020.

⁷⁶⁸ International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*, February 2019, available at: <https://bit.ly/2tSkVdX>, 21.

⁷⁶⁹ DGMM, *Irregular migration statistics*, available at: <https://bit.ly/3ng8bjb>.

⁷⁷⁰ Ministry of Interior, Reply to Human Rights Watch, 21 March 2018, available at: <https://bit.ly/2unxG2Y>.

⁷⁷¹ For example, Human Rights Watch, 'Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians', 3 February 2018, available at: <https://bit.ly/2KhddSH>.

⁷⁷² Information provided by a stakeholder in Gaziantep, February 2020.

⁷⁷³ See the Al Jazeera timeline of events on the Turkey-Syria border, available here: <https://bit.ly/2QSaLFS>.

⁷⁷⁴ ECRE, *Statement on the situation on the Greek Turkish border*, 3 March 2020, available at: <https://bit.ly/2QVyzJ2>.

⁷⁷⁵ The Women's Solidarity Foundation, *Gender Based Violence and Discrimination: Syrian Women Living In Ankara*, 2020, available at: <https://bit.ly/3dPB4r2>, 26.

2. Registration under temporary protection

The PDMM are formally in charge of registering temporary protection beneficiaries.

The registration process of Syrians was not smooth in 2019. Vulnerable groups had priority in registration procedures but the number of Syrians who did not receive ID documents increased. The main problem was the increase in the number of ‘closed cities’ and the problems in getting travel permits from PDMMs. Without valid travel permits, Syrian refugees are at risk of deportation or administrative detention.⁷⁷⁶

After the July 2019 operation in Istanbul, all Syrians registered in **Antakya** were sent back to Antakya, which had repercussions for the situation there. Antakya is now closed for new registrations except vulnerable cases due to the high number of Syrian refugees. Even in these cases, registration takes a long time. If during the data verification process it is found that the person lied during the initial registration process that person is immediately deported due to a crime under Article 206 of the Turkish Criminal Code called ‘lying during the constitution of an official document’. The person is also banned from re-entering Turkey and a V-87 code is imposed.⁷⁷⁷

A lawyer provided a list of open and closed cities to temporary and international protection applications in 2019 (see [The “satellite city” system](#)).

According to another stakeholder, the following cities were closed to all non-Syrians and Syrians (except vulnerable cases) in early 2020: **Istanbul, Edirne, Tekirdag, Kirklareli, Kocaeli, Canakkale, Bursa, Balıkesir, Izmir, Aydin, Mugla, Antalya, Hatay** and **Yalova**. However, the list changes according to capacity and if there is a health or education emergency, both group of protection holders can be directed to other cities. Istanbul is reportedly closed to registration of both non-Syrians and Syrians except for justified reasons such as education, health or employment. However, Istanbul PDMM is reportedly not accepting registrations due to educational needs as it would mean registering the whole family which leads to an increase in numbers.⁷⁷⁸

As described in [Registration of the asylum application](#), PDMM suspended its activities and limited access to its offices from March to June in 2020 as a result of COVID-19. This hampered access to the Temporary Protection procedure and created additional delay. In the **Central Anatolian** region, following time periods for a registration appointment for temporary protection applicants were reported in 2020:

Registration of Temporary Protection Applicants	
Same day	Adana, Kırşehir, and Samsun
Within a week	Erzurum, Malatya, and Sivas
1 month	Ankara, Balıkesir, Isparta, Konya, Manisa and Osmaniye
Between 2-6 months	Denizli, Kayseri, Mardin, Mersin, Nevşehir, Niğde, and Şanlıurfa
Longer than 6 months	Gaziantep
Unknown	Çorum ve Kahramanmaraş

⁷⁷⁶ Information provided by a stakeholder, February 2020.

⁷⁷⁷ Information provided by a stakeholder, February 2020.

⁷⁷⁸ Information provided by a stakeholder, March 2020.

Source: Information from a stakeholder after field research, provided in March 2021.

After changes to the LFIP in December 2019 the law now foresees an administrative fine for those who provide accommodation to unregistered foreigners even unknowingly. In many provinces registration for Temporary Protection and International Protection is not taking place, foreigner citizens cannot complete registration even if they want to. This could lead to a rise in homelessness.⁷⁷⁹

DGMM collects biometric data, including fingerprints, during registration and maintains electronic files for each beneficiary in the agency's electronic file management system named "Göç-Net" – an internal database available to DGMM staff to facilitate registration procedures.⁷⁸⁰

2.1. Security checks and pre-registration

As discussed in [Eligibility](#), Article 8 TPR makes provisions for exclusion of persons from temporary protection, without however designating a procedure for the exclusion assessment. However, as Article 22 TPR instructs that persons who are determined to fall within the exclusion grounds shall not be issued a Temporary Protection Identification Card, it implies that the registration interview should also entail the exclusion screening of applicants.

In practice, this has been crystallised through a pre-registration phase prior to temporary protection registration introduced in March 2016. Pre-registration is conducted with a view to conducting security checks within a period of 30 days, the modalities of which are set out in an unpublished circular. Syrians readmitted to Turkey from Greece under the EU-Turkey statement are also channelled under pre-registration.⁷⁸¹

In many locations around Turkey, due to high numbers, lack of interpreters and the conduct of security checks, applicants are given pre-registration appointments and face substantial delays before registering, which may take several months and vary from one province to another.⁷⁸² Applicants also face other practical impediments to registration such as errors on the part of DGMM officials, which may only be corrected following time-consuming legal intervention.⁷⁸³

The delay in registration leads to problems in accessing health care and other services, which require the beneficiary to have a Temporary Protection Identification Card and a Foreigners Identification Number (YKN), which is listed on the card.⁷⁸⁴

It should be noted, however, that certain categories of vulnerable groups are issued a Temporary Protection Identification Card without waiting for the 30-day period of pre-registration. This includes: (a) children aged 0-12; persons in need of urgent medical treatment; pregnant women; elderly persons; and unaccompanied

⁷⁷⁹ Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey, 4 December 2019, available at: <http://bit.ly/2IRYoVQ>.

⁷⁸⁰ Information provided by Izmir PDMM, December 2017.

⁷⁸¹ UNHCR Greece, 'Response to query related to UNHCR's observations on Syrians readmitted to Turkey', 23 December 2016, available at: <http://bit.ly/2B5lykY>. See also Euractiv, 'Turkey blocks UNHCR access to Syrian refugees', 19 January 2017, available at: <http://bit.ly/2BFsuYp>.

⁷⁸² In **Konya**, for example, registration is reported to take 2 months at the time of writing: Information gathered following a visit to an NGO, February 2019.

⁷⁸³ Information provided by Adana Bar Association, February 2018.

⁷⁸⁴ On some occasions, courts have granted orders to allow vulnerable persons to access health care. See e.g. 2nd Children's Court of Gaziantep, Decision of 18 July 2016.

children.⁷⁸⁵ In practice, people with special needs such as persons with health conditions or women in advanced stages of pregnancy benefit from prioritisation in the registration procedure.

2.2. Completing registration before the PDMM

After the completion of the pre-registration phase, the applicant is required to appear before the PDMM within 30 days in order to obtain the Temporary Protection Identification Card. Failure to appear before the PDMM 15 days after the expiry of that 30-day time limit without a valid reason leads to the activation of a “V71” code on “unknown location” (*Semt-i meçhul*). The “V71” code suspends the registration procedure and can only be lifted after the PDMM confirms the continuation of the procedure or after search and apprehension records are registered in the database.⁷⁸⁶

3. Appeal

Since the TPR itself does not have a dedicated provision listing specific remedies for persons concerned against negative decisions, all acts and actions of competent authorities within the scope of the TPR are subject to general rules of accountability derived from Turkish administrative law, unless there is a dedicated specific remedy provided in the LFIP itself.

As mentioned in [International Protection: Removal and Refoulement](#), there is a specific dedicated remedy provided by the LFIP against deportation decisions. According to Article 53 LFIP, deportation decisions can be challenged at competent Administrative Court within 7 days. Appeals against deportation decisions have automatic suspensive effect. The competent Administrative Court is required to finalise the appeal within 15 days. Administrative Court decisions on deportation appeals are final, may not be appealed onward in a higher court.

All other scenarios of possible unfavourable decisions and practices are subject to general rules of accountability derived from Turkish administrative law. Under Article 125 of the Turkish Constitution, all acts and actions of the administration are subject to judicial review. According to Article 7 of the Law on Administrative Court Procedures, acts and actions of the administration must be challenged within 60 days at competent administrative courts. Applications with the Administrative Court generally do not carry automatic suspensive effect, but applicants may file an associated halt of execution request, which may or may not be granted. There is no general time limit on Administrative Courts for the finalisation of the appeal. Unfavourable judgments of administrative courts can be challenged in the higher administrative court.

4. Legal assistance

Article 53 TPR guarantees the right to be represented by a lawyer in relation to matters of law and procedure vis-a-vis authorities. It also makes a reference to the provisions of state-funded legal aid (*Adli Yardım*) enshrined in the Law on Attorneys, which provides for state-funded legal assistance to persons who cannot afford to pay a lawyer.

In Turkey, state-funded legal aid is delivered by bar associations, subject to considerations of “means” and “merits”. A project implemented by UNHCR and the Union of Bar Associations in Turkey throughout 18 provinces funds bar associations specifically for international and temporary protection cases (see [International Protection: Regular Procedure: Legal Assistance](#)).

⁷⁸⁵ DGMM Circular 2017/10 of 29 November 2017 on principles and procedures for foreigners under temporary protection.

⁷⁸⁶ *Ibid.*

Another obstacle relates to the requirement of a notarised power of attorney (see [International Protection: Regular Procedure: Legal Assistance](#)). As per the Union of Notaries Circular 2016/3, the Temporary Protection Identification Document is included in the list of documents accepted by public notaries. However, some notaries remain reluctant to grant power of attorney on the basis of such documents.

Article 51 TPR guarantees persons concerned and their legal representatives' access to file and documents, with the exception of "information and documents pertaining to national security, public order, protection of public security, prevention of crime and intelligence". This excessively broad, blanket space of exception generates the risk that in certain situations lawyers representing persons seeking to challenge their treatment will be prevented from being able to access all relevant information. In the current regional context and security environment, with a heavy emphasis on the identification and prevention of persons with alleged links to terrorist groups, the restrictions allowed by Article 51 TPR on lawyers' access to file is concerning.

Article 51 TPR also provides guarantees for the confidentiality of personal information and documents.

D. Detention in the temporary protection framework

As a rule, temporary protection beneficiaries should not be detained. The TPR does not feature any explicit provision governing administrative detention of persons within the scope of temporary protection laying down grounds and procedural safeguards that apply. Article 35 TPR does, however, provide that beneficiaries who fail to comply with the obligations set out in the Regulation may be temporarily or permanently prevented from residing outside a Temporary Accommodation Centre. Where this provision is applied, beneficiaries are forbidden from leaving the camp, thereby being *de facto* in a state of detention.

In addition, detention has also been – arbitrarily – imposed in some cases as a sanction against temporary protection beneficiaries who violate their obligation to stay in their assigned province, although practice in this regard is not uniform. For example, temporary protection beneficiaries apprehended for irregular exit by sea are transferred to Removal Centres and are held there until the completion of pre-registration, unless they pose a threat to public safety and security.⁷⁸⁷

Temporary protection beneficiaries may be subject to detention for the purpose of removal (see [International Protection: Grounds for Detention](#)) where their status is cancelled or they fall within the exceptions to the principle of *non-refoulement* (see [Protection from Refoulement](#)).

⁷⁸⁷ Information provided by a stakeholder, February 2018.

Content of Temporary Protection

The temporary protection framework laid down by the TPR, first and foremost, provides a domestic legal status to beneficiaries granting legal stay in Turkey;⁷⁸⁸ protection from punishment for illegal entry or presence⁷⁸⁹ and protection from *refoulement*.⁷⁹⁰

The evolution of discourse on and integration policy for Syrian refugees has been summarised in 2018 as follows:

“The first 4 years can be referred to as the first period in which both authorities and the Syrians themselves regarded the crisis as a rather short-term problem, an assumption because of which steps such as meeting such temporary needs as accommodation, nutrition, and health were taken rather than planning new lives.

The second period includes the years 5,6,7, and 8, the current one. In this period, due to the anticipation that the crisis is not going to be resolved in a short time, there has been a mobility in Turkey with regard to the Syrians. The Syrian population that used to live around the border towns and in South East Anatolia, have recently migrated to industrialized cities where the labour market is more active and today, Istanbul alone hosts around 600 thousand Syrians. The focal points of this second period have been participation in education opportunities, special needs of women and children, child marriage, child labour, and problems of people with chronic diseases, the disabled, and the elderly, etc. During this period, protection has come into prominence and the actors focused more on the aforementioned issues. Besides, access to livelihood and labour market has become more important subjects. As a result of the mobility in Turkey and the increase in participation in the labour market in this period, Syrians have become more visible in Turkey.”⁷⁹¹

2019 could potentially be identified as the beginning of a third period: one of social cohesion and return. As already mentioned, DGMM issued a strategy, the Cohesion Strategy and National Action Plan.⁷⁹² According to the strategy, six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labour market and social support (social services and benefits). However, events in Istanbul in the summer of 2019 also saw a rise in irregular migrants sent to detention centres in several cities and unregistered Syrians sent to temporary accommodation centres.⁷⁹³ Amnesty International documented cases of Syrians deported from Istanbul, including 20 cases of forced returns⁷⁹⁴ and other stakeholders have expressed concerns about the voluntary nature of those signing voluntary return forms, particularly from detention. After a field visit to Turkey in 2019, an NGO from the Netherlands reported testimonies that Syrian refugees in detention centres had been forced to sign a ‘voluntary’ return document. Several of these refugees were also mistreated by the Turkish security services or denied access to medical care.⁷⁹⁵ These practices continued to be reported in 2020.

⁷⁸⁸ Article 25 TPR.

⁷⁸⁹ Article 5 TPR.

⁷⁹⁰ Article 6 TPR.

⁷⁹¹ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, available at: <https://bit.ly/2z8zb5k>, 65.

⁷⁹² DGMM, *Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023*, available in Turkish at: <https://bit.ly/2VlssZY>.

⁷⁹³ Information provided by a lawyer from Istanbul Bar Association, February 2020.

⁷⁹⁴ Amnesty International, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees*, 25 October 2019, available at: <https://bit.ly/2WYNE0f>.

⁷⁹⁵ See 11., ‘Durable solutions for the Syrian Refugees in Turkey’, December 2019, available at: <https://bit.ly/33asT3C>.

Türk Kızılay runs 16 community centres for migrants in different locations across the country. Municipalities also have a central role in the provision of services and integration support through projects. In the past the lack of a national integration plan led to fragmentation and lack of coordination in the area of integration. The Cohesion Strategy and Action Plan (2018-2023) was hoped to solve some of these issues, but it remained largely unimplemented in 2020 due to the COVID-19 crisis.

International NGOs have also been active in border provinces since the beginning of the Syrian conflict. In 2015, for example, there were approximately 150 NGOs including international NGOs in **Gaziantep**. Currently, however, the scope of foreign NGOs' activities is limited and under close monitoring by the competent PDMM, as organisations need to obtain permission to operate in Turkey and renew it regularly.⁷⁹⁶

A. Status and residence

1. Protection from *refoulement*

Article 6 TPR guarantees protection from *refoulement* to persons granted temporary protection. However, an exception to this rule was introduced by way of emergency decree in October 2016, providing that a deportation decision “may be taken at any time during the international protection proceedings” against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.⁷⁹⁷ The reform was consolidated by Law No 7070 on 1 February 2018.

Since 2018 deportation decisions have been increasingly issued to Syrians on the basis of the abovementioned provisions, similar to persons seeking international protection in Turkey.

In one case, the Administrative Court of **Izmir** quashed a deportation decision against a Syrian national on foreign terrorist fighter (YTS) grounds, due to the fact that no evidence of terrorist activities had been established and that a criminal investigation was still pending.⁷⁹⁸ However, in a different case concerning a Syrian national detained on public security grounds while criminal proceedings were ongoing, the Magistrates' Court of Hatay refused to order release from detention on the basis that there existed a risk of absconding.⁷⁹⁹ In another case, the Court refused to terminate detention,⁸⁰⁰ despite the existence of an interim measure from the Constitutional Court.⁸⁰¹

According to changes to the LFIP in December 2019 entry bans can now be applied to those who are in the country.⁸⁰²

⁷⁹⁶ For a list of active organisations, see Ministry of Interior, *Foreign CSOs permitted to operate in Turkey*, available at: <https://bit.ly/2TZyYgU>.

⁷⁹⁷ Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676.

⁷⁹⁸ 1st Administrative Court of Izmir, Decision 2017/1608, 28 February 2018.

⁷⁹⁹ 2nd Magistrates' Court of Hatay, Decision 2019/476, 31 January 2019. See also 1st Administrative Court of Hatay, Decision 2018/887, 18 January 2019.

⁸⁰⁰ 2nd Magistrates' Court of Hatay, Decision 2018/4287, 27 November 2018.

⁸⁰¹ The Constitutional Court had granted interim measures on 16 November 2018, and ordered interim measures again: Constitutional Court, Decision 2018/33177, 21 December 2018.

⁸⁰² Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey, 4 December 2019, available at: <http://bit.ly/2lRYoVQ>.

