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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 2019 update of the report draws on desk research, field visits and information collected from civil society organisations, academia, and legal practitioners in Istanbul, Izmir, Ankara, Hatay, Gaziantep, Şanlıurfa and Van. 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 2019, 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, United Kingdom) 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 Turkish 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: 2019

Total	56,417
Afghanistan	35,042
Iraq	15,532
Iran	3,558
Others	2,285

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

Registered temporary protection beneficiaries: 5 March 2020

	Beneficiaries	Percentage
Total number	3,589,289	-
Outside Temporary Accommodation Centres	3,525,245	98%
In Temporary Accommodation Centres	64,044	2%

Breakdown per fifteen main provinces: 5 March 2020

Province	Registered Syrian refugees	Total population in Province	Share of total
Istanbul	494,634	15,067,724	3.28%
Gaziantep	452,361	2,028,563	22.3%
Hatay	440,469	1,609,856	27.36%
Şanlıurfa	424,596	2,035,809	20.86%
Adana	246,043	2,220,125	11.08%
Mersin	208,425	1,814,468	11.49%
Bursa	175,308	2,994,521	5.85%
Izmir	146,435	4,320,519	3.39%
Kilis	115,113	142,541	80.76%
Konya	113,250	2,205,609	5.13%
Ankara	95,998	5,503,985	1.74%
Kahramanmaraş	92,383	1,144,851	8.07%
Mardin	85,517	829,195	10.55%
Kayseri	75,512	1,389,680	5.43%
Kocaeli	55,003	1,906,391	2.89%

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/2EgekOa (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 <i>Amended by:</i> Regulation 2016/8722, 5 April 2016 <i>Amended by:</i> Regulation 2018/11208, 16 March 2018 <i>Amended by:</i> Regulation 2019/1851, 25 December 2019	Geçici Koruma Yönetmeliği 2014/6883, 22 ekim 2014 Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 nisan 2016 Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 mart 2018 Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2019/1851, 25 aralık 2019	TPR	http://bit.ly/1He6wvI (TR) http://bit.ly/1JiGVSI (EN) http://bit.ly/209ErLI (TR) https://bit.ly/2GynE4b (TR) https://bit.ly/2WPem1w (TR)
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 Başvuru 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	YUKK 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 Policies 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/2Uj8IO0 (TR)
Ministry of Family and Social Policies Directive No 152065 on Unaccompanied Children, 20 October 2015	Refakatsiz Çocuklar Yönergesi, 20 ekim 2015		https://bit.ly/2pKR7xh (TR)

Overview of main changes since the previous report update

The report was previously updated in **March 2019**.

Covid 19 related measures

Please note that this report has largely been written prior to the outbreak of COVID-19. Subsequently measures have been taken to ensure emergency health care is available and inform people about the pandemic and how to stay healthy, particularly where there is a high concentration of people living together. These measures do not figure in this AIDA report. This box presents some of the main measures, as being applied as from April 2020:

- ❖ All resettlement from Turkey was suspended in early 2020, including Germany's and Turkey's bilateral agreement on the readmission of refugees, due to the Coronavirus. This means that due to travel restrictions departure for resettlement has been postponed. UNHCR resettlement interviews were also postponed as of time of writing. UNHCR is trying to keep up other services including using digital means where possible.¹
- ❖ Some of the appointments for residence permits in Istanbul and Ankara have been rescheduled for later in the year.²
- ❖ The Ministry of Family, Labour and Social Services sent instructions to the 81 provincial directorates that documents for Disabled People who receive Disability Benefits and Benefits from Home Care Assistance that expired on 1 January 2020 would be valid until the end of May.³
- ❖ While health insurance will not be automatically reactivated for those who do not have any, due to the current situation, emergency health services related to COVID-19 should be accessible for Turkish and foreign nationals regardless of the health insurance situation.
- ❖ Presidential Decision number 2399 from 13 April 2020 guarantees that everyone, regardless of whether they have social security or insurance, can access personal protective materials, diagnostic tests and drug treatment 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 hospitalisation is covered.⁴
- ❖ Information resources on Coronavirus such as how to look after your health, government measures on curfews and travel restrictions, and how to access government assistance, are available in Turkish, Arabic, English, Farsi, for example by SGDD-ASAM.⁵

¹ See UNHCR Turkey, help section on the Coronavirus measures in Turkey, available at: <https://bit.ly/2RCEbsa>.