The Temporary Protection Regulation was also amended in December 2019. According to these amendments, Syrians that are under temporary protection shall be deported if they do not comply with their notification duty three times consecutively.⁸⁰³

In early 2020 in **Antakya** the number of deportations executed was quite low. Instead, Syrian refugees are forced to sign a voluntary return form. In the case of a deportation decision, individuals are either sent to a third safe country (which is not applicable to Syrians) or held in a removal centre. In the removal centre, individuals are threatened that they will be held there for six months, plus another six months, and forced to sign the voluntary return form. They are told that they can come back to Turkey illegally anytime. People sign the form, leave Turkey and illegally re-enter Turkey, but when they are caught upon return they are deported to Syria directly without any court process or decision because they do not know that a V-87 code (an entry ban) has already been put on their names. Those apprehended on the border are also being registered, their fingerprints are taken and forced to sign a voluntary return form to prevent them from legally entering Turkey. Unregistered refugees staying in Antakya do not leave their houses due to fear of deportation.⁸⁰⁴ There was no update as of the end of 2020.

In **Gaziantep**, voluntary return forms are also being signed by force and the temporary protection status of those who return to Turkey is not re-activated except vulnerable cases. This is a general application in the region and PDMMs say that this is the decision of the Governorates. They do not apply the DGMM circular of January 2019 on Cessation of Status of Syrians due to Voluntary Return. People are afraid to leave their houses due to a fear of deportation.

In some cases in 2019, Syrian refugees were deported to the 'safe zone' established by Turkey in northern Syria⁸⁰⁵ and courts found this practice to conform with the law. Stakeholders were concerned that UNHCR only monitors limited cases of voluntary returns, those that happen at the **Oncupinar** border, ('real' voluntary returns) but not the ones from removal centres.⁸⁰⁶

For a discussion on case law of Administrative Courts and the Constitutional Court on the derogation from *non-refoulement*, see also [International Protection: Removal and Refoulement](#). For more information on the safe third country concept as applied to Syrians in 2020, see the section on the [Safe third country](#).

2. Temporary protection identification document

The TPR provides a registration procedure and envisions the issuing of Temporary Protection Identification Documents (*Geçici Koruma Kimlik Belgesi*) to beneficiaries upon registration.⁸⁰⁷ This card serves as the document asserting the concerned person's status as a beneficiary of temporary protection.

Article 25 TPR explicitly excludes temporary protection beneficiaries from the possibility of long-term legal integration in Turkey. According to Article 25, the Temporary Protection Identification Document issued to beneficiaries does not serve as residence permit as such, may not lead to "long term residence permit" in Turkey in accordance with Articles 42 and 43 LFIP.

Temporary Protection Identification Documents list a Foreigners Identification Number (YKN) assigned to each beneficiary by the Directorate General of Population and Citizenship Affairs. In Turkey, all legally

⁸⁰³ Evrensel, 'Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya', 25 December 2019, available in Turkish at: <http://bit.ly/2IL7kwp>.

⁸⁰⁴ Information provided by a stakeholder, February 2020.

⁸⁰⁵ For more information, see Al Jazeera, 'Will Turkey succeed in creating a 'safe zone' for Syrians?', available at: <https://bit.ly/2xpxDTR>

⁸⁰⁶ Information provided by a stakeholder in Gaziantep, February 2020.

⁸⁰⁷ Article 2 TPR.

resident foreign nationals are assigned YKN which serve to facilitate their access to all government services. International protection applicants and status holders within the framework of LFIP are also given such YKN. Currently, YKN assigned to all categories of legally resident foreign nationals, including temporary protection beneficiaries, categorically start with the digits of 99.

A verification and update process of data of Syrians under temporary protection was completed at the end of 2018, in close cooperation with UNHCR.⁸⁰⁸ UNHCR reported that 96% of the verification target across Turkey was met through this exercise.⁸⁰⁹ According to stakeholders, however, the verification process only covered about 50 to 60% of temporary protection beneficiaries in regions such as **Istanbul**, **Şanlıurfa** or **Hatay**.⁸¹⁰ More recent data are not available.

3. Naturalisation

As discussed in **International Protection: Naturalisation**, citizenship may be granted through: (a) the normal procedure, following 5 years of residence; (b) marriage to a Turkish citizen; or (c) the exceptional circumstances procedure.

Time spent in Turkey under a Temporary Protection Identification Document may not be interpreted to count towards the fulfilment of the requirement of 5 years uninterrupted legal residence as a precondition in applications for Turkish citizenship. The Minister of Interior stated in January 2019 that there were 53,099 naturalised Syrians in Turkey, although this figure includes persons who arrived on residence permits prior to 2011.⁸¹¹ This figure rose to 110,000 as of 14 February 2020.⁸¹²

Temporary protection beneficiaries who arrived after 2011 can only access naturalisation through marriage to a Turkish citizen or through the exceptional circumstances procedure. Citizenship under exceptional circumstances is granted on the basis of certain profiles and criteria such as skills which could contribute to Turkey. Generally, citizenship is granted to highly qualified Syrians in practice, although other categories can also obtain it.⁸¹³

The process to acquire citizenship is not clear. There are reportedly four phases but there are applicants who have been waiting for a very long time.⁸¹⁴

The government initiated a preliminary study to offer Turkish citizenship to qualified Syrians in 2018. The situation of about 10,000 families was examined by DGMM, corresponding to 20,000 persons. Information on the families was discussed in the Citizenship Commission. It was anticipated that the cases would take a long time to process, since a significant part of the information on Syrians was based on their own

⁸⁰⁸ DGMM, 'Türkiye'de Geçici Koruma Kapsamında Bulunan Yabancıların Kişisel Verilerinin Doğrulanması', 22 March 2018, available in Turkish at: <https://bit.ly/2p1ttBt>.

⁸⁰⁹ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

⁸¹⁰ Information provided by an NGO, February 2019.

⁸¹¹ Haberturk, 'Bakan Soylu: 53 bin 99 Suriyeli oy kullanacak', 19 January 2019, available in Turkish at: <https://bit.ly/2YcMBb5>. A previous statement referred to 36,000 naturalised Syrians: Onedio, 'Bakan Soylu'nun 'Kardeşlik Yatırımı' Dileği: 'Allah İzin Verse de Türkiye'de Doğan 380 Bin Suriyeli Çocuğu Vatandaş Yapsak'', 17 December 2018, available in Turkish at: <https://bit.ly/2YiChOZ>.

⁸¹² Mülteciler Derneği, 'Türkiyedeki Suriyeli Sayısı' <https://t24.com.tr/haber/sekiz-yilda-450-bin-suriyeli-cocuk-turkiye-de-dogdu-57-bini-vatandas-oldu,863392>

⁸¹³ Information provided by the International Refugee Rights Association, February 2019; Istanbul Bar Association, February 2019.

⁸¹⁴ Information from a stakeholder, February 2020.

statements.⁸¹⁵ There was no update on this process in 2019. As of January 2021 there were concerns that applications for citizenship from Syrian nationals had been indefinitely postponed.⁸¹⁶

There is another route to Turkish citizenship under exceptional circumstances for foreign investors to ensure capital flow to Turkey. According to this arrangement citizenship can be acquired in exchange for purchasing property of at least \$1 million or investing in fixed capital of at least \$2 million, or creating new employment for at least 100 people or depositing in Turkey at least \$3 million with a reservation of not withdrawing it for three years or of buying governmental bonds of \$3 million with a reservation of not selling them for three years, or acquiring investment fund of \$1.5 million.⁸¹⁷ The limit for real estate ownership decreased down to \$250,000 in 2018. According to data from January 2020 collected from the General Directorate of Deeds and Lands (Tapu ve Kadastro Genel Mudurlugu), 6,694 foreigners have received Turkish nationality through purchasing property since 2017. Iranian nationals rank first (1,475) with Iraqis in second place with 842 and Afghans third with 812.⁸¹⁸

In 2019 Syrians in **Antakya** requested information on exceptional citizenship through acquiring property but as far as lawyers know the quota for foreigners to acquire property has been exceeded in Antakya. The process is not transparent and mostly regulated through internal communication in DGMM and PDMM.⁸¹⁹

Despite these initiatives, the majority of Syrians remain ineligible for naturalisation under the aforementioned exceptional circumstances.⁸²⁰ The criteria for naturalisation are not consistently applied,⁸²¹ while the duration of the process also varies. In **Hatay** the process takes 7 months, while in **Gaziantep** it may take years.⁸²²

Unaccompanied children accommodated in child protection shelters are granted citizenship if it is established that they have no relatives in Turkey.⁸²³ The legal status of children born in Turkey was discussed by a 2018 report of the Refugee Rights Commission of the Grand National Assembly.⁸²⁴ According to the report, as many as 276,000 children born in Turkey are stateless (*haymatlos*), since they hold neither Syrian nor Turkish identification papers.⁸²⁵

The number of new-born Syrians in Turkey was 450,000 as of February 2020.⁸²⁶

Many of these can be presumed to be stateless.⁸²⁷ The Turkish Parliament's Refugee Sub-committee in 2018 spoke of over 300,000 Syrian children stateless in Turkey.⁸²⁸ Turkey is not a party to the 1961 Convention

⁸¹⁵ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁸¹⁶ See, Stockholm Centre for Freedom, Syrians in Turkey in precarious situation as citizenship applications indefinitely suspended by authorities, 12 January 2021, available at: <https://bit.ly/3yHbXQX>.

⁸¹⁷ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁸¹⁸ ArtıGerçek, '2017'den bu yana yaklaşık 7 bin yabancıya 'emlak vatandaşlığı' 12 January 2020, available in Turkish at: <https://bit.ly/33UUw01>.

⁸¹⁹ Information from a stakeholder in Antakya, February 2020.

⁸²⁰ Information provided by a lawyer of the Ankara Bar Association, January 2019.

⁸²¹ Information provided by an NGO, February 2019.

⁸²² Information provided by an NGO, February 2019.

⁸²³ Information provided by an NGO, February 2019.

⁸²⁴ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁸²⁵ Hürriyet, 'Meclis'e rapor: Türkiye'nin haymatloları*', 19 January 2018, available in Turkish at: <http://bit.ly/2DGdCJr>.

⁸²⁶ T24, 'Sekiz yılda 450 bin Suriyeli çocuk Türkiye'de doğdu, 57 bini vatandaş oldu', 26 February 2020, available in Turkish at: <https://bit.ly/2UFC2wo>.

⁸²⁷ See Konrad Adenauer Stiftung, *Syrian Refugees in Turkey*, September 2019, available at: <https://bit.ly/3bl07Q5>, 8.

⁸²⁸ Hurriyet Daily News, 'More than 300,000 'stateless' Syrian babies born in Turkey: Refugee subcommittee', March 2018, available at: <https://bit.ly/3bxOjdi>, 19.

on the Reduction of Statelessness or the 1997 European Convention on Nationality. Stakeholders have expressed concerns that Turkey does not currently provide these children unconditional birth-right citizenship and that the Regulation on Temporary Protection does not include time spent in Turkey under temporary protection towards the five years' uninterrupted legal residence as a precondition for applications for Turkish citizenship by naturalisation. In addition, nationality legislation in Syria does not guarantee women the right to transmit their Syrian nationality to their children. This with the loss of documentation due to the Syrian conflict; and the lack of birth-right citizenship in Turkey combine to deny the children's right to a nationality and create the risk of statelessness for children born to Syrian refugees in Turkey.⁸²⁹

B. Family reunification

Article 49 TPR appears to grant temporary protection beneficiaries the possibility of “making a request” for family reunification in Turkey with family members outside Turkey. While the article provides that DGMM shall “evaluate such requests”, the wording of this provision does not indicate strictly a right to family reunification for beneficiaries. It is rather worded as a possibility subject to the discretion of DGMM.

According to Article 3 TPR, a beneficiary's spouse, minor children and dependent adult children are defined as family members. The article also provides that in the case of unaccompanied children, “family unification steps shall be initiated without delay without the need for the child to make a request”.

In practice, Türk Kızılay is the main actor working on family reunification applications, especially reunification of children with their families in Turkey, while AFAD manages family reunification requests in the border regions. According to their statistics, as of January 2021 Türk Kızılay had received 3,239 family reunification requests to date.⁸³⁰ They also provide accompaniment in case of child reunification in Turkey and family tracing services.

C. Movement and mobility

1. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of beneficiaries across the territory of the country? ☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

The temporary protection declaration decision of the Presidency may contain the implementation of temporary protection measures to a specific region within Turkey as opposed to countrywide implementation.⁸³¹ The Presidency has the authority to order limitations on temporary protection measures in place, or the suspension of existing measures for a specific period or indefinitely, “in the event of circumstances threatening national security, public order, public security and public health”.⁸³²

⁸²⁹ 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), Turkey*, July 2019 page 6, available at: <https://bit.ly/2xxr8kX>.

⁸³⁰ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2021, page 4.

⁸³¹ Article 10(1)(ç) TPR.

⁸³² Article 15(1) TPR.

Article 33 TPR also provides that temporary protection beneficiaries are “obliged to comply with administrative requirements, failure of which will result in administrative sanctions”. Among other requirements, they may be “obliged to reside in the assigned province, temporary accommodation centre or other location” and comply with “reporting requirements as determined by provincial Governorates”. This provision clearly authorises DGMM to limit freedom of movement of temporary protection beneficiaries to a particular province, a particular camp or another location.

However, it was not until August 2015 that Turkish Government authorities imposed a dedicated instruction to introduce controls and limitations on the movement of Syrians within Turkey. On 29 August 2015, an unpublished DGMM Circular ordered the institution of a range of measures by provincial authorities to control and prevent the movement of Syrians inside Turkey.⁸³³ Its existence became known when security agencies particularly in the southern provinces began to act on this instruction and started intercepting Syrians seeking to travel to western regions of the country. It appears that the impetus behind this measure was to halt the growing irregular sea crossings of Syrian nationals to Greek islands along the Aegean coast. Following the EU-Turkey statement, movement restrictions have been enforced more strictly vis-à-vis temporary protection beneficiaries. Obtaining permission to travel outside the designated province has become more difficult, while routine unannounced checks in the registered addresses of beneficiaries have also increased.⁸³⁴

DGMM Circular 2017/10 of 29 November 2017 specifies that PDMM may introduce reporting obligations on temporary protection beneficiaries by means of signature duty. Failure to comply with reporting obligations for three consecutive times without valid excuse may lead to implicit withdrawal and cancellation of temporary protection status and to the issuance of a “V71” code based on “unknown location” of the person.

Beneficiaries may request a travel authorisation document in order to travel outside the province in which they are registered. The document is issued at the discretion of the competent Governorate and may not exceed 90 days in duration, subject to a possible extension for another 15 days. The beneficiary is required to notify the Governorate upon return to the province. Failure to do so after the expiry of the 90-day period leads to a “V71” code, as a result of which the person’s status is considered to be implicitly withdrawn. The “V71” code is deactivated if the person approaches the PDMM with valid justification, following an assessment of the case.

Movements of temporary protection beneficiaries seem to continue, nevertheless. DGMM statistics on apprehensions for irregular migration do not discern irregular entries from irregular exits from Turkey, yet indicate that the majority of apprehensions occur in western and southern provinces. By the end of 2020, Syrians accounted for 17,562 of the total number of 122,302 apprehensions across the country.⁸³⁵ The largest group at 50,161 were Afghans.

Temporary protection beneficiaries may also move between provinces *inter alia* to seek employment. This is often the case for Syrians living in **Şanlıurfa** or **İstanbul** and relocating to **Ankara** for work opportunities. To reduce informal employment, the Ministry of Family and Social Services has provided employers with the possibility to make one official declaration before a public notary that a beneficiary is starting employment, in order for that beneficiary to transfer his or her place of residence within 30 days. However, due to obstacles in obtaining a work permit (see [Access to the Labour Market](#)), and to the fact that

⁸³³ DGMM Circular No 55327416-000-22771 of 29 August 2015 on “The Population Movements of Syrians within the Scope of Temporary Protection”.

⁸³⁴ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IV.5.

⁸³⁵ DGMM, *Irregular migration statistics*, available at: <http://bit.ly/2BO8chL>.

employers do not actively make the necessary official declarations, they are not able to change their address from the place of first registration to Ankara.

In January 2020 the Governor of Istanbul reported that the number of Syrians living in Istanbul under the temporary protection law had been reduced to 479,420 people in 2019, which is 78,200 less than 2018 and that nearly 100,000 unregistered Syrians had been removed from Istanbul.⁸³⁶ The Turkish authorities reportedly arrested about 118,432 irregular migrants in Istanbul during 2019, compared to only 28,364 in 2018.⁸³⁷ In an official press release the Istanbul Governate said that 42,888 non-Syrians were transferred from Istanbul to removal centres along with 6,416 Syrians to Temporary Accommodation Centres, from 12 July to 15 November 2019.⁸³⁸

2. Travel documents

Article 43 TPR provides that if temporary protection beneficiaries make a request for a travel document, these requests “shall be evaluated” in the framework of Article 18 of the Passport Law. As described in [International Protection: Travel Documents](#), Article 18 of the Passport Law envisions the two types of “passport with a foreign-nationals-only stamp” (*Yabancılarla Mahsus Damgalı Pasaport*) with different durations of validity. Therefore, the current temporary protection framework does not foresee the provision of (Refugee) Travel Documents to temporary protection beneficiaries within the meaning of the 1951 Convention.

Stakeholders are not aware of any such “passports with a foreign-nationals-only stamp” issued to a temporary protection beneficiary. That being said, there are cases of temporary protection beneficiaries being allowed to travel on their Syrian passports to third countries for private purposes, although in some cases these individuals encounter difficulties in entering Turkey upon return.

3. Resettlement and family reunification departures

3.1. The general procedure

DGMM pre-identifies cases for resettlement consideration among the registered temporary protection caseload through the PDMM and makes referrals to UNHCR in lists. When UNHCR identifies the applicants most in need of resettlement from these lists, it presents them to third countries.

The final decision is taken by the third countries. They examine the files and decide whether to accept the relevant applicants, especially after conducting security checks. IOM organises the implementation of health checks, the preparation of travel documents and the cultural orientation of those accepted for resettlement.

Departure of temporary protection beneficiaries to third countries for the purpose of resettlement is subject to the permission of DGMM.⁸³⁹ A so-called “exit permission” must be issued in order for a beneficiary to be allowed to exit Turkey to a third country either for the purpose of a temporary visit or on a permanent basis for the purpose of resettlement.

⁸³⁶ See also, InfoMigrants, ‘Turkey, nearly 100,000 unregistered Syrians removed from Istanbul’, January 2020, available at: <https://bit.ly/3anYDUR>.

⁸³⁷ Middle East Monitor, ‘Official: Number of Syrians decreased in Istanbul during 2019’, 6 January 2020, available at: <https://bit.ly/2QQYrFS>.

⁸³⁸ Istanbul Governate, ‘Düzensiz Göç, Kayıtsız Suriyeliler ve Kayıt Dışı İstihdam İle İlgili Basın Açıklaması’, 15 November 2019, available in Turkish at: <https://bit.ly/33LBDwB>.

⁸³⁹ Article 44 TPR.

The same exit permission requirement also applies to temporary protection beneficiaries in the process of departing from Turkey for the purpose of family reunification with family members in third countries. Syrians seeking a family reunification departure from Turkey must first register with DGMM as a temporary protection beneficiary before they can subsequently request and obtain an “exit permission” to leave Turkey to a third country.⁸⁴⁰ IOM also supports the process for family reunification departures to Germany.⁸⁴¹

In practice, however, certain profiles of temporary protection beneficiaries are issued a “V91” code referring to “temporary protection holders in need of exit permission” (*Ulkemizden Çıkışı İzne Tabi Geçici Koruma Kapasamındaki Yabancı*) and which prevent them from exiting Turkey. “V91” codes are usually issued to highly qualified Syrians.

According to DGMM statistics, a total of 16,902 Syrians had been transferred to third countries between 2014 and 1 April 2021, mainly to Canada, the US, the UK and Norway.⁸⁴² All resettlement from Turkey was suspended in early 2020, including German and Turkey’s bilateral agreement on the readmission of refugees, due to the Corona Virus. The COVID-19 situation significantly affected the processing for resettlement; however remote interviewing measures were set in place in five locations across Turkey, in cooperation with DGMM, allowing interviews, which were suspended from March to June to gradually resume. The pandemic also affected resettlement departures because of the global pause of international flights between March and September.

3.2. The 1:1 resettlement scheme

The EU-Turkey statement of 18 March 2016 established a specific resettlement procedure (“1:1 scheme”), under which one Syrian national would be resettled from Turkey to EU Member States for each Syrian national returned from Greece to Turkey, taking into account the UN vulnerability criteria.⁸⁴³

In practice, participation in resettlement may vary from one region to another. For example, while temporary protection beneficiaries residing in **Istanbul** and **Izmir** may generally be interested in resettlement under the 1:1 scheme, this is not an option pursued by people living in **Gaziantep** or **Hatay**.

As of 1 April 2021, the following numbers of refugees had been resettled to the EU under the 1:1 scheme:

Resettlement of Syrian refugees under 1:1 scheme	
Country of destination	Number of resettled persons: 1 April 2021
Germany	10,338
France	4,779
Netherlands	4,712
Finland	2,207
Sweden	2,171
Belgium	1,519
Spain	754

⁸⁴⁰ Information provided by the International Refugee Rights Association, February 2019.

⁸⁴¹ IOM, *Göç ve Entegrasyon*, available in Turkish at: <https://bit.ly/2uwAnfM>.

⁸⁴² DGMM statistics, available at: <https://bit.ly/3wKyP0K>.

⁸⁴³ Council of the European Union, *EU-Turkey statement*, 18 March 2016, para 2.

Italy	396
Portugal	353
Croatia	250
Austria	213
Luxembourg	206
Lithuania	102
Bulgaria	85
Romania	68
Estonia	59
Latvia	46
Slovenia	34
Denmark	31
Malta	17
Total	28,340

Source DGMM, *Temporary protection*, 1 April 2021: <https://bit.ly/3wKyP0K>.

From 2016 up until 1 April 2021, a total of 28,340 Syrians had been resettled to the EU. 2,422 of them were resettled in the EU in 2020. Resettlement procedures were suspended from March until July 2020 in the context of COVID-19, although Portugal continued to accept some resettled refugees during the pandemic.⁸⁴⁴ EU countries receive 10,000 EUR per resettled refugee.

Frontex registered a 46% increase in migrants arriving from Turkey in 2019, despite the deal with the EU to curb migrant influx into the bloc.⁸⁴⁵ The situation became extremely tense in February and March 2020 after an escalation of tensions in north eastern Syria. Turkish President Erdogan ‘opened the gates’ between Turkey and the EU, saying amongst other things that Turkey could not cope with another mass influx of refugees from Syria. This led to Greece closing its border, criticisms of both Europe and Turkey’s handling of the situation and concerns for the human rights of migrants and refugees in the middle.⁸⁴⁶ Overall, the number of arrivals from Turkey went down in 2020. The number of attempted entries via the Eastern Mediterranean, which mainly involves crossings from Turkey to the Greek islands, dropped by three-quarters to around 20,000.⁸⁴⁷

D. Housing

Indicators: Housing

- | | |
|---|---------------|
| 1. For how long are beneficiaries entitled to stay in camps? | Not regulated |
| 2. Number of beneficiaries staying in camps as of 14 April 2021 | 56,970 |

⁸⁴⁴ Information provided by a stakeholder, March 2021.

⁸⁴⁵ Info Migrants, ‘EU border agency: Spike in border arrivals from Turkey’, 20 January 2020, available at: <https://bit.ly/39qiKQV>.

⁸⁴⁶ ECRE, *Statement on the situation on the Greek Turkish border*, 3 March 2020, available at: <https://bit.ly/2QVyzJ2>.

⁸⁴⁷ See the Daily Sabah, ‘Migrant entries into EU hit 7-year low in 2020’, 8 January 2021. Available at: <https://bit.ly/2SFHKRs>.

1. Temporary Accommodation Centres

The TPR does not provide a right to government-provided shelter as such for temporary protection beneficiaries. However, Article 37(1) TPR, as amended in 2018, authorises DGMM to build camps to accommodate temporary protection beneficiaries.⁸⁴⁸ These camps are officially referred to as Temporary Accommodation Centres.⁸⁴⁹ A further amendment to the LFIP in 2018 sets out provisions on the financing of camps set up by DGMM.⁸⁵⁰

Articles 23 and 24 TPR authorise DGMM to determine whether a temporary protection beneficiary shall be referred to one of the existing camps or allowed to reside outside the camps on their own means in a province determined by the Ministry of Interior Affairs. Amended Article 24 TPR authorises DGMM to allow temporary protection beneficiaries to reside outside the camp in provinces to be determined by the Ministry of Interior Affairs⁸⁵¹. It also commits that out of temporary protection beneficiaries living outside the camps, those who are in financial need may be accommodated in other facilities identified by the Governorate.

As of 14 April 2021, there were seven such large-scale camps accommodating a total of 56,970 temporary protection beneficiaries, spread across five provinces in Southern Turkey in the larger Syria border region.⁸⁵² The cost of operation of the camps and service provision there is significant.⁸⁵³ The number of residents thus decreased from 64,048 in February 2019 to 56,970 in April 2021.

The number of temporary accommodation centres has been steadily reducing in recent years. In 2019, the number of camps and of residents had also decreased. In 2019, **Malatya Beydagi, Harran, Ceylanpinar, Suruc, Antep Nizip 2** and **Kilis Oncupinar** were closed. Closing dates were announced beforehand and UNHCR gave one off financial assistance of between 1,730 TL (266 EUR) up to 11,540 TL (1,775 EUR) for moving. As of May and June 2019, 29,880 Syrians had been transferred to other locations from the **Ceylanpinar** and **Suruc** camps. Approximately 80,000 people have been transferred to cities to date. Some vulnerable groups such as victims of violence, disabled people are still in camps but the rest have mainly been appointed to new cities. Some cities were closed to new registrations in 2019 such as **Mersin, Antalya, Yalova** and **Istanbul** and others have introduced quotas. For example, **Hatay** had a quota for 50 new registrations. The majority of those who left camps needed support due to barriers to adapt to city life. Unaccompanied children from Adana Saricam camp were transferred to public premises (CODEM) after legal amendments in December 2019. The main problems are social cohesion, language barrier, access to services and housing.⁸⁵⁴

Apart from Türk Kızılay and NGOs with formal cooperation agreements, other organisations have access to the camps only upon request.

There were reports in 2020 that 53 Syrian and Afghan refugees who had been waiting to be accepted by the Greek authorities on the border in Edirne for more than a month, were forcibly transported to Osmaniye

⁸⁴⁸ Article 37(3) TPR, as amended by Regulation 2018/11208.

⁸⁴⁹ Article 3 TPR.

⁸⁵⁰ Article 121A LFIP, inserted by Article 71(e) Decree 703 of 9 July 2018.

⁸⁵¹ Article 24 as amended by Regulation 2019/30989

⁸⁵² DGMM, *Temporary protection*, available at: <https://bit.ly/3wKyP0K>.

⁸⁵³ Turkish National Police Academy, *Mass immigration and Syrians in Turkey*, November 2017, 20-21; Information provided by an NGO, February 2019. See also, AI-Monitor, *Why Turkey is closing down Syrian refugee camps*, 4 June 2019, available at: <https://bit.ly/2XKb4H7>.

⁸⁵⁴ Information provided by a stakeholder in Gaziantep, February 2020.

camp by bus.⁸⁵⁵ In April 2020 the Greek authorities claimed that 2,000 refugees from Osmaniye camp had been transported to Greece by the Turkish coastal guard.⁸⁵⁶

By the end of 2020 only 1.6% of Syrians lived in camps: **Adana** (Saricam –the most crowded one), **Hatay** (Apaydin, Yayladagi, Altinozu), **Kilis** (Elbeyli), Kahramanmaraş, Osmaniye (Cevdetiye). When COVID-19 hit, measures were taken to ensure social distancing in areas where large numbers of people were living together, for example, in the **Osmaniye** camp for Syrian refugees and in accommodation for agricultural workers, that often include refugees.⁸⁵⁷

2. Urban and rural areas

With the overall size of the temporary protection beneficiary population sheltered in the camps steadily declining, the vast majority of the current population subject to Turkey's temporary protection regime reside outside the camps in residential areas across Turkey. As of 17 March 2021, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,663,336 of which less than 2% were accommodated in the Temporary Accommodation Centres, whereas 3,605,404 were resident outside the camps (see [Statistics](#)).

More than half of the 3.6 million Syrians were registered in 4 out of the 81 Turkish provinces (**Istanbul**, **Gaziantep**, **Hatay** and **Şanlıurfa**). While **Istanbul** hosts the largest number of registered temporary protection beneficiaries, this only corresponds to 3.48% of its population. Conversely, temporary protection beneficiaries correspond to 21.54% of the population in **Gaziantep**, 20.9% in **Şanlıurfa**, 26.34% in **Hatay** and 74.54% in **Kilis**.⁸⁵⁸

According to a report of the National Police Academy:

“While a substantial part of the refugees who do not stay in the centres reside in houses they rent either through their own means or with the support of NGOs or individual citizens, a percentage of them stay in blighted neighbourhoods of cities which were evacuated as part of urban transformation projects. It must be noted that those living in these neighbourhoods live their lives under harsh circumstances and are deprived of healthy housing conditions. Although the refugees who can afford to rent a house are assumed to have no problems, it must be taken into account that the vast majority of refugees have poor economic conditions. The refugees in poor economic conditions live in groups or are forced to live in low-cost and unhealthy houses to decrease their housing costs... Their living spaces are mostly small, dark, humid and unhealthy apartments on the ground or basement levels. The unhealthy conditions of these flats directly affect refugees' state of health and cause various health problems.”⁸⁵⁹

The level of inclusion and quality of accommodation of temporary protection beneficiaries varies from one province to another. “Syrians with means or Turkish relatives to help them buy property might have good

⁸⁵⁵ Evrensel, “‘İstanbul’a’ denilerek otobüsle Osmaniye’ye götürülen mülteciler: Bizi unutmayın’, 29 March 2020, available in Turkish at: <https://bit.ly/2XKgnGx>.

⁸⁵⁶ See, DW, ‘Yunanistan: Türkiye Ege’ye sığınmacı taşıyor’, 14 April 2020, available in Turkish at: <https://bit.ly/2KdVxaC>.

⁸⁵⁷ Public Health Professionals Association, *Pandemi Sürecinde Göçmenler ve Mültecilerle İlgili Durum*, 15 April 2020, available in Turkish at: <https://bit.ly/34MbXjL>.

⁸⁵⁸ DGMM, *Temporary protection*, available at: <http://bit.ly/2Bn2gMI>.

⁸⁵⁹ Turkish National Police Academy, *Mass immigration and Syrians in Turkey*, November 2017, 20-21.

accommodations, while a large portion with fewer financial means find accommodations in basements, warehouses, and storage and shanty houses closed with plastic or nylon covers.”⁸⁶⁰

Research from the University of Gaziantep, based on a survey of 1,824 persons in 129 Syrian households in **Gaziantep**, found that an average of 6.6 residents live in each household, with 30% of the surveyed households accommodating more than one family. According to recent data 70.53% of Syrians in Turkey are Women and Children.⁸⁶¹

Incidents of tension and violence by locals against Syrians have also been reported. In **Mardin**, seven Syrian families received letters in February 2019 threatening them with violence if they refused to leave the neighbourhood within seven days.⁸⁶² In **Elazığ**, refugees were subject to racist violence in September 2018 and were told to leave the Artuklu neighbourhood after their shops were attacked.⁸⁶³ Two serious incidents were reported in **Bursa** in July and September 2018.⁸⁶⁴ Two people were killed in a different incident occurring in **Şanlıurfa** in September 2018, following which the governor gathered Syrian “opinion leaders” to discuss cohesion issues.⁸⁶⁵ In **Denizli**, following the arrest of six Syrians following rape accusations, a total of 927 Syrians were evacuated from the Kale district in October 2018 to avoid lynching from the local population.⁸⁶⁶ Governors in different provinces lead migration coordination groups aiming at improving social cohesion. In **Kayseri**, for example, this group visits a family of refugees each week.⁸⁶⁷ On the other hand, the Governor of **Hatay** stated ahead of the local elections on 31 March 2019 that Syrians should avoid leaving their homes on election day.⁸⁶⁸

A report from 2019 on discrimination in Turkey found that discrimination against refugees, particularly from Syria, and against groups that do not conform to heteronormativity due to gender identity are the most prevalent forms of discrimination in Turkey.⁸⁶⁹ The Media and Refugee Rights Association has also produced recent analyses on very negative reporting in the media on refugee issues,⁸⁷⁰ including blaming refugees for a lack of access to healthcare for host populations.⁸⁷¹

The negative portrayal of Syrians and refugees in the media seems to have sharpened during the Corona-virus pandemic. An analysis of the news between 1 February 2020 and 21 July 2020 revealed violations of refugee rights in 495 news articles published during that time. People seeking international protection seekers were accused of being responsible for COVID-19's spread across the country and of being

⁸⁶⁰ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, available at: <https://bit.ly/2z8zb5k>, 21.

⁸⁶¹ Mültideciler Derneği, ‘Türkiyedeki Suriyeli Sayısı’, Mart 2020, available in Turkish on: <https://bit.ly/2JncqPt>.

⁸⁶² Evrensel, ‘Mardin’de mülteci ailelere mermili tehdit mektubu’, 24 February 2019, available in Turkish at: <https://bit.ly/2WffJrS>.

⁸⁶³ Gazete Duvar, ‘Belediye başkanı: Suriyelilere gitmeleri için üç gün verdik’, 7 September 2018, available in Turkish at: <https://bit.ly/2TCvQaW>.

⁸⁶⁴ Hürriyet, ‘Bursa’da Suriyeli gerginliği’, 13 September 2018, available in Turkish at: <https://bit.ly/2DRza8i>; Sputnik, ‘Bursa’da bir grup Suriyeli kiraathane bastı: 3 yaralı’, 3 July 2018, available in Turkish at: <https://bit.ly/2GmGLgN>.

⁸⁶⁵ Hürriyet, ‘Şanlıurfa Valisi, Suriyeli kanaat önderleriyle buluştu’, 30 September 2018, available in Turkish at: <https://bit.ly/2D7niNY>; Onedio, ‘Emniyet Açıkladı: Şanlıurfa’da Suça Karışan 639 Suriyeli Sınır Dışı Edildi’, 30 September 2018, available in Turkish at: <https://bit.ly/2Gbm7Ru>.