² See DGMM announcements: <https://bit.ly/3cvMxcK>.

³ See UNHCR Turkey, help section on the Coronavirus measures in Turkey, available at: <https://bit.ly/2RCEbsa>.

⁴ Public Health Professionals Association, Pandemi Sürecinde Göçmenler ve Mültecilerle İlgili Durum, 15 April 2020, available in Turkish at: <https://bit.ly/34MbXjI>.

⁵ Available at: <https://bit.ly/2wDx2jQ>.

- ❖ There have been measures taken to ensure social distancing in areas where large numbers of people are living together, for example, in the Osmaniye camp for Syrian refugees and in accommodation for agricultural workers, that often include refugees.⁶
- ❖ Izmir Bar Association released a report on COVID-19 that 19 of those held in Harmandalı Removal Centre had tested positive. Those who fall sick are not isolated and live in over-crowded rooms. There is also a lack of hygiene equipment.⁷
- ❖ On March 27, Turkey's interior ministry announced that Turkey had removed all the remaining migrants away from the Turkish-Greek border, as a precaution amid the coronavirus pandemic.⁸

General context

2019 could be seen as the year of social cohesion and return in Turkey with time and resources invested by the authorities in both areas.

Several stakeholders noted a change more generally in the way the authorities work. The system became more centralised and closer attention was paid to national security issues. This in turn affected how much the authorities interacted with NGOs, meaning less cooperation.

Operations by the authorities starting in July 2019 to apprehend irregular migrants and Syrians who were not registered in Istanbul, considerably increased detention. There was a ripple effect across Turkey as those apprehended were sent to removal centres and temporary accommodation centres in different cities with reports of increases in deportations, cancellations of temporary protection and pressure on the registration process for new applicants. There were also concerns of enforced returns to Syria, including of the Dom population, a minority that can face discrimination from public authorities in Turkey.

The European Union (EU) continued to provide funding and support to the Turkish authorities through the EU-Turkey statement in 2019. The Facility for Refugees in Turkey provides humanitarian assistance coordinated by the European Civil Protection and Humanitarian AID operations (ECHO) including considerable sums for education. The Instrument for Pre-Accession supports the Turkish government to increase capacity and skills, including on the registration process and applications for international protection, with additional support from the European Asylum Support Office (EASO) and individual Member States. The EU also provides significant funding for detention in Turkey funding the construction of 6 detention centres (Izmir, Kırklareli, Van, Ezurum and Gaziantep) with six more centres to be co-financed in Balıkesir, Adana, Kütahya, Niğde, Şanlıurfa and Malatya.⁹

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 including citizens of Pakistan, Syria, Algeria, Afghanistan, Iraq and Bangladesh.¹⁰ As of March 2020, 26,135 Syrians had been resettled (since 2016) to the EU under the 1:1 scheme.¹¹

⁶ Public Health Professionals Association, Pandemi Sürecinde Göçmenler ve Mültecilerle İlgili Durum, 15 April 2020, available in Turkish at: <https://bit.ly/34MbXjI>.

⁷ Izmir Bar Association, Izmir Harmandalı Geri Gönderme Merkezi Korona Pandemisi Raporu, 19 April 2020, available in Turkish at: <https://bit.ly/3eC3G6s>.

⁸ AP, 'Turkey moves migrants from Greek border amid virus pandemic', 27 March 2020, available at: <https://bit.ly/3bhU3YQ>.

⁹ See the EU Delegation in Turkey: <https://www.avrupa.info.tr/en>.

¹⁰ UNHCR, *Returns from Greece to Turkey*, 31 January 2020, available at: <http://bit.ly/38XgArl>.

¹¹ See DGMM, Temporary protection: <http://bit.ly/1Np6Zdd>.