⁸⁶⁶ Onedio, ‘Denizli’de 14 Yaşında Çocuğa Cinsel İstismardan 7 Kişi Tutuklandı: ‘927 Suriyeli İlçeden Tahliye Edildi’, 11 October 2018, available in Turkish at: <https://bit.ly/2TOaTtx>.

⁸⁶⁷ Information provided by an NGO, February 2019.

⁸⁶⁸ Cumhuriyet, ‘Vali’den 31 Mart ricası: Suriyeliler dışarı çıkmasın’, 4 February 2019, available in Turkish at: <https://bit.ly/2YbB5N7>.

⁸⁶⁹ C. Özatalay, S. Doğuç, *The perception of discrimination in Turkey*, 2019, available at: <https://bit.ly/2Js6Lbc>, 35.

⁸⁷⁰ Bianet, ‘174 News Reports Violate Refugee Rights in a Week’, Says Report, 18 December 2019, available at: <https://bit.ly/39ukAjZ>.

⁸⁷¹ Bianet, Report: Media Blames Syrian Refugees for Citizens Who Cannot Receive Healthcare, 6 January 2020, available at: <https://bit.ly/2QVUm3j>.

potential virus carriers, while their lack of access to basic rights and services during the pandemic was not discussed at all.⁸⁷²

At the same time negative attitudes to refugees, Syrians in particular, seems prevalent. The Istanbul Political Research Institute conducted research on Turkish citizens' attitudes towards refugees in Istanbul. The Institute organised semi-structured one-on-one interviews with 1,636 Turkish citizens in Istanbul between December 2019 and January 2020.⁸⁷³ According to the report:

- 10.8% of participants believed that the Syrian population was Turkey's biggest problem.
- Participants perceived the Syrian population as a threat, citing economic and security-related issues (7-7.9 out of 10). Moreover, people who encounter Syrian refugees on a daily basis have reported higher threat perception rates than others.
- 78% of participants believed that the Turkish government supports and protects Syrian refugees more than Turkish citizens. 58% did not accept that Syrians are victims of civil war.
- 1 out of 3 of the participants felt strong negative emotions towards Syrian refugees such as anger and rage.
- People who encountered Syrians in their daily life were more likely to participate in anti-Syrian activities.

E. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

- | | |
|--|---|
| 1. Does the law allow for access to the labour market for beneficiaries?
❖ If yes, when do beneficiaries have access the labour market? | ☒ Yes ☐ No
6 months |
| 2. Does the law allow access to employment only following a labour market test? | ☒ Yes ☐ No |
| 3. Does the law only allow asylum seekers to work in specific sectors?
❖ If yes, specify which sectors: | ☒ Yes ☐ No |
| 4. Does the law limit beneficiaries' employment to a maximum working time?
❖ If yes, specify the number of days per year | ☐ Yes ☒ No |
| 5. Are there restrictions to accessing employment in practice? | ☒ Yes ☐ No |

1.1. Legal conditions and obstacles to access in practice

Temporary protection beneficiaries have the right to apply for a work permit on the basis of a Temporary Protection Identification Card, subject to regulations and directions to be provided by the Presidency.⁸⁷⁴ The Regulation on Work Permit for Foreigners under Temporary Protection, adopted on 15 January 2016, regulates the procedures for granting work permits to persons under temporary protection.

⁸⁷² Pandemi Döneminde Medyada Mülteci Hak İhlalleri Raporu (Mülteci Medyası Derneği), 2020, available at: <https://bit.ly/3t6nCVY>.

⁸⁷³ Istanbul Political Research Institute, *İstanbul'da Sığınmacılara Yönelik Tutumlar – İstanPol*, June 2020, available in Turkish at: <https://bit.ly/2PFDGjf>.

⁸⁷⁴ Article 29 TPR.

Temporary protection beneficiaries are required to apply for a work permit in order to access employment.⁸⁷⁵ An application for a work permit may be lodged following 6 months from the granting of temporary protection status,⁸⁷⁶ by the employer through an online system (*E-Devlet Kapsi*) or by the beneficiary him or herself in the case of self-employment.⁸⁷⁷

The Regulation foresees an exemption from the obligation to obtain a work permit for seasonal agriculture of livestock works.⁸⁷⁸ In that case, however, beneficiaries must apply to the relevant provincial governorate to obtain a work permit exemption.⁸⁷⁹ The Ministry of Family and Social Services may also limit the number and provinces where temporary protection beneficiaries may work under seasonal agriculture of livestock jobs.⁸⁸⁰ Beyond special rules in the context of agriculture and livestock work, the Regulation prohibits beneficiaries from applying for professions which may only be performed by Turkish nationals.⁸⁸¹

When deciding on the granting the right to apply for a work permit, the Ministry of Family and Social Services takes into consideration the province where the beneficiary resides as a basis.⁸⁸² However, it may cease to issue work permits in respect of provinces which have been determined by the Ministry of Interior to pose risks in terms of public order, public security or public health.⁸⁸³

The Ministry may also set a quota on temporary protection beneficiaries based on the needs of the sectors and provinces.⁸⁸⁴ The number of beneficiaries active in a specific workplace may not exceed 10% of the workforce, unless the employer can prove that there would be no Turkish nationals able to undertake the position. If the workplace employs less than 10 people, only one temporary protection beneficiary may be recruited.

The work permit fee is 378.70TL.⁸⁸⁵ Under the Regulation, temporary beneficiaries may not be paid less than the minimum wage.⁸⁸⁶

The number of work permits issued to temporary protection beneficiaries has slowly increased following the adoption of the Regulation on 15 January 2016. In **Şanlıurfa**, for example, the Association of Syrian Businessmen has signed a Memorandum of Understanding for the investment of 80m TL to establish 20 factories with a total employment capacity of 1,500 workers.⁸⁸⁷ According to the Ministry of Family and Social services, the number of companies having at least one Syrian founder is 15,159 as of 29 February 2019.⁸⁸⁸

In 2019 a total of 145,232 work permits were issued including 63,789 to immigrants from Syria. 93% of work permits for Syrians were granted to men and 7% to women.⁸⁸⁹

⁸⁷⁵ Article 4(1) Regulation on Work Permit for Foreigners under Temporary Protection.
⁸⁷⁶ Article 5(1) Regulation on Work Permit for Foreigners under Temporary Protection.
⁸⁷⁷ Article 5(2)-(3) Regulation on Work Permit for Foreigners under Temporary Protection.
⁸⁷⁸ Article 5(4) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁷⁹ *Ibid.*

⁸⁸⁰ Article 5(5) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁸¹ Article 6(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁸² Article 7(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁸³ Article 7(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁸⁴ Article 8 Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁸⁵ See: <http://www.calismaizni.gov.tr>.

⁸⁸⁶ Article 10 Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁸⁷ Hürriyet, 'Suriyeli iş adamlarından Türkiye'ye yatırım', 7 October 2018, available in Turkish at: <https://bit.ly/2OfIAy9>.

⁸⁸⁸ Mülteci Derneği, 'Türkiyedeki Suriyeli Sayısı', March 2020, available in Turkish on: <https://bit.ly/2JncqPt>.

⁸⁸⁹ Ministry of Family, Labour and Social Services, Work Permits of Foreigners, 2019, page 14, available at: <https://bit.ly/2QbV8Mw>.

The main occupations for which Syrian temporary protection beneficiaries received work permits are as follows:

Work permits to temporary protection beneficiaries by profession: 1 Jan 2016 – 30 Sep 2018	
Profession	Number of permits
Manual labourer	2,411
Textile worker	1,117
Errands runner	653
Physician	554
Nurse	543
Administrative manager	521
Office clerk	460
Support staff	452
Cleaner	433
Others	20,786
Total	27,930

Source: ODATV: <https://bit.ly/2TOFQ5v>.

In 2019 work permits issued mainly to immigrants from Syria, Kyrgyzstan, Ukraine and Turkmenistan.⁸⁹⁰ Syrians received by far the greatest number by a wide margin at 63,789 permits. Nevertheless, these figures show that the number of work permits issued still represents a small percentage of the temporary protection beneficiaries between the age of 19 and 64 in Turkey.

Civil society organisations are an important employer for Syrians under temporary protection. According to stakeholders, there were 150 national and international NGOs and about 14,000 employees working in **Gaziantep** by the end of 2015. However, as of that date, the state started strictly monitoring international NGOs working at the border. Irregularities on the part of international NGOs in relation to the obligation to employ people with work permits have led to a significant number of administrative fines. In one case, the Magistrates' Court of **Hatay** has annulled such a fine on the ground that it is incompatible with the special protection provisions for humanitarian aid NGOs in the Law on Work Permit of Foreigners and the Refugee Convention.⁸⁹¹

Despite the legal framework introduced in 2016 to regulate access to the labour market for temporary protection beneficiaries, substantial gaps therefore persist with regard to access to employment in practice. Beneficiaries receive little or no information on the work permit system, as the number of community centres providing information about such opportunities remains limited; 16 centres were operated by Türk Kızılay as of January 2020.⁸⁹²

⁸⁹⁰ Ministry of Family, Labour and Social Services, Work Permits of Foreigners, 2019, page 14, available at: <https://bit.ly/2QbV8Mw>.

⁸⁹¹ 1st Magistrates' Court of Hatay, Decision 2016/180, 31 March 2016.

⁸⁹² For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, October 2018, available at: <https://bit.ly/2UUS3h0>.

1.2. Working conditions

Temporary protection beneficiaries in Turkey are impacted by the widespread practice of undeclared employment under substandard working conditions and low wages.⁸⁹³ Undeclared employment flourishes in the agricultural sector, particularly in provinces such as **Adana**.⁸⁹⁴ Despite initiatives such as a recent UNHCR-funded agricultural skills training in southeastern Turkey,⁸⁹⁵ Syrians work long hours – in many cases exceeding 11 hours a day – for 38 TL / approx. €4, a portion of which is withheld by “handlers” (*elciler*) who act employment agents.⁸⁹⁶ In other provinces such as **Muğla**, undeclared employment frequently occurs in the construction sector,⁸⁹⁷ while in **Ankara** it is prevalent in the furniture manufacturing industry in Altındağ. In **Istanbul**, a report published by the United Metalworkers’ Union (*Birleşik Metal İşçileri Sendikası*) on the situation of Syrian refugees in the textile industry.⁸⁹⁸ According to the report, the wages of 46% of Syrian and of 20% of Turkish workers are below the minimum wage level. It can be said that the minimum wage is not applicable in textile ateliers operating without licence (*Merdivenaltı atölyeleri*). In terms stratification of wages in the labour market, Turkish men are at the top, followed by Turkish women, while Syrian men close to the bottom and Syrian women at the bottom.

Unacceptable labour conditions in urban centres have often led to large-scale movements such as a November 2017 strike of shoemakers (*saya iscileri*) in major cities including **Istanbul**, **Izmir**, **Adana**, **Gaziantep**, **Konya** and **Manisa**, demanding lawful employment and better working conditions in workshops.⁸⁹⁹

Poor health and safety conditions at work are also a matter of concern. According to Health and Safety Labour Watch 112 refugee workers lost their lives in work-related accidents in 2019 including as a result of fires, equipment failure and road accidents.⁹⁰⁰

During the COVID-19 pandemic, labour demand emerged in some work areas because some Turkish citizens did not go to work due to COVID-19 restrictions. Syrian refugees met some of this demand but for very low wages, especially in the southern parts of Turkey such as **Mersin**, **Adana**, etc. They also faced important difficulties in accessing remote education and social assistance. This situation was not only specific to Syrians but all seasonal agricultural workers. There were also concerns about a lack of hygiene equipment and of masks to prevent the spread of COVID-19. Protective equipment was supplied by NGOs, the UN, the EU and some municipalities but it was not systematic nor regular.⁹⁰¹

⁸⁹³ Refugees International, *Legal employment still inaccessible for refugees in Turkey*, December 2017, 7. For a discussion of the impact on the labour market, see Ege Aksu et al., ‘The impact of mass migration of Syrians on the Turkish labour market’, Koç University Working Paper 1815, December 2018, available at: <https://bit.ly/2U64aKJ>.

⁸⁹⁴ Information provided by a lawyer of the Adana Bar Association, February 2018.

⁸⁹⁵ Food and Agricultural Organisation, ‘Syrian refugees acquire agricultural job skills and work opportunities in Turkey’, 29 November 2017, available at: <http://bit.ly/2z44zPs>.

⁸⁹⁶ On **Izmir**, see Association of Bridging People, ‘Seasonal agricultural labour in Turkey: The case of Torbalı’, 13 December 2017, available at: <http://bit.ly/2AupjAr>. On **Adana**, see Development Workshop, *Fertile lands: Bitter lives – The situation analysis report on Syrian seasonal agricultural workers in the Adana plain*, November 2016, available at: <http://bit.ly/2BL7EJH>; IRIN, ‘The never-ending harvest: Syrian refugees exploited on Turkish farms’, 15 December 2016, available at: <http://bit.ly/2CKijRs>.

⁸⁹⁷ Information provided by Bodrum Women’s Solidarity Association, December 2017.

⁸⁹⁸ United Metalworkers’ Union, *Suriyeli Sığınmacıların Türkiye’de Emek Piyasasına Dahil Olma Süreçleri ve Etkileri: İstanbul Tekstil Sektörü Örneği*, June 2017, available in Turkish at: <http://bit.ly/2DIrq6p>.

⁸⁹⁹ Göçmen Dayanışma Ağı, ‘About saya (shoe-upper) workers’ resistance’, 1 December 2017, available at: <http://bit.ly/2B8UCSo>.

⁹⁰⁰ More information is available in Turkish at: <http://bit.ly/2UiMtpE>.

⁹⁰¹ Information provided by a stakeholder, March 2021.

Women, in particular, face significant challenges in obtaining effective access to the labour market. This is due, on the one hand, to obstacles such as lack of childcare and lack of information and training opportunities.⁹⁰² On the other hand, traditional gender roles assigned to women as caretakers, especially in southern Turkey regions such as **Şanlıurfa**, mean that women's access to public space is limited compared to men, while training opportunities mainly revolve around traditional vocations such as hairdressing or sewing.⁹⁰³ In addition, where they do take jobs outside their homes, women in the textile sector often face discrimination and ill-treatment. This is namely the case for ateliers operating without licence (*Merdivenaltı atölyeleri*) in **İstanbul**, where women and girls work in the rear of basements and in windowless rooms for long hours.⁹⁰⁴

The Association for Migration Research conducted field research with 48 Syrian women from 3 different provinces in Turkey (**Mersin, Gaziantep, and İzmir**). All interviewees were low-wage workers employed under precarious conditions. Most of the participants could not work outside due to pressure from their male relatives or husbands, which meant piece work was the main form of employment. Those who worked outside explained that they needed their male family members' consent to continue working. Women encounter various difficulties in accessing the labour market, such as building social relations, finding a safe workplace, as well as a lack of language proficiency and education. NGOs were regarded as ideal workplaces for refugees. However, several cases of discrimination were also reported by interviewees. For example, five women working for national NGOs reported that they were subject to differentiated treatment compared to their Turkish colleagues. In addition, NGOs mostly hire employees on a project basis for specific time periods which can often be inconsistent for refugee women. However, working for NGOs offered relatively better working conditions compared to other options such as retail jobs and day care work. Interviewees employed in the textile industry worked more than 12 hours a day and even the highest salary was reportedly below the minimum wage. Informal employment also caused discriminatory work practices.⁹⁰⁵

The situation for women was also significantly impacted during Covid-19. A shoemaker spoke of the hardships of keeping up with housework while making shoes at home. The financial situation of families who live on waste collection were considerably affected by lockdown measures with many saying they had to choose between providing food for the household and buying necessary sanitary equipment such as masks.⁹⁰⁶ A study with 300 women refugees in **İzmir** found that 84.5% of the participants lost their jobs in the course of the pandemic and 83% of those who are employed had problems relating to their salaries.⁹⁰⁷

The Turkish labour market also presents high exploitation risks for children, given the widespread phenomenon of child labour and exploitation in areas such as agriculture,⁹⁰⁸ textile factories,⁹⁰⁹ as well as

⁹⁰² Refugees International, *Legal employment still inaccessible for refugees in Turkey*, December 2017, 5, 11-12.

⁹⁰³ Rejane Herwig, 'Syrian Women's multiple burden at the labour market and at home', 3 December 2017, available at: <http://bit.ly/2kNpSQ8>; 'Strategies of resistance of Syrian female refugees in Şanlıurfa' (2017) 3:2 Movements, available at: <http://bit.ly/2CK78bN>.

⁹⁰⁴ Papatya Bostancı, "'Çalışanı Meşgul Etmeyin': Merdivenaltı Tekstil Atölyelerinde Mülteci Kadın Olmak', 30 September 2017, available in Turkish at: <http://bit.ly/2CLBLNF>.

⁹⁰⁵ Suriyeli Kadınların *Çalışma Deneyimleri ve Toplumsal Cinsiyet İlişkileri*, April 2020, available in Turkish at: <https://bit.ly/3rPzwCm>.

⁹⁰⁶ Voice of the Subject: *Migrant Women's Labour During the Pandemic*, 23 December 2020 : available at: <https://bit.ly/31NUUgJ>.

⁹⁰⁷ Association for Solidarity with Syrian Refugees, *COVID 19 Pandemisinde Mülteci Kadınların Temel Haklara Erişimine İlişkin Araştırma Raporu*, 2020, available in Turkish at: <https://bit.ly/3uJnV9T>.

⁹⁰⁸ Development Workshop, *Analysis of legislative gaps and recommendations in the context of preventing child labour in agriculture*, August 2018, available at: <https://bit.ly/2HyTvCm>; See also Adana Bar Association, 'Barımız Doğankent çadır bölgesindeki Suriyeli mülteci çocukları ziyaret etti', 17 January 2018, available in Turkish at: <http://bit.ly/2Hv1w89>.

⁹⁰⁹ European Commission, *Education and Protection Programme for Vulnerable Syrian and Host Community School-aged Children, in Lebanon, Jordan and Turkey*, Ares(2017)3292256, 30 June 2017, available at:

restaurants in cities such as **Ankara**. In the textile sector, approximately 19% of the workforce is underage, while this number is as high as 29% in respect of Syrians. Syrian working children under the age of 15 are much more visible in the industry than Turkish children.⁹¹⁰ The Worker Health and Safety Council documented the case of a 5-year-old Syrian child forced to work in **Gaziantep** in 2017.⁹¹¹ According to the Turkish Medical Association, children in textile industries work 12-hour shifts for 300 TL a month.⁹¹²

2018 was declared as the year of the fight against child labour in Turkey. The (then) Ministry of Labour and Social Security announced a six-year National Action Plan to Fight Against Child Labour in 2017 and a project of 10 million TL was announced for NGOs and public authorities to conduct activities in ten pilot cities during this period.⁹¹³ Dedicated monitoring bodies were set up for the purpose of preventing child labour in six cities under that National Action Plan.⁹¹⁴ The bodies continued to be active in 2019. Monitoring Commissions held meetings every month and raised awareness among NGOs and other public bodies.⁹¹⁵ A new project “The Elimination of Child Labour in Seasonal Agriculture” with the International Labour Organization (ILO) Office for Turkey in cooperation with the General Directorate of Labour of the Ministry of Family and Social Services and with funding from the European Union (EU) started in October 2020. Work will be undertaken to reach out to working children, families, employers, school administrators, teachers, mukhtars (village/neighbour masters) and agricultural intermediaries to withdraw children from labour and redirect them to schooling, as well as strengthen the capacities of national and local institutions.⁹¹⁶

2. Access to education

Indicators: Access to Education

- | | |
|---|---|
| 1. Does the law provide for access to education for children beneficiaries? | ☒ Yes ☐ No |
| 2. Are children able to access education in practice? | ☒ Yes ☐ No |

Under Turkish law, “basic education” for children consists of 12 years, divided into 3 levels of 4 years each. All children in Turkish jurisdiction, including foreign nationals, have the right to access “basic education” services delivered by public schools. All children registered as temporary protection beneficiaries have the right to be registered at public schools for the purpose of basic education.

<http://bit.ly/2BMs0SK>, 4. See also Birgün, ‘Günde 12 saat çalıştırılıp ayda 300 TL kazanıyorlar’, 20 August 2018, available in Turkish at: <https://bit.ly/2HG2KzY>; Siyasi Haber, “; Deutsche Welle, ‘Small hands, big profits: Syrian child labour in Turkey’, 5 December 2017, available at: <http://bit.ly/2BLmlqF>; Financial Times, ‘A day on the factory floor with a young Syrian refugee’, 20 September 2017, available at: <http://on.ft.com/2hh9Tbh>; BBC, ‘Child refugees in Turkey making clothes for UK shops’, 24 October 2016, available at: <http://bbc.in/2ey7Zka>.

⁹¹⁰ United Metalworkers’ Union, *Suriyeli Sığınmacıların Türkiye’de Emek Piyasasına Dahil Olma Süreçleri ve Etkileri: İstanbul Tekstil Sektörü Örneği*, June 2017, available in Turkish at: <http://bit.ly/2DlRq6p>.

⁹¹¹ Worker Health and Safety Council, ‘Göçmen çocuk sömürüsü: 5 yaşında çocuklar çalıştırılıyor’, 28 March 2017, available in Turkish at: <http://bit.ly/2FoFzpu>.

⁹¹² Birgün, ‘Günde 12 saat çalıştırılıp ayda 300 TL kazanıyorlar’, 20 August 2018, available in Turkish at: <https://bit.ly/2HG2KzY>.

⁹¹³ National Action Plan for the Fight against Child Labour, 29 March 2017, available in Turkish at: <https://bit.ly/2GhE6q0>.

⁹¹⁴ Information provided by Development Workshop, February 2019.

⁹¹⁵ Information provided by a stakeholder, March 2020.

⁹¹⁶ See, ILO, *A New Era Starts in Combating Child Labour in Seasonal Agriculture*, 23 November 2020, available at: <https://bit.ly/3oq24SU>.

2.1. Public schools

Public schools in Turkey are free of charge. They instruct in Turkish and teach a standardised Ministry of National Education curriculum, and are authorised to dispense certificates and diplomas to foreign national children with full validity.

In order to enrol in public schools, children and their parents need to have Temporary Protection Beneficiary Identification Cards. Children who are not yet registered can be temporarily enrolled as a “guest student” which means that they can attend classes but will not be provided any documentation or diploma in return, unless they subsequently complete their temporary protection registration and are officially admitted by the school.⁹¹⁷

Where a foreign national child is enrolled at public schools, the Provincial Directorate of National Education is responsible for examining and assessing the former educational background of the student and determine to which grade-level the child should be registered. In case there is no documentation regarding the past educational background, the Provincial Directorate shall conduct necessary tests and interviews to assess the appropriate grade-level to which student shall be assigned. In mid-2018, the Ministry of National Education launched an Accelerated Learning Programme (*Hızlandırılmış Eğitim Programı*, HEP) to reach children aged 10-18 who have missed three or more years of schooling. The programme runs in 12 provinces. The programme had reached 10,894 children by mid-2019.⁹¹⁸ In 2020 a tender was released for bids to help develop an online Accelerated Learning Programme after the impact of COVID-19 and a year of online schooling for children in Turkey.⁹¹⁹

The Ministry of National Education is building 129 new schools with EU funding under the Facility for Refugees in Turkey, to increase the enrolment rate.⁹²⁰ Another 55 schools were planned to be built by 2021 with World Bank funding.⁹²¹ As of March 2021 an EU update showed that this work was ongoing with at least one school finalised and others underway.⁹²²

The education response in Turkey is led and coordinated by the Ministry of National Education. The numbers of Syrian children enrolled in formal education continues to increase. At the start of the 2019/20 school year, 684,253 Syrian children under temporary protection were enrolled in Turkish public schools and temporary education centres, representing 63 per cent of school-aged Syrian children.⁹²³

However, according to an UNESCO report, the number of additional teachers that would be needed to cover the entire population of Syrian refugee children of school age is as high as 80,000.⁹²⁴ UNICEF estimates as many as 400,000 children out of school.⁹²⁵ Drop-out rates, particularly at high school level,

⁹¹⁷ Bianet, ‘Suriyeli Olmayan Mülteci Çocukların Eğitime Erişimleri Yok’, 31 May 2017, available in Turkish at: <https://bit.ly/2pG75JK>.

⁹¹⁸ Inter-Agency Coordination Turkey, *Turkey Education Sector: Q2 January to June 2019*, available at: <https://bit.ly/2UINaZj>.

⁹¹⁹ See UNICEF, Online Accelerated Learning Programme Development, October 2020, available at: <https://bit.ly/3fl7J8p>.

⁹²⁰ Delegation of the European Union to Turkey, ‘Education for all in times of crisis II’, available at: <https://bit.ly/2JmMni3>.

⁹²¹ World Bank, ‘Education Infrastructure for Resilience Activities in Turkey’, available at: <https://bit.ly/2QS085U>.

⁹²² See, Delegation of the EU to Turkey, Education Infrastructure for Resilience Activities in Turkey, available at: <https://bit.ly/2QS085U>.

⁹²³ UNHCR, *Turkey: Operational Highlights*, 2019.

⁹²⁴ Hürriyet, ‘Anadolu lisesi öğrencilerine atölyelerde eğitim’, 19 March 2019, available in Turkish at: <https://bit.ly/2Y9Ljh7>.

⁹²⁵ UNICEF, *Turkey Humanitarian Situation Report*, January - March 2019, 1.

are linked to factors such as the high level of child labour in the job market,⁹²⁶ as well as early marriages.⁹²⁷ Bullying at schools is still a huge unresolved problem.⁹²⁸ Fear of deportation also has an impact on access to school, affecting around 8,500 children in **Bursa**, for example.⁹²⁹ At the same time, the rate of discrimination, prejudice and bullying remains high in public schools, both from fellow pupils and teachers. Refugee children are not offered additional Turkish language classes so as to be able to follow the curriculum effectively.

To ensure children's access to the education system, another programme, Conditional Cash Transfer for Education (CCTE), is financed by ECHO and implemented through a close partnership between the Ministry of Family, Labour and Social Services, the Ministry of National Education, AFAD, Türk Kızılay and UNICEF. The CCTE programme provides vulnerable refugee families with bimonthly cash payments to help them send and keep their children in school (see [Social Welfare](#)). Cash assistance is available only for persons who can submit the school registration documents to the social service units of the Ministry. A family can receive payment provided the child attends school regularly; a child should not miss school more than 4 days in one month.⁹³⁰ According to Türk Kızılay, in cases where a child has not attended school for over 4 days, their protection officers visit the family to identify the cause of absence; child labour, child marriage, peer bullying are the most common factors.⁹³¹ According to observations from practice, CCTE has been more effective at elementary school level.⁹³²

In addition, the PIKTES (Project on Promoting Integration of Syrian Kids into the Turkish Education System) is a European Union funded project implemented by the Turkish Ministry of National Education. It aims to increase the integration of Syrian children, access to quality education and increasing the enrolment and attendance rates of Syrian children and youth in quality formal education.⁹³³ In early 2020, UNICEF, SGDD-ASAM and the Ministry of National Education launched the 'Assistance Programme for Registration to Schools'(Okula Kayıt İçin Destek Programı) aiming to reach out to 65,000 Syrian students aged between 5-17 at risk of leaving the education system.⁹³⁴

In 2019, the Ministry of National Education opened 'social cohesion courses' where students can learn about different cultures and daily life in Turkey.

Türk Kızılay Community Centre, **Urfa** has been following the situation of around 90 Syrian children dropping out school per month and the community centre tries to understand the real reasons behind their non-attendance at school. It is often due to early marriage of girls and boys being forced into child labour. There are social cohesion classes at schools in Urfa. They give regular trainings at schools on peer bullying, non-discriminatory practices, rights of children, hygiene and social cohesion. Also, they provide psychological support and regular health checks for students.⁹³⁵

⁹²⁶ Children in the agricultural sector are not enrolled at school, for example: Information provided by Development Workshop, February 2019.

⁹²⁷ Information provided by a stakeholder in Gaziantep, February 2020 and Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁹²⁸ Information provided by a stakeholder in Gaziantep, February 2020.

⁹²⁹ Posta, "Sınır dışı oluruz' korkusuyla 8 bin 500 Suriyeli çocuk okula gönderilmiyor", 3 May 2018, available in Turkish at: <https://bit.ly/2UNKXLc>.

⁹³⁰ European Commission, 'In Turkey, the Conditional Cash Transfer for Education programme increases school attendance of Syrian and other refugee children', 13 February 2018, available at: <https://bit.ly/2GaW25O>.

⁹³¹ Information provided by Türk Kızılay, February 2019.

⁹³² Information provided by Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁹³³ UNHCR, Global Compact for Refugees digital platform, available at: <https://bit.ly/2wKMSt1>.

⁹³⁴ Hürriyet, 'Mülteci çocuklar eğitim sistemine dahil edilecek', 6 January 2020, available in Turkish at: <https://bit.ly/2UrZKx7>.

⁹³⁵ Information provided by Türk Kızılay Community Centre, Urfa, February 2020.

More generally, experts estimate lack of education as a common feature among the Syrian population in Turkey. According to a survey, 33% of respondents reported to be illiterate, while another 13% reported to be literate without having attended school.⁹³⁶

In 2020, schools were closed for long periods during the COVID-19 pandemic and education shifted to distance-learning that could be accessed through a TV or other device. This affected all children but disproportionately affected those without a device or room to study. Refugee children, especially young girls' education was affected by the pandemic to a great extent. A study in **Izmir** of 300 women found that only 53.5% of Syrian refugee girls had access to a suitable environment for study.⁹³⁷ As of April 2021 schools were still closed for the majority of children. Access to long distance education (EBA) is still problematic. Some ongoing EU programmes have been redesigned. For example, student support packages (meal packages ect.) for students could not be used for students since they could not go to schools in 2020. Some of these funds will be allocated towards buying new tablets and electronic devices for students.⁹³⁸

Among Syrians nomadic agricultural workers, their children's participation in distance education was close to 0% from research conducted in **Adana**, **Mersin**, and **Şanlıurfa**, although previously it was very low too. In **Adana**, as for all seasonal agricultural workers, children only attended school when they were physically close to a school and it is the same for nomadic / semi-nomadic groups.⁹³⁹

2.2. Temporary Education Centres (GEM)

The Ministry of National Education Circular 2014/21 on "Education Services for Foreign Nationals" of 23 September 2014 introduced the concept of Temporary Education Centre (*Geçici Eğitim Merkezi*, GEM) and provided a legal framework for the supervision and monitoring of the aforementioned private schools run by Syrian charities – which had hitherto existed outside the regulatory framework of the Ministry of National Education and were therefore unlawful but tolerated by the provincial authorities. GEM are specifically defined as schools established and run for the purpose of providing educational services to persons arriving in Turkey for temporary period as part of a mass influx.

By and large, the children accommodated in the camps have unimpeded and virtually full access to basic education mainly at GEM administered inside the camps. On the other hand, children of school age outside the camps, had the option of either attending a public school in the locality, which teach the Turkish school curriculum and instruct in Turkish, or a GEM.

In 2018 there were approximately 1,000 Turkish and 11,500 volunteer Syrian teachers in GEM. UNICEF provides financial assistance to 10,000 volunteer Syrian teachers. In this context, a fee of 600 TL / €120 per month is paid to the teachers in Temporary Accommodation Centres and 900 TL per month is paid to those working outside camps. The remaining 1,500 volunteer teachers are financially supported by NGOs.⁹⁴⁰

Such private Syrian schools are generally not free. They charge students varying amounts of fees. It remains unclear what legal validity any diplomas or certificates issued by the temporary education centres will have going forward, while the Provincial Directorate of National Education authorities are authorised to

⁹³⁶ Hâlâ Gazeteciyiz, '50 Percent of Syrians in Turkey Never Enrolled in a School', 10 October 2018, available at: <https://bit.ly/2u6t91Q>.

⁹³⁷ Association for Solidarity with Syrian Refugees, *COVID 19 Pandemisinde Mülteci Kadınların Temel Haklara Erişimine İlişkin Araştırma Raporu*, 2020, available at: <https://bit.ly/3uJnV9T>.

⁹³⁸ Information provided by a stakeholder, March 2021.

⁹³⁹ Information provided by a stakeholder, March 2021.

⁹⁴⁰ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

determine such questions if and where the child is subsequently admitted to a public school or a university in Turkey. Another challenge concerns the quality of education provided in GEM, since courses are taught by Syrian teachers, often volunteers, who are in need of remuneration and professionalisation.⁹⁴¹

The Ministry of National Education has planned a gradual-phase out of the GEM.⁹⁴² From September 2016 onwards, all Syrian children entering kindergarten or first grade have to be enrolled in Turkish schools and not GEM. The Ministry of National Education has also encouraged children entering fifth and ninth grade to register at Turkish schools.

As of 2019 there were 199 GEMs in 11 provinces educating 39,178 Syrian children.⁹⁴³ For some stakeholders, the closure of GEM is carried out too rapidly and will lead to difficulties for teachers in handling curricula to mixed classes of Turkish and Syrian children.⁹⁴⁴ The final GEM closed in 2020.

2.3. Higher education

Temporary protection beneficiaries also have the right to higher education in Turkey. In order to apply and register with an institution of higher education, students are required to have completed either the 12 years of Turkish basic education or equivalent experience. Children who have attended a certified GEM can also be approved to have fulfilled that requirement on the basis of the equivalence determination carried out by the competent Provincial Directorate of National Education.

In Turkey, admission to universities is subject to the requirement of taking a standardised university entrance examination and additional requirements by each university. Students who started their university studies in Syria but were not able to complete them, may ask universities to recognise the credits (courses) that they have passed. The decision whether to recognise courses passed in Syria is made by each university and may differ from one department to another.⁹⁴⁵ Sometimes there can be problems in the recognition of previous education including qualifications. Studies in GEMs can also be in Arabic and there can be more general language problems.

Tuition fees for Syrian students are covered by the Presidency for Turks Abroad and Related Communities (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı*, YTB) for the 2017-2018 and 2018-2019 academic years for state universities;⁹⁴⁶ this is not the case for private universities. Students will still need to cover the costs of local transportation, books and living expenses. There are a number of organisations providing scholarships to Syrian students for higher education study in Turkey. These organisations include: YTB, UNHCR through the DAFI scholarship programme, and NGOs (e.g. SPARK). Scholarships awarded through YTB and DAFI cover the costs of tuition and pay students a monthly allowance for accommodation and living expenses.⁹⁴⁷

According to statistics of the Council of Higher Education, the number of enrolled Syrian students in Turkish higher education institutions rose to 33,000 Syrians in the 2019/20 academic year.⁹⁴⁸ According to the

⁹⁴¹ Information provided by a lawyer of the Adana Bar Association, February 2018; Information provided by an NGO, February 2019.