The bigger political picture saw Turkey pushing for a 'safe zone' in northeastern 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 inhumane conditions at the Greek-Turkish border.¹²

International protection

International protection procedure

- ❖ **Reform of the Law on Foreigners and International Protection (LFIP):** There was a major amendment to the LFIP in 2019.¹³ This affected provisions on cessation, documentation, the international protection procedure, reception conditions, access to health care and return.
- ❖ **Registration:** Since 2018 applications for international protection have been registered by the Provincial Directorate for Migration Management (PDMM) in all 81 provinces. Since the takeover of the process by DGMM and the termination of UNHCR's registration activities, there have been severe obstacles to accessing the international protection procedure particularly for Afghan nationals,¹⁴ which continued in 2019. It is often unclear which "satellite city" is open to applications and applicants still have problems having to travel to the assigned province without being provided documentation to attest their intention to seek international protection, thus facing risks of arrest and detention. The number of unregistered irregular migrants grew.
- ❖ **Quality of the first-instance procedure:** 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 throughout the year. Quality gaps at first instance have also been identified by Administrative Courts in certain cases.
- ❖ **Access to information:** Several developments have been reported with regard to access to information in 2019. This included *inter alia* the distribution of over 280,000 information leaflets and 10,000 posters on legal aid and international protection procedures in seven languages as well as the possibility to obtain information through hotline services, such as DGMM's Foreigners Communication Centre (*Yabancı İletişim Merkezi, YİMER*) which was contacted 490,630 times in 2019; as well as UNHCR's Counselling lines for refugees and asylum seekers, which answered 110,463 unique calls from 1 July to 31 December 2019.
- ❖ **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

¹² ECRE, *Statement on the situation on the Greek Turkish border*, 3 March 2020, available at: <https://bit.ly/2QVyzJ2>.

¹³ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>. Also see: Mülteci-Der, *Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Turkey*, 4 January 2019, available in Turkish at: <https://bit.ly/2Jx4lrV>; ECRE/AIDA, 'Turkey: Proposed Reform of the Law on Foreigners and International Protection', 25 November 2019, available at: <http://bit.ly/3d4mdrm>.

¹⁴ Afghans can often be seen as irregular migrants. See for example, DGMM 'Our General Director Made Statements Regarding the Agenda in the Interview He Gave to the Anatolian News Agency' 1 April 2020, where the General Director discusses how irregular migrants mainly come from Afghanistan and Pakistan, available at: <https://bit.ly/3cylsWK>.

women's rights. There are now three Refugee Law Clinics in Şanlıurfa, Gaziantep and Hatay that provided legal assistance to more than 2,700 refugees and asylum seekers in 2019.¹⁵

- ❖ **Protection from refoulement:** In 2018 the Constitutional Court launched a pilot procedure to examine whether high numbers of requests for interim measures stemmed from a structural problem to protection from *refoulement*. It published its decision in July 2019,¹⁶ ruling that appeals against removal should have automatic suspensive effect. This has led to a legal amendment of Articles 53(3) and 54(1) LFIP and appeals now often stop deportations, thus strengthening the rights to prevent refoulement.¹⁷

Reception conditions

- ❖ **Social cohesion:** DGMM issued a new strategy, the Cohesion Strategy and National Action Plan. According to the strategy, six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labor market and social support.
- ❖ **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 international protection applicants. International protection applicants and status holders must secure their own accommodation by their own means and financial assistance to cover housing expenses is not provided. There is only one remaining Reception and Accommodation Centre in operation in the province of Yozgat with a modest capacity of 100 places.¹⁸ As a result, many applicants are left destitute and homeless, live in poor conditions and are at risk of serious human rights violations.
- ❖ **Health care:** 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 for 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.¹⁹

Detention of asylum seekers

- ❖ **Detention without legal basis:** Intensified police checks and apprehension of persons found outside their assigned "satellite city" have led to an increase in detention in Removal Centres, even though there is no basis in the LFIP for detaining an applicant for violating residence restrictions. Operations by the authorities in Istanbul starting in July 2019 increased the unlawful detention of unregistered Syrians and non-Syrians. According to Istanbul PDMM, 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 2019.²⁰
- ❖ **Place of detention:** Detention capacity increased in 2019 with a total of 28 active Removal Centres accommodating 20,000 persons. In times of pressure in 2019 other facilities were used for pre-removal detention due to capacity shortage including police stations and sport venues.

¹⁵ UNHCR, *Turkey Operational Highlights 2019*, 6 March 2020, available at: <http://bit.ly/3d0MsyY>.

¹⁶ Constitutional Court, Decision 2016/22418, 30 May 2019, available in Turkish at: <https://bit.ly/2wHa3Eq>.

¹⁷ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

¹⁸ DGMM, *Removal centres*, available at: <http://bit.ly/2osejRh>.

¹⁹ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

²⁰ Istanbul PDMM statement available in Turkish at: <https://bit.ly/33LBDwB>.

- ❖ **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. However, it is too early to tell how this will affect practice overall.
- ❖ **Appeals against detention orders:** In 2019 lawyers complained of 'systematic' rejections of appeals against detention orders in Antakya and Izmir and widespread rejections in Van.
- ❖ **Access to detention facilities:** Although the situation improved in 2019 there can still be restrictions for lawyers seeking to meet those in detention in Removal Centres in certain detention facilities, for example, Izmir, and for younger or less experienced lawyers.

Content of international protection

- ❖ **Residence permit:** Previously refugees were granted an International Protection Status Holder Identification Document with a validity period of 3 years,²¹ while conditional refugees and beneficiaries of subsidiary protection were issued a document valid for 1 year.²² However, these provisions were amended on 24 December 2019. For those who are granted conditional refugee status, subsidiary protection and international protection status, an identity document including foreign identity number is issued.²³ The duration of validity of these documents, along with the rules on format and content, is to be determined by the Ministry of Interior.

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. unclarity 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:** Many stakeholders have expressed serious concerns on the enforced signing of voluntary return forms in 2019, particularly from detention.²⁴ This included providing wrong and/or misleading information as well as intimidation. Following an important operation that started in mid-July, 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

²¹ Article 83(1) LFIP.

²² Article 83(2) LFIP.

²³ Article 83 as amended by 85 7196 Law, 24 December 2019.

²⁴ 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>.

15 November 2019.²⁵ Several appeals against administrative detention and deportation decisions are now pending before courts in Istanbul.²⁶

- ❖ **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.²⁷ 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

- ❖ **The Temporary Protection Regulation:** This was amended on 25 December 2019. The amendment announced new courses on personal development, social, cultural, professional, technical, artistic and sports for beneficiaries of temporary protection. However, according to the amendment Syrians under temporary protection will now be deported if they do not comply with their notification duty three times consecutively. This leaves refugees with language problems and a lack of legal advice more vulnerable.²⁸
- ❖ **Housing:** The number of temporary accommodation centres (TACS) is steadily reducing. In 2019 a further six TACs closed. A one-off cash relocation assistance package to cover transportation, rent and immediate needs was provided to over 77,800 refugees (15,400 families) choosing to move out of the TACs.²⁹ As of 27 February 2020, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,587,266, of which less than 2% were accommodated in the TACs, whereas 3,523,218 were resident outside the camps. However, many of them face several important issues after having been moved out including social cohesion, language barriers, access to services and housing. This can result in poor living conditions and incidents of tension, discrimination as well as violence with locals.
- ❖ **Access to education:** The authorities, the EU and other stakeholders continued to support large scale efforts to increase access to education, including formal, informal and vocational for beneficiaries of international protection. The number of Temporary Education Centres (*Geçici Eğitim Merkezi*, GEM) continued to drop.

²⁵ Istanbul PDMM statement available in Turkish at: <https://bit.ly/33LBDwB>.

²⁶ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

²⁷ DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.

²⁸ Evrensel, ‘Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya’, 25 December 2019, in Turkish at: <http://bit.ly/2IL7kwp>.

²⁹ UNHCR *Turkey Operational Highlights 2019*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

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, Iran and Somalia, 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 UNHCR, the European acquis in the field of asylum and migration is clearly visible in Turkish asylum legislation thanks to this reform.³⁰ 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 the 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 2018.³¹

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"³² 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 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.
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

³⁰ 11.11.11., 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. (endnote 102).

³¹ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

³² 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.