⁹⁴² Hürriyet, 'Gov't directs Syrian refugee children to Turkish schools', 3 September 2017, available at: <http://bit.ly/2FqqVhs>. See also International Crisis Group, *Turkey's Syrian refugees: Defusing metropolitan tensions*, January 2018, 18.

⁹⁴³ ERG, *Öğrenciler ve eğitime erişim izleme raporu*, Eğitim izleme raporu, 2019.

⁹⁴⁴ Information provided by Bosphorus Migration Studies, January 2019.

⁹⁴⁵ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁹⁴⁶ Regulation 2018/12007 of 27 June 2018, available in Turkish at: <https://bit.ly/2OthDXK>.

⁹⁴⁷ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁹⁴⁸ A Barışçıl, *Refugee students in the Turkish higher education in the light of the Syrian conflict*, 2019, 135.

Directorate on Life-Long Learning 599,475 Syrians benefitted from vocational and other trainings by the State in 2019.⁹⁴⁹ In 2020 UNHCR worked with the Presidency for Turks Abroad and Related Communities (YTB) to provide university scholarships for refugee students as well as institutional capacity support. For the academic year 2020-2021, UNHCR contributed to the tertiary education of 744 students under temporary protection and 70 students of other nationalities through higher education scholarship programmes in coordination with YTB.⁹⁵⁰ UNHCR also supported 475 university students through semester cash grants to support students who cannot benefit from the fee waiver that exists for Syrian nationals. Meanwhile, UNHCR continued to advocate for the waiver of higher education fees for international protection students.

Temporary protection beneficiaries, regardless of their age, can also benefit from free of charge language education courses as well as vocational courses offered by Public Education Centres structured under each Provincial Directorate of National Education. Some NGOs also provide free language courses and vocational courses to temporary protection beneficiaries in some localities.

Türk Kızılay has 16 community centres including a new centre in **Kocaeli**.⁹⁵¹ In March 2019 Türk Kızılay also started an Adult Language Training Programme (ALT) together with the Ministry of National Education and UNDP aiming to provide Turkish language assistance to Syrians to help them into employment. Funded through the EU Trust Fund the programme aims to provide 52,000 people in ten provinces with language lessons. Participants are paid €0.9 per hour to attend three hours a day, three days a week.⁹⁵² The Vocational Course Incentive also provides incentive payments for beneficiaries' vocational training in different sectors such as food, textile, service, agriculture and animal husbandry as well as courses requiring technical expertise and craftsmanship. Participation in vocational courses is supported with 40 TL or 60 TL per day and those who attend the Turkish Language Courses are entitled to 180 TL per month. Community Centres organize various courses and activities for the beneficiaries to improve their life skills. Community Centres also provide certification approved by the General Directorate of Life Long Learning of the Ministry of National Education at the end of vocational courses. As of January 2020, 45,927 people had benefitted from different vocational courses and training. This included 32,684 people who attended courses, and 13,243 people who found employment.⁹⁵³

Türk Kızılay Community Centre in **Urfa** has several projects on livelihoods. They provide special training and employment opportunities depending on the situation in the city that beneficiaries live in. For instance, they are accepting new applications for greenhouse trainings in Urfa. They have also opened a gastronomy academy in Harran in close cooperation with the Governorate. They are running a joint project with TOBB (Union of Chambers and Stock Markets in Turkey) to grant 50 000 TL (around 8 000 EUR) to 10 Syrian entrepreneurs in very diverse areas ranging from agriculture to 3-D printing. They are going to launch a new Science, technology, engineering, and mathematics (STEM) project with the Municipality on coding and programming for young Syrian girls and boys.

⁹⁴⁹ See, TC Milli Eğitim Bakanlığı Hayat Boyu Öğrenme Genel Müdürlüğü Göç ve Acil Durum Eğitim Daire Başkanlığı, January 2020.

⁹⁵⁰ UNHCR Turkey, *Operational Highlights 2020*, available at: <https://bit.ly/3esx9AE>.

⁹⁵¹ Information provided by Türk Kızılay, February 2020.

⁹⁵² Information from Türk Kızılay, February 2020.

⁹⁵³ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020.

F. Social welfare

The law draws no distinction between temporary protection beneficiaries and applicants for and beneficiaries of international protection in relation to social assistance (see [Forms and Levels of Material Reception Conditions](#)).

Cash assistance programmes implemented mainly by Türk Kızılay through a dedicated bank card (*Kızılaykart*), have focused mainly, though not exclusively, on temporary protection beneficiaries. These include the following:

- **Emergency Social Safety Net (ESSN):** The EU-funded ESSN programme was launched on 28 November 2016 by the World Food Programme, Türk Kızılay and the Ministry of Family and Social Services, under the coordination of AFAD.⁹⁵⁴ Families under international or temporary protection and excluded from registered employment are eligible for assistance under ESSN, which extends a monthly allowance of 18 € per family member through the *Kızılaykart*.⁹⁵⁵ Applicants for international protection fall within the scope of this programme.

The ESSN scheme is the single largest humanitarian project in the history of the EU. 1 April 2021 was the one year anniversary of a new partnership to deliver ESSN between the Turkish Government, the Turkish Red Crescent, the International Red Cross, and the EU. 3.4 billion TL were distributed in the first year. The value of the transfer rose from 120 TL to 155 TL and 1.8 million people received cash assistance.⁹⁵⁶

In the context of the ESSN, the Kızılay Food Card developed in cooperation with the World Food Programme offers a smart card technology developed for people in need to meet all their needs at food stores.⁹⁵⁷ International protection applicants who hold a YKN go to the Social Assistance and Solidarity Foundations of their satellite city and fill in an application form for a Kızılay Card. If the applicant has a disability, this should be proved by a medical report. Also, people with special needs are prioritised in practice. After 5-9 weeks, applicants can receive their cards ready to use from the contracted bank.

ESSN has been disbursed to 1,798,472 beneficiaries as of January 2021 of whom 89.6% are Syrian. The majority of beneficiaries are located in **Gaziantep**, followed by **Istanbul**, **Şanlıurfa**, **Hatay**, **Adana** and **Ankara**.⁹⁵⁸

- **In-Camp Programme:** This programme provides cash assistance to refugees residing in Temporary Accommodation Centres. As of January 2021, 52,348 people had benefited from it.⁹⁵⁹
- **Conditional Cash Transfer for Education (CCTE):** The EU-funded programme CCTE aims to support refugee families in sending their children to school (see [Access to Education](#)) by providing bimonthly payments. The amounts disbursed on a bimonthly basis vary depending on the level of education: for primary school, boys receive 35 TL and girls receive 40 TL, while for high school

⁹⁵⁴ European Commission, '1 million refugees in Turkey reached by EU's Emergency Social Safety Net', 17 October 2017, available at: <http://bit.ly/2ztLNSN>.

⁹⁵⁵ Türk Kızılay, *Kızılay Kart, Cash based assistance programmes*, December 2019, 1.

⁹⁵⁶ See Turkish Red Crescent, the Emergency Social Safety Net programme, March 2021. Available at: <https://bit.ly/3eJHGc1>.

⁹⁵⁷ Türk Kızılay, 'The Turkish Red Crescent Food Card is Supporting all the Syrians', 31 December 2015, available at: <https://bit.ly/2G8LjIT>; *Kızılaykart*, available in Turkish at: <https://bit.ly/2lQQf2G>.

⁹⁵⁸ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2021, 9.

⁹⁵⁹ *Ibid.*

boys receive 50 TL and girls 60 TL. The CCTE is being disbursed to 534,233 beneficiaries as of January 2021, of whom 85% are Syrian. The majority of beneficiaries are located in **Istanbul, Gaziantep, Hatay and Şanlıurfa**.⁹⁶⁰ CCTE has mainly focused on primary school children..⁹⁶¹ Although the programme is welcomed, some stakeholders have said that the amount given for the CCTE is symbolic and could be more effective if increased.⁹⁶²

- **Accelerated Learning:** Around 20,000 Syrian refugee children and young people are enrolled in accelerated learning programmes helping them make up for lost years of schooling, where they also got basic literacy and numeracy classes, and Turkish language courses. Since 2017, the EU has also provided transportation to an average of 6,000 children per month to help them attend their formal and non-formal education activities.⁹⁶³

COVID-19 has also affected the access to basic needs to a great extent in 2020. Research in **Izmir** among Syrian women found severe issues relating to the access to basic food products. The state food allowance was found inadequate by 83.7% of the 300 participants in the study. Although there were different aid programs provided by the State, refugees were either ill-informed about them or simply could not access them due to complex bureaucratic processes. Consequently, 72.7% of the 300 interviewees could not benefit from food aid.⁹⁶⁴

G. Health care

1. Conditions for health care

All registered temporary protection beneficiaries, whether residing in the camps or outside the camps, are covered under Turkey's General Health Insurance (GSS) scheme and have the right to access health care services provided by public health care service providers.⁹⁶⁵ The health care services are no longer free of charge following a legal amendment of 25 December 2019 and they have to pay a contribution fee determined by the Ministry of Interior Affairs to access primary and emergency health care services and medicines.⁹⁶⁶ This does not apply to vulnerable groups, however. The practice of contribution fees is different in each province with no uniform application. Reimbursement is not foreseen in the law.

Persons who are eligible for temporary protection but have not yet completed their registration have only access to emergency medical services and health services pertaining to communicable diseases as delivered by primary health care institutions.

Temporary protection beneficiaries are only entitled to access health care services in the province where they are registered. However, where appropriate treatment is not available in the province of registration or where deemed necessary for other medical reasons, the person concerned may be referred to another province.⁹⁶⁷

⁹⁶⁰ *Ibid.*

⁹⁶¹ *Ibid.*

⁹⁶² Information provided by a stakeholder in Gaziantep, February 2020.

⁹⁶³ ECHO, *Turkey Factsheet*, 5 March 2020, available at: <http://bit.ly/3d0Bgm9>.

⁹⁶⁴ Association for Solidarity with Syrian Refugees, *COVID 19 Pandemisinde Mülteci Kadınların Temel Haklara Erişimine İlişkin Araştırma Raporu*, 2020, available at: <https://bit.ly/3uJnV9T>.

⁹⁶⁵ Article 27 TPR.

⁹⁶⁶ Article 27(1)b as amended by Regulation no.30989.

⁹⁶⁷ Basak Bilecen and Dilara Yurtseven, 'Temporarily protected Syrians' access to the healthcare system' (2018) 15:1 Migration Letters 133, 118.

The “income test” to assess means classifies the beneficiary according to the level of income. Persons in the “G0” class have health care premiums covered entirely, while individuals in categories “G1”, “G2” and “G3” proportionally cover some of their health care costs.⁹⁶⁸

During the COVID-19 pandemic refugees and migrants (including undocumented) were given access to COVID-19 treatment and testing, however, a number of barriers to these services remained including other out-of-pocket health care expenditure and the language barrier.⁹⁶⁹ Materials have been provided in Arabic to help combat this by UNHCR, ASAM and others. As of January 2021 the situation with the vaccine roll out and refugees was still unclear.⁹⁷⁰

1.1. Scope of health care coverage

Under the Turkish health system, differentiation is made among primary, secondary and tertiary public health care institutions. Health stations, health centres, maternal and infant care and family planning centres and tuberculosis dispensaries that exist in each district in each province are classified as primary healthcare institutions. State hospitals are classified as secondary health care institutions. Research and training hospitals and university hospitals are classified as tertiary health care institutions.

Temporary protection beneficiaries are entitled to spontaneously access initial diagnosis, treatment and rehabilitation services at primary health care institutions. These providers also undertake screening and immunisation for communicable diseases, specialised services for infants, children and teenagers as well as maternal and reproductive health services.

Temporary protection beneficiaries are also entitled to spontaneously approach public hospitals in their province. Their access to medical attention and treatment in university and research and training hospitals, however, is on the basis of a referral from a state hospital.⁹⁷¹ In some cases, state hospitals may also refer a beneficiary to a private hospital, where appropriate treatment is not available in any of the public healthcare providers in the province. In such a case, the private hospitals are compensated by the GSS scheme and the beneficiary is not charged.

As a rule, referrals to university hospitals and private hospitals are only made for emergency and intensive care services as well as burn injuries and cancer treatment. This is confirmed in practice in **Hatay, Adana** and **Mersin**, where temporary protection beneficiaries cannot access the research and training hospitals without a medical doctor referral. Costs are not covered by the State promptly, however.

Temporary protection beneficiaries’ access to secondary and tertiary health care services is conditional upon whether the health issue in question falls within the scope of the Ministry of Health’s Health Implementation Directive (SUT). For treatment for health issues which do not fall within the scope of the SUT or for treatment expenses related to health issues covered by the SUT, which however exceed the maximum financial compensation amounts allowed by the SUT, beneficiaries may be required to make an additional payment. For example, prosthetic surgery was previously not covered by health care services in **Adana**, thereby posing an important obstacle.⁹⁷²

⁹⁶⁸ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

⁹⁶⁹ Journal of Migration and Health, COVID-19 barriers and response strategies for refugees and undocumented migrants in Turkey, Volumes 1–2, 2020, available at: <https://bit.ly/2SKkcee>.

⁹⁷⁰ Arab News, Will Turkey’s refugees be vaccinated against the coronavirus? 24 January 2021. Available at: <https://bit.ly/3vWXSwm>.

⁹⁷¹ *Ibid.*

⁹⁷² Information provided by a lawyer of the Adana Bar Association, February 2018.

Free health care coverage for registered temporary protection beneficiaries also extends to mental health services provided by public health care institutions. A number of NGOs are also offering a range of psychosocial services in some locations around Turkey with limited capacity. The need for mental health support is pressing. The University of Marmara highlighted in 2018 that 6 out of 10 Syrian refugee children suffer from mental health conditions such as PTSD and depression.⁹⁷³

With ECHO funding until the end of 2019, the “*Geçici Koruma Altındaki Suriyelilerin Sağlık Statüsünün ve Türkiye Cumhuriyeti Tarafından Sunulan İlgili Hizmetlerin Geliştirilmesi*” (SIHHAT) project has established 187 Migrant Health Centres (*Göçmen Sağlığı Merkezi*) for Syrian beneficiaries of temporary protection in 28 provinces. Syrians can approach these centres as primary health care institutions. Migrant Health Centres employ 790 mainly Syrian doctors, 790 nurses, 300 support staff, 84 technicians and 960 patient guides.⁹⁷⁴ The second phase was announced in December 2020 “Supporting Migrant Health Services in Turkey (SIHHAT 2)” will focus on increasing the quality of migrant health services and the integration of services and staff to the Turkish Health System. The project aims to increase the number of Migrant Health Centres, the number of healthcare staff with a special focus on Health Literacy, Mental Health and Psychosocial Support, Reproductive Health, Physiotherapy and Rehabilitation with EUR 210 millions of support.⁹⁷⁵

In addition, the “Strengthening Health Care Infrastructure for All (SHIFA)” project aims to construct new migrant health centres and provide medical equipment, maternity, health kits and capacity building with EUR 90 millions of support.⁹⁷⁶

1.2. Medication costs

According to SUT, persons covered by the general health insurance scheme are expected to contribute 20% of the total amount of the prescribed medication costs. The same rule also applies to temporary protection beneficiaries, while the rest was previously covered by AFAD.

That said, in terms of access to medication, complications and inconsistent implementation are observed across the country. However, Turkey has repeatedly claimed that the amount allocated for service expenditure for Syrian refugees is 40 billion Turkish Lira and the major service unit is health care.⁹⁷⁷

2. Obstacles to access in practice

The language barrier is one of the key problems encountered by temporary protection beneficiaries in seeking to access health care services.⁹⁷⁸ The language barrier also hinders access to mental health treatment.⁹⁷⁹ Although there are interpreters available in some public health institutions in some provinces in the south of Turkey, in most health care facilities including Migrant Health Centres no such interpretation

⁹⁷³ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

⁹⁷⁴ SIHHAT, *Proje Faaliyetleri*, available in Turkish at: <https://bit.ly/2UUEZbi>.

⁹⁷⁵ Statewatch, ‘Final contracts arranged for €6 billion EU-Turkey deal’, 22 December 2020, available at: <https://bit.ly/3ooLKBF>

⁹⁷⁶ Statewatch, ‘Final contracts arranged for €6 billion EU-Turkey deal’, 22 December 2020, available at: <https://bit.ly/3ooLKBF>

⁹⁷⁷ Al-Monitor, ‘Suriyelilere 40 milyar dolar harcandı mı?’, 2 November 2019, available in Turkish at: <https://bit.ly/2yd0g9A>.

⁹⁷⁸ Basak Bilecen and Dilara Yurtseven, ‘Temporarily protected Syrians’ access to the healthcare system’ (2018) 15:1 Migration Letters 133, 118.

⁹⁷⁹ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

services are available.⁹⁸⁰ A major practical obstacle for refugees is that hospitals in Turkey give appointments to patients over the telephone. Since hospital appointment call centres do not serve prospective patients in any language other than Turkish, foreign nationals need the assistance of a Turkish speaker already at appointment stage.

The Ministry of Health operates a free hotline that provides limited distance interpretation services to temporary protection beneficiaries, doctors and pharmacists. However, the hotline does not provide any general counselling to beneficiaries about the healthcare system or assistance in obtaining appointments at hospitals. The Danish Refugee Council also operates a limited free hotline service providing interpretation services to Syrians in Arabic and Turkish for the purpose of facilitating interactions with health care providers. Türk Kızılay, for its part, provides an interpreter and a social worker under its Child Protection Centre project, who accompany children at hospitals in **Ankara** where needed. The Numune and Dışkapı State Hospitals in Ankara also have one interpreter each.

Türk Kızılay also runs community centres providing services on health and protection. 16 centres are currently operational. These centres identify the needs of temporary protection beneficiaries e.g. accessing health care, and also offer psycho-social support.⁹⁸¹

Vulnerable and marginalised groups such as sex workers face more acute challenges to accessing services, including information on sexual health, due to the fact that they do sex work informally, often through intermediaries – who in some cases are perpetrators of discrimination and violence – and under heavy working conditions.⁹⁸² A number of Syrian sex workers interviewed in 2017 by Red Umbrella Sexual Health and Human Rights Association were unaware of HIV testing and counselling centres and had limited knowledge of health care facilities they could go to if needed.⁹⁸³ There is very limited information currently on this vulnerable group.

In **Antakya** there have been complaints about a lack of translators in hospitals. Migrant Health Centres employ Syrian doctors and these centres also provide services to those having no IDs and protection.⁹⁸⁴ Stakeholders have complained about access to the Kanuni Sultan Suleyman hospital in Istanbul which has turned away refugees including pregnant Syrian women.⁹⁸⁵

A professor working on Syrian women's healthcare has reported that the presence of a Turkish citizen positively influences doctors' and nurses' attitude towards Syrians. A Syrian doctor who runs a private clinic in **Fatih/Istanbul** confirmed that Syrians' temporary protection status is generally suspended even after a short visit to Syria. Upon return they cannot reactivate their IDs or, therefore, access basic services. Undocumented refugees have to wait until their health condition becomes very serious before they can access free healthcare services. Those who cannot afford to pay medical expenses are being reported to the police or the hospital confiscates their passports until they pay. Women's reproductive health problems can be overlooked.⁹⁸⁶ A study among Syrian women refugees in **Izmir** found that approximately 70% of the 300 participants had difficulties in accessing to medical institutions. Participants in the focus group reported

⁹⁸⁰ Information provided by an NGO, February 2019.

⁹⁸¹ For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, September 2017, available at: <http://bit.ly/2Fsj2YZ>.

⁹⁸² Red Umbrella Sexual Health and Human Rights Association, *Syrians under "temporary protection" in Turkey and sex work*, 2017, available at: <http://bit.ly/2nWo6B3>, 65-71.

⁹⁸³ *Ibid*, 67-68.

⁹⁸⁴ Information provided by a stakeholder in Gaziantep in February 2020

⁹⁸⁵ Information from a stakeholder in Istanbul, March 2020.

⁹⁸⁶ GAR (Association for Migration Research), *Barriers to and Facilitators of Migrant Communities' Access to Health Care in Istanbul*, September 2020, available at: <https://bit.ly/3wk4nu6>.

several cases where they weren't accepted in healthcare centres on the grounds that their cases were not urgent.⁹⁸⁷

The language barrier is still a challenge for refugees seeking medical help. There have been reports of translators and interpreters not translating their complaints and making fun of patients.⁹⁸⁸ Research has shown that 50.8% of women remain silent after being exposed to violence or ill-treatment.⁹⁸⁹

The new regulation on charging a contribution rate to Syrians refugees will impose a serious barrier to access to health but it may not be applied to vulnerable groups.⁹⁹⁰ There was no further information in 2020 as to how this was being applied for different groups.

Seasonal or agricultural workers do not go to secondary and tertiary health centres. There are two reasons for this, the first is the number of people at hospitals and in 2020 there was also the fear of COVID-19 infection. For primary care, they tend to go to family physicians. There is a project run by Doctors of the World who offer health services to seasonal agricultural workers but there is almost no health service for nomadic / semi-nomadic groups who prefer immigrant health centres in **Antep** when they have the money and when transportation is available.⁹⁹¹

H. Guarantees for vulnerable groups

As with the LFIP, the TPR also contains definitions of “persons with special needs” and “unaccompanied children” and provides for additional guarantees. According to Article 3 TPR, “unaccompanied minors, persons with disability, elderly, pregnant women, single parents with accompanying children, victims of torture, sexual assault or other forms of psychological, physical or sexual violence” are to be categorised as “persons with special needs”.

The TPR and other related secondary legislation providing the legal framework and procedures for the provision of services to temporary protection beneficiaries identify the Ministry of Family and Social Services as the responsible authority for “persons with special needs”.

As provided by the AFAD Circular 2014/4 on “Administration of Services to Foreigners under the Temporary Protection Regime”, “services such as accommodation, care and oversight of unaccompanied minors, persons with disabilities and other persons with special needs are the responsibility of the Ministry of Family and Social Services. The Ministry is responsible for the referral of vulnerable persons to children centres, women shelters or other appropriate places.”

Being identified and registered as a “person with special needs” entitles beneficiaries to additional safeguards and prioritised access to rights and services. They should be provided “health care services, psycho-social assistance, rehabilitation and other support and services free of charge and on priority basis, subject to the limitations of capacity.”⁹⁹²

1. Unaccompanied children under temporary protection

⁹⁸⁷ Association for Solidarity with Syrian Refugees, *COVID 19 Pandemisinde Mülteci Kadınların Temel Haklara Erişimine İlişkin Araştırma Raporu*, 2020, available in Turkish at: <https://bit.ly/3uJnV9T>.

⁹⁸⁸ Women's Solidarity Foundation, *Gender Based Violence and Discrimination: Syrian Women Living In Ankara*, 2020, available at: <https://bit.ly/3dPB4r2>, 41.

⁹⁸⁹ *ibid.*, p. 53.

⁹⁹⁰ Information provided by a stakeholder in February 2020.

⁹⁹¹ Information provided by a stakeholder, March 2021.

⁹⁹² Article 48 TPR.

Article 3 TPR defines an “unaccompanied minor” as “a child who arrives in Turkey without being accompanied by an adult who by law or custom is responsible for him or her, or, a child left unaccompanied after entry into Turkey, provided that he or she did not subsequently come under the active care of a responsible adult”.

Turkey is a party to the Convention on the Rights of the Child and domestic child-protection standards are generally in line with international obligations. According to Turkish Law, unaccompanied children, once identified, should be taken under state protection with due diligence under the authority of the Ministry of Family and Social Services.

Article 48 TPR provides that unaccompanied children shall be treated in accordance with relevant child protection legislation and in consideration of the “best interests” principle. The 2015 Ministry of Family and Social Policies Directive on Unaccompanied Children provides additional guidance regarding the rights, protection procedures and implementation of services for unaccompanied children. The Directive designates the PDMM as the state institution responsible for the identification, registration and documentation of the unaccompanied children. PDMM are also entrusted the responsibility of providing shelter to unaccompanied children until the completion of the age assessment, health checks and registration / documentation procedures upon which the child is referred to the Ministry of Family and Social Services.

Once the PDMM refers the child to the relevant Provincial Ministry of Family and Social Services Child Protection Directorate, temporary protection beneficiary unaccompanied children aged 0-12 are to be transferred to a child protection institution under the authority of the Ministry of Family and Social Services. Unaccompanied children between the ages of 13-18, who do not demonstrate any special needs may be placed in dedicated “child protection units” providing services within the premises of camps under the authority of the Provincial Child Protection Directorate under the Ministry of Family and Social Services. In practice, however, the referral mechanisms set out in the 2015 Directive are not being used according to stakeholders’ observations.⁹⁹³

According to the TPR, unaccompanied children are mainly housed in Ministry of Family and Social Services shelters but may also be placed in Temporary Accommodation Centres if appropriate conditions can be ensured.⁹⁹⁴ In practice, unaccompanied children between the ages of 0-18 are transferred to the nearest Provincial Child Protection Directorate. These children are not only Syrians, but include children from Afghanistan, Iraq, Somalia and South Africa. Unaccompanied children are placed in the child protection units established by the Ministry in **Ağrı, Konya, Yozgat, Gaziantep, Bilecik, Erzincan, Istanbul** and **Van**. As of March 2018, there were 288 children in these centres. 8 children are being cared for by families. Socio-economic support services are provided to 450 children who live with their families.⁹⁹⁵

Türk Kızılay also runs a Child Protection Centre (*Çocuk Koruma Merkezi*) under a pilot project launched in March 2017. Its difference from child protection centres run by the Ministry of Family and Social Services lies in its primary role in preserving integration and social inclusion of refugee children. There is only one such centre established at the moment, located in Altındağ, **Ankara**, close to the Ankara community centre managed by Türk Kızılay. Children benefitting from the Child Protection Centre live with their families. There, they benefit from a range of activities for children aged 6-18, including drama and music lessons and Turkish language courses. Activities, workshops, seminars and trainings are organized under various

⁹⁹³ Information provided by a lawyer of the Ankara Bar Association, March 2019.

⁹⁹⁴ Article 30(3) TPR, as inserted by Regulation 2018/11208. The previous provision in Article 23(4) TPR has been repealed by the amendment.

⁹⁹⁵ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

topics to provide psychosocial support with the children in the Child Friendly Space and Youth Friendly Space for 6-18 age group. The meals from Turkish Red Crescent Ankara Branch Soup Kitchen are served to children twice a day. There is also shuttle service for children coming to the centre. As of January 2020, 47,769 children have benefitted from the centre's services.⁹⁹⁶

According to a March 2018 report of the Grand National Assembly, a total of 53,253 children living outside camps have lost one parent, while 3,969 children in camps have lost their father, 390 have lost their mother and 290 have lost both.⁹⁹⁷

The psychosocial well-being of Syrian children in Turkey has been visibly impacted from the traumatic effects of war and flight, as well as deprivation, lack of opportunities for social interaction, and limited access to basic services. According to a European Commission report, citing figures by the government, an estimated 25% of Syrian children suffer from sleeping disorders.⁹⁹⁸ The University of Marmara has noted that six out of ten Syrian refugee children suffer from mental health conditions such as PTSD and depression.⁹⁹⁹

2. Women and girls under temporary protection

2.1. Protection from domestic violence

As regards the protection of women, Article 48 TPR refers to Turkey's Law No 6284 on Protection of the Family and Prevention of Violence, and the Implementing Regulation of this law, which provides a series of preventive and protection measures for women who are either victim or at risk of violence.

These guarantees are particularly important in light of the persisting risks of gender-based violence or even death generally affecting women in Turkey.¹⁰⁰⁰ As highlighted by a June 2018 study, given the crowded living conditions in which women find themselves in urban areas (see [Housing](#)), "the risks for gender-based violence, sexual abuse of girls and child marriage in crowded arrangements are high and hard to address."¹⁰⁰¹ Incidents of such violence include the rape of a pregnant Syrian woman in 2017, who was subsequently murdered with her 10-month-old baby in the province of **Sakarya**.¹⁰⁰² In 2018, a Syrian woman was killed by her uncle in **Bursa**.¹⁰⁰³ In 2020 two of the attackers were sentenced to 4 years 7

⁹⁹⁶ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020, 10.

⁹⁹⁷ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁹⁹⁸ European Commission, *Education and Protection Programme for Vulnerable Syrian and Host Community School-aged Children, in Lebanon, Jordan and Turkey*, Ares(2017)3292256, 30 June 2017, available at: <http://bit.ly/2BMs0SK>, 4.

⁹⁹⁹ Diken, 'Araştırma: Türkiye'deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var', 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

¹⁰⁰⁰ For 2017 figures on killings and sexual abuse, see Hürriyet, '409 women killed, 387 children sexually abused in Turkey: 2017 Report', 2 January 2018, available at: <http://bit.ly/2YHgC6>. See also Observatory for Human Rights and Forced Migrants in Turkey, *A Year of Impunity: A one year visual database of migration-related human rights abuses*, July 2017, 14.

¹⁰⁰¹ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 26.

¹⁰⁰² Hürriyet, 'Pregnant Syrian woman raped, killed with baby in Turkey's northwest', 7 July 2017, available at: <http://bit.ly/2z3hUaE>. See also Refugee News Turkey, 'Turkey jails two for life over murder of a female Syrian refugee and her baby', 16 January 2018, available at: <http://bit.ly/2mS4jzV>.

¹⁰⁰³ Cumhuriyet, 'Bursa'da vahşet: 18 yaşındaki Dima'nın cesedi bulunduğu kucığında bebeği vardı', 20 June 2018, available in Turkish at: <https://bit.ly/2Fohm4e>.

months and 3 years and 20 days imprisonment.¹⁰⁰⁴ In early 2020, there was also a case of a mother and daughter in a refugee camp who were allegedly forced into sex work to meet their basic needs.¹⁰⁰⁵

Women subjected to or at risk of domestic violence or sexual or gender-based violence by people other than family members must be protected by the competent state authorities. When a woman contacts the police or any other state institution or a third party informs the authorities, depending on the case, either preventive or protective measures should be taken. Temporary protection beneficiary women can also benefit from these measures.

On the basis of a referral from either the police, women can be referred to Centres for the Elimination and Monitoring of Violence (*Şiddet Önleme ve İzleme Merkezi, ŞÖNİM*), which then refer them to women shelters (*kadın konukevi*) run by the Ministry of Family and Social Services, municipalities or NGOs in accordance with available capacity.

The problem, however, is that the overall number and capacity of women's shelters in Turkey falls very short of the need (see [International Protection: Special Reception Needs](#)). According to experts, the number of centres should be around 8,000 to cater for existing needs.¹⁰⁰⁶ Since women's shelters are meant to accommodate both Turkish and foreign nationals in the locality, temporary protection and international protection beneficiary women are also affected by the capacity problems.¹⁰⁰⁷ The need for women's shelters in regions such as **Gaziantep**, **Adana**, **Şanlıurfa** is pressing.¹⁰⁰⁸

Another related practical limitation is that, although the law clearly provides that both women at risk of violence and women who have actually been subjected to violence should be able to access shelters, in practice due to capacity problems only women who have actually been subjected to violence are offered access to existing shelters. In most cases, shelters also inquire into the women's claim to ascertain that violence is "certain" and request evidence such as an assault report or a criminal investigation, although practice is not uniform across the country. Shelters in **Gaziantep** request medical reports and ask women whether they have filed a report with the police, whereas in **Osmaniye** they do not.¹⁰⁰⁹ For foreign women to access women's shelters in **Ankara** managers request a medical report evidencing the physical violence and a written criminal complaint.¹⁰¹⁰

As a rule, women placed in shelters can stay in the facility up to 6 months. This period can be extended on exceptional basis. Victims of trafficking are invited to leave the country within one month (see [International Protection: Special Reception Needs](#)).¹⁰¹¹

The Women Shelters Regulation issued in 2013 also clearly indicates that for a woman to be admitted to a shelter, she is not required to provide a valid identity document. However, a Temporary Protection Identification Document is required of women seeking to be admitted to shelters in practice. In 2019 some women's shelters in **Istanbul** required registration in the city and an identity number to accept applicants.¹⁰¹²

¹⁰⁰⁴ Evrensel, 'Suriyeli Mülteci kadının öldürülmesinde sanıklara ceza yağdı' (Suspects punished for killing Syrian refugee women), 8 January 2020, available in Turkish at: <http://bit.ly/39YetVU>.

¹⁰⁰⁵ See KPSSCafe news, 'Mülteci kampında cinsel istismar rezaleti' (Sexual Abuse in Refugee Camp), from 20 January 2020, available in Turkish here: <http://bit.ly/38SIZiF>.

¹⁰⁰⁶ Gazete Duvar, 'Türkiye'de 137 sığınma evi var, en az 8 bin olmalı', 29 November 2017, available in Turkish at: <https://bit.ly/2GgWH5D>.

¹⁰⁰⁷ Information provided by a stakeholder, February 2018.

¹⁰⁰⁸ Information provided by a stakeholder, February 2019.

¹⁰⁰⁹ Information provided by a stakeholder, February 2019.

¹⁰¹⁰ Information provided by a stakeholder in Ankara, February 2020.

¹⁰¹¹ Information provided by the Women's Solidarity Foundation, February 2019.

¹⁰¹² Information provided by a stakeholder in Istanbul, March 2020.

In urgent cases, women who are not accommodated in women's shelters may also stay at "mercy houses" run by municipalities for 2-3 days. Apart from Istanbul, above, these houses are run by the municipalities of Altındağ, Yenimahalle, Ulus and the Central Municipality in **Ankara**, for example.

In **Istanbul**, women who could not access registration and could not obtain a permit to travel could not access protection mechanisms in 2020. NGO activities were also limited. Accessing women shelters is also problematic and the case of woman being rejected by the shelter administration despite being a victim of violence was also reported. She was able to get shelter in a Şefkat-Der (Mercy House) and stayed there for a while, in poor conditions however.¹⁰¹³

The number of beds in shelters decreased in 2020 due to Covid-19 measures and only very serious cases were accepted. NGOs often have to try to 'convince' police officers in police stations that a woman has been subject to violence. The process at police stations takes a long time, i.e. at least half a day. Conditions in shelters are restrictive and many migrant women leave after 2-3 days due to discrimination and psychological violence from Turkish women. LGBTI+ women are automatically excluded from these shelters.¹⁰¹⁴

In the **Marmara** region, shelters look for the presence of a criminal complaint lodged before the prosecutor's office. There are women who had to come from another city without a travel permit and in these cases, there is an additional fear of going to the police due to the fear of deportation. Also, shelters do not want to accept women coming from other cities and tend to transfer these women to other shelters in other cities. In some cases, women were transferred to removal centres for accommodation purposes.¹⁰¹⁵

In 2021, the **Adana** Family Court decided to apply electronic handcuffing for a Syrian man who had committed domestic violence against his wife. The electronic handcuffing is a pilot project ongoing in 15 cities in Turkey.¹⁰¹⁶

Practice indicates persisting obstacles to effective protection of women from domestic violence. In **Muğla**, for instance, where child marriages remain very frequent among Syrians, women and girls face an array of difficulties, ranging from delays of up to one day in police stations, to the regular tendency of authorities to bring the perpetrator to the police station against the will of the victim for the purposes of reconciliation. Women are placed in shelters only if they refuse such reconciliation.¹⁰¹⁷ According to organisations assisting refugee women and girls, there is limited awareness and involvement in these cases on the part of the Muğla Bar Association.¹⁰¹⁸

Syrian women living in **Ankara** subject to violence have faced difficulties in going alone to hospital or to the PDMM. They often do not know how to read or men do not allow them to go out alone. In **Ankara**, Diskapi and Ulus State hospitals are not well equipped in terms of translators although NGOs try to help Syrian women in this process.

The Women's Solidarity Foundation published a report on social, psychological, and legal support for Syrian women living in Ankara between 1 July 2019 and 24 February 2020. One of the biggest shortcomings for Syrian women was the lack of translators and interpreters in public institutions. This challenge does not just

¹⁰¹³ Information provided by a stakeholder, March 2021.

¹⁰¹⁴ Information provided by a stakeholder, March 2021.

¹⁰¹⁵ Information provided by a stakeholder, March 2021.

¹⁰¹⁶ Information provided by a stakeholder, March 2021.

¹⁰¹⁷ Information provided by a stakeholder, December 2017.

¹⁰¹⁸ *Ibid.*

impede accessing state support but in some cases causes irremediable damages. Complicated bureaucracy in public institutions such as courthouses is also frequently encountered.¹⁰¹⁹

In one case, a Syrian woman who sought to obtain a restraining order against her ex-husband was taken to the police centre without being provided any information. She reported that after a long wait for a translator, she was exposed to ill-treatment by the translator in the police station. In another case, a Syrian woman spoke of going to the police station to file a domestic violence complaint against her husband. Police officers reportedly threatened her, saying: “*You are not legally married, no measures will be taken even if you file a complaint against him. If you come to the police station one more time for the same purpose, you will be deported*”.¹⁰²⁰

Victims of human trafficking and violence who approached to NGOs to get support, reported that some NGOs do not carefully examine their case. A Syrian woman said that she was forced to tell her traumatizing story more than once to an NGO but the NGO did not get in touch with her about her counseling needs.¹⁰²¹

Discriminatory behavior is common among public officers working at courthouses. Alongside open hate speech, public officers can display other forms of discrimination against refugees, such as not properly informing them or slowing down the judicial process. For example, in one case officers at the legal aid office persistently refused to print a copy of a Syrian woman’s ID even though there was a printer available in the office.¹⁰²²

Access to justice in the courts is further complicated due to language barriers. Women receive notifications from the courts in Turkish not in Arabic including in SMS messages. Syrian women’s cases can be rejected due to a lack of translators in the courts or a lack of knowledge on the part of the legal aid staff. In the past, the Gelincik Centre from the Ankara Bar Association provided specialist services to Syrian women victims of violence but now this service is provided by the legal aid office which has no specific experience in dealing with these issues.

Court orders on suspension in case of domestic violence are given however they are not very effective since the perpetrators and victims live either in the same household or same quarter. Violence by the Turkish police or on the migration route is prevalent but not visible at all. Syrian women cannot talk about this type of sexual harassment and violence.¹⁰²³

UNHCR launched a gender-based violence awareness-raising and mass information campaign as an inter-agency effort in 2020. It focused on the development of gender-based violence and mental health and psychosocial support messages targeting refugee committees, including community engagement and feedback.¹⁰²⁴

2.2. Polygamous and arranged marriages

In addition to violence, protection of women and girls below 18 involved in arranged marriages and unofficial polygamous marriages – including “second wives” and girls sold into marriage by their families – is another important and persisting concern.¹⁰²⁵ While both practices are criminalised under Turkish law, polygamous

¹⁰¹⁹ Kadın Dayanışma Vakfı - *Suriyeli Kadınlarla Çalışma Deneyimi*, 2020, available at: <https://bit.ly/3s2L8BW>, 9.

¹⁰²⁰ Ibid. p. 19.

¹⁰²¹ Ibid. p. 20.

¹⁰²² Work Experience with Syrian Women, 24.

¹⁰²³ Information provided by the Esra Khashram, Foundation for Women’s Solidarity (KADAV), February 2020.

¹⁰²⁴ UNHCR Turkey, *2020 Operational Highlights*, available at: <https://bit.ly/3esx9AE>.

¹⁰²⁵ See Deutsche Welle, ‘Kadınlar ikinci eş bulma sitelerine karşı isyanda’, 21 December 2017, available in Turkish at: <http://bit.ly/2CF5Q5b>. See also Red Umbrella Sexual Health and Human Rights Association, *Syrians under “temporary protection” in Turkey and sex work*, 2017, 103.

marriages are legally recognised in Syria and women are not always aware of the differences between the two countries' legal framework and their rights therein. These problems have also led to an increase in early divorce rates among girls below 18,¹⁰²⁶ as well as a rising number of children abandoned by their mothers due to marriage to Turkish men.¹⁰²⁷

Despite criminalisation in Turkish law, in practice temporary protection beneficiaries have limited opportunities to claim the relevant legal safeguards and protection measures for lack of sufficient public information and crucially very short supply of counselling and legal assistance services available to refugee women. In addition, public authorities such as health care institutions often refrain from discharging their legal obligation to inform the police of child marriage cases when treating child brides and mothers.¹⁰²⁸ Where they do inform the authorities, police officers may refrain from investigating the cases.¹⁰²⁹

Statistics on such reports are not available countrywide.

Initiatives such as the Child Protection Centre run by Türk Kızılay in Altındağ, **Ankara** offer information to women on early pregnancy, child marriage, sexual harassment, reproductive rights and contraception. SGDD-ASAM also runs Women's Health and Counselling Centres in a number of provinces including **Mersin**, providing language courses and health care among other services.¹⁰³⁰ Bodrum Women's Solidarity Association provides trainings and workshops on sexual health, hygiene along with legal counselling and social cohesion activities.¹⁰³¹

CARE Turkey provides critical early and forced marriage information to Syrian and Turkish community members in **Gaziantep**, **Kilis** and **Şanlıurfa** through community events, one on one legal counselling and empowering girls under threat of early marriage to access legal remedies in coordination with Turkish authorities. Through a rights-based approach, CARE trains Syrian community members on key protection messages, including early marriage, which are disseminated through an innovative peer to peer approach and CARE's community-based Information Protection Spaces.¹⁰³²

In addition, polygamous marriages have an impact on refugees' access to certain rights such as **Social Welfare**. The assistance granted under the ESSN, for instance, is only provided to one wife and her registered per household.¹⁰³³

Finally, the issue of arranged marriages is not confined to women in Turkey. Reports have also documented cases of refugee men sold into marriage.¹⁰³⁴

2.3. The situation of sex workers

¹⁰²⁶ Information provided by an NGO, February 2019.

¹⁰²⁷ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

¹⁰²⁸ See IPA news, "Shock figures reveal extent of underage pregnancy among Syrian refugees", 3 September 2019, on the situation in **Antalya**, available at: <https://bit.ly/2UsRtt7>; Sputnik News, "İstanbul'da bir hastaneye çoğu Suriyeli 392 hamile çocuk getirildi, savcılık 59 doktor hakkında soruşturma başlattı", 15 July 2018, available in Turkish at: <https://bit.ly/2TZkuwU>, referring to 392 Turkish and Syrian pregnant girls who were not reported in Bağcılar State Hospital in Istanbul; Heinrich Böll Foundation, 'High underage pregnancy rates among refugee children rattle Turkey', 29 January 2018, available at: <http://bit.ly/2BM185I>, referring to at least 5 Syrians.

¹⁰²⁹ Information provided by a stakeholder, December 2017.

¹⁰³⁰ Information provided by SGDD-ASAM, February 2018.

¹⁰³¹ Information provided by Bodrum Women's Solidarity Association, March 2019.

¹⁰³² Information provided by CARE Turkey, February 2019.

¹⁰³³ Information provided by a stakeholder, February 2019.

¹⁰³⁴ News Deeply, "I Was Something She Bought": Syrian Men Marry To Survive', 21 February 2018, available at: <http://bit.ly/2sPp58E>.

Specific groups such as sex workers are in a particularly vulnerable position due to the frequent interpretation of sex work as conduct threatening public order or public health in Turkey.¹⁰³⁵

3. Torture survivors under temporary protection

Both LFIP and TPR identify “torture survivors” among persons with special needs. Torture survivors, like all other temporary protection beneficiaries, have access to a range of healthcare services in public hospitals, including psychiatric assistance. There are also a small number of NGOs that specialise in treatment and rehabilitation services to torture survivors.

4. LGBTI persons under temporary protection

Persons belonging to lesbian, gay, bisexual, transgender and intersex populations are not defined by the TPR as a category of “persons with special needs”. The lack of a gender-sensitive registration procedure under TPR has an impact on their ability to disclose their sexual orientation or gender identity or being registered as persons with special needs.¹⁰³⁶

LGBT refugees feel unsafe and vulnerable due to a climate of widespread discrimination, although they generally perceive Turkish host communities to be more tolerant than Syrian communities.¹⁰³⁷ They are also targeted by hate crime and violence. On 25 July 2016, a Syrian man in **Istanbul** was reportedly kidnapped by a group of men, repeatedly raped and beaten before being murdered.¹⁰³⁸ A man was sentenced to 15 years imprisonment after unjust provocation and good conduct abatements.¹⁰³⁹

Syrian trans women, including trans sex workers, are faced with discriminatory – in some cases violent – treatment in their contacts with authorities, ranging from dealings with police authorities, to registration with DGMM, or to accessing health care services or housing.¹⁰⁴⁰ In one hate crime incident reported on 17 December 2016 in **Istanbul**, a trans woman sex worker was murdered by a person posing as a client.¹⁰⁴¹ Another trans woman from Syria was found dead in her hotel room in Beyoglu, Istanbul, on March 9, 2018.¹⁰⁴² In Yalova, a refugee trans woman, Ayda, was attacked by a large group of men in her neighbourhood on 30 May 2018.¹⁰⁴³

Sexual orientation is also a factor hindering people’s access to housing, as temporary protection beneficiaries living in crowded apartments with other Syrian nationals are often forced to leave or to consent to sexual abuse when their sexual orientation is revealed.¹⁰⁴⁴ In other cases, discrimination coming from

¹⁰³⁵ Red Umbrella Sexual Health and Human Rights Association, *Syrians under “temporary protection” in Turkey and sex work*, 2017, 53-54. The report draws on interviews with 26 Syrian sex workers, as well as a range of authorities and civil society organisations.

¹⁰³⁶ Zeynep Kivilcim, ‘LGBT Syrian refugees in Turkey’, 2016, 31.

¹⁰³⁷ *Ibid*, 32-33.

¹⁰³⁸ Kaos GL, ‘İstanbul’da Suriyeli eşcinsel mülteci öldürüldü’, 3 August 2016, available in Turkish at: <http://bit.ly/2BiCwKf>.

¹⁰³⁹ Kaos GL, ‘Wisam Sankari’nin katiline haksız tahrik’ indirimi!’, 5 October 2017, available in Turkish at: <https://bit.ly/3bvx1gl>.

¹⁰⁴⁰ Red Umbrella Sexual Health and Human Rights Association, *Syrians under “temporary protection” in Turkey and sex work*, 2017, 88-89, 97.

¹⁰⁴¹ Kaos GL, ‘Suriyeli trans kadın İstanbul’da öldürüldü’, 20 December 2016, available in Turkish at: <http://bit.ly/2CdWsCq>.

¹⁰⁴² Kaos GL, ‘Human Rights of LGBTI People in Turkey 2018’, at: <http://bit.ly/2IPQ5Ko>.

¹⁰⁴³ *Ibid*.

¹⁰⁴⁴ Zeynep Kivilcim, ‘LGBT Syrian refugees in Turkey’, 2016, 34.

family members or local communities pushes trans persons to move to larger cities in Turkey.¹⁰⁴⁵ Even in large cities such as **Istanbul**, however, LGBT persons face barriers in terms of access to health care and many report being unable to approach official health care institutions, but rather refer to UNHCR implementing partners.¹⁰⁴⁶ Their access to health care, including in Migrant Health Centres (see **Health Care**) is hindered by high levels of discrimination.¹⁰⁴⁷ Trans refugee women often cannot access essential health treatment. Their personal data is not properly protected and they can be subject to non-consensual HIV tests.¹⁰⁴⁸

The **Hatay** Bar Association supported the case of a trans woman living in a Temporary Accommodation Centre to access gender reassignment surgery and change of gender at a state hospital.¹⁰⁴⁹

5. Ethnic minorities under temporary protection

The number of members of ethnic minorities, such as Roma, Dom and Lom groups from Syria are not known for certain but in 2018 it was around 20,000 in the provinces of **Gaziantep** and **Şanlıurfa**.¹⁰⁵⁰ In **Gaziantep**, these groups generally live in rural areas, work in seasonal agricultural work and refrain from registering out of fear of being discriminated by the public authorities.¹⁰⁵¹ In the **Sirinevler** district of Gaziantep 70% of the population is Dom. In 2019 the Dom population in **Antep** decreased by around 10,000 as people migrated to big cities like Istanbul or Ankara because of discrimination. Young Dom women and men started to work in **Istanbul** especially in the textile sector in small enterprises. Others are employed in the seasonal agriculture sector in the region as well as in Central Anatolian provinces such as **Konya**, **Eskişehir** or **Aksaray**. The daily wage is more or less the same as their Turkish counterparts now although they still face exploitation. In Gaziantep, there is a huge industrial area in the Unaldi district where many Syrians including Doms, are employed without a work permit. In rural areas, families generally live together. However, in big cities, they prefer not to be visible and live separated from each other.

These groups are under temporary protection, however they generally have old versions of identity documents such as “guest” cards and YKN cards starting with the digit “98” (see **Temporary Protection Identification Document**). One reason for this is the fear of being discriminated in PDMM. They do not comply with their duties of reporting due to perceived and actual institutional discrimination and so have major difficulties in accessing basic services. While improvements with regard to raising awareness were noted in 2019, there is still no standardised practice towards the Dom community. From 2019 travel documents were issued online which makes it difficult for Dom communities to access.

The Dom community was badly affected by the Istanbul operation in July 2019 with some families being deported to the safe zone (Bab area). Some families returned to **Antep** but the temporary protection of those who signed voluntary return forms was not reactivated when they came back and was eventually cancelled. This group is very frightened of deportation and so do not report any violations that occur.

Access to health is still quite problematic for the Dom community due to discrimination so they prefer going to the Migrant Health Centre funded by UNCHR with Syrian doctors. The Syrian doctors working in these centres earn less than their Turkish colleagues and the quality of the service can be low.

¹⁰⁴⁵ *Ibid*, 95-96. See also RFI, ‘Life as a transgender refugee in Turkey’, 10 June 2016, available at: <http://bit.ly/2j1jh4c>.

¹⁰⁴⁶ Zeynep Kivilcim, ‘LGBT Syrian refugees in Turkey’, 2016, 34.

¹⁰⁴⁷ Information provided by a stakeholder, February 2019.

¹⁰⁴⁸ GAR (Association for Migration Research), *Barriers to and Facilitators of Migrant Communities’ Access to Health Care in Istanbul*, September 2020, available at: <https://bit.ly/3wk4nu6>.

¹⁰⁴⁹ Information provided by the Antakya Bar Association, February 2018.

¹⁰⁵⁰ Information provided by a stakeholder, February 2019.

¹⁰⁵¹ Information provided by a stakeholder, February 2018.

Dom groups traditionally did not get married but they are starting to in order to access social benefits as this is one of the requirements. Women have also begun to be more conscious about their civil rights. The Kirkayak Cultural Centre helps Dom communities access services and rights such as registering newborn babies. In 2019 they assessed the educational needs of Dom students and launched a project to attract more students to education as well as to provide training on anti-discrimination and bullying.¹⁰⁵² In **Nizip** (Antep) there is a small Dom community with a school just next to their camp. Children from the Dom community were not attending the school but through the Centre's efforts two children are now attending.

Dom children were affected by the COVID-19 pandemic as schools were closed in Turkey for the majority of age groups and for the majority of the year. Remote education was not accessible for this group. Projects such as PIKTES (Project on Promoting Integration of Syrian Kids into the Turkish Education System) can be beneficial for those who live in the city and have a regular life routine but not those who live nomadically or whose families are seasonal agricultural workers.¹⁰⁵³

¹⁰⁵² Information provided by a stakeholder, Gaziantep, February 2020.

¹⁰⁵³ Information provided by a stakeholder, March 2021.