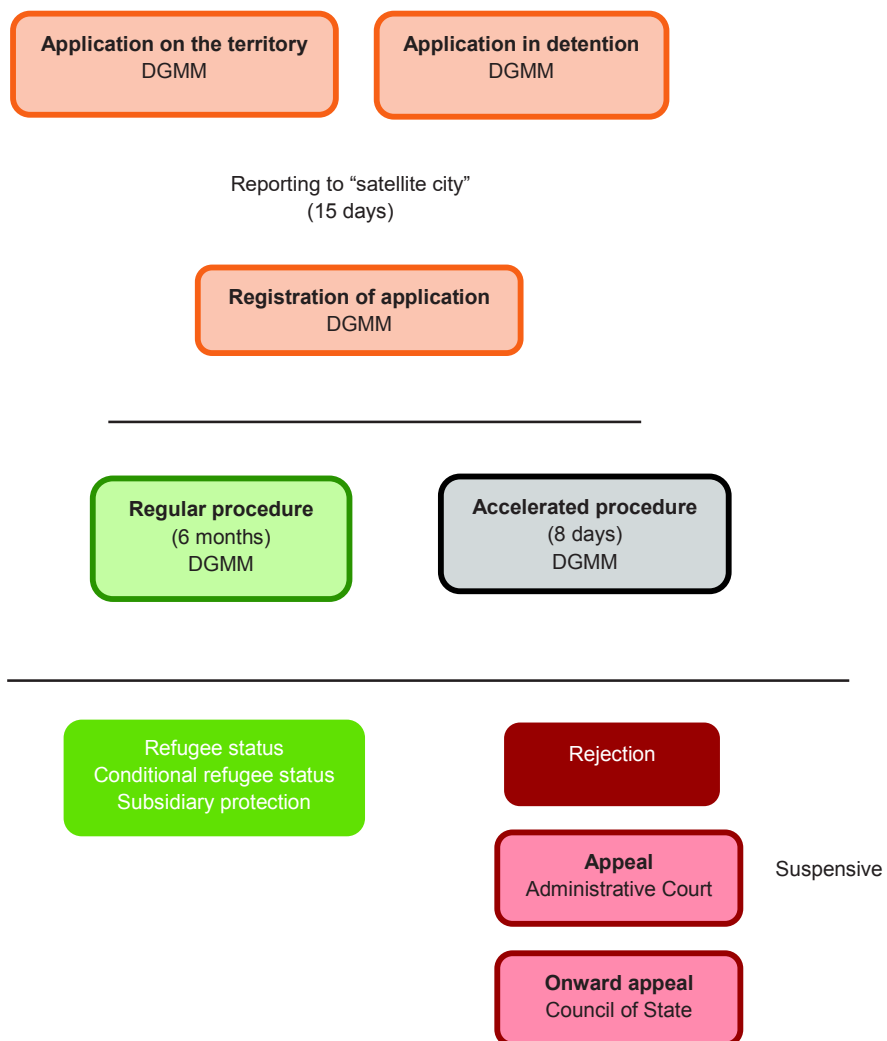


International Protection

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: ³³	☒ Yes	☐ No
▪ Fast-track processing: ³⁴	☐ Yes	☒ No
❖ Dublin procedure:	☐ Yes	☒ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☐ Yes	☒ No
❖ Accelerated procedure: ³⁵	☒ 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	Council of State	Danıştay
Subsequent application	Directorate General for Migration Management (DGMM)	Göç İdaresi Genel Müdürlüğü (GİGM)

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 (*ilçe Göç İdaresi Müdürlüğü*) in 16 provinces, under the responsibility of the respective PDMM.³⁶

³³ For applications likely to be well-founded or made by vulnerable applicants.

³⁴ Accelerating the processing of specific caseloads as part of the regular procedure.

³⁵ Labelled as “accelerated procedure” in national law.

³⁶ 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>.

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.³⁷

UNHCR continues to assist DGMM in building capacity in refugee law and provided training to 368 staff members in 2019.³⁸ 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 2019-2021.³⁹

According to stakeholders, DGMM still has insufficient lawyers to cover the volume of cases which has an impact on its submissions.⁴⁰

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 2019.⁴¹ In its decision, the Court says 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 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 2019⁴². 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'⁴³ (see sections on *Removal and refoulement* and *Cessation of temporary protection*).

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.

³⁷ Articles 158-167 Presidential Decree No 4, 15 July 2018, available in Turkish at: <https://bit.ly/2HHXsnG>.

³⁸ UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

³⁹ EASO - DGMM cooperation, available at: <https://bit.ly/3bCyPED>.

⁴⁰ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁴¹ Constitutional Court, Decision 2016/22418, 30 May 2019, in Turkish at: <http://bit.ly/33ieKk8>.

⁴² 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>.

⁴³ Information provided by a stakeholder, February 2020.

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

1.1. Access at the land border

Turkey has constructed a 144km wall on its Iranian border,⁴⁴ although some stakeholders have questioned its efficacy. In 2019 irregular arrivals were mostly 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, with 201,437 out of a total of 454,662 apprehended persons in 2019 – the highest number since records began.⁴⁵ In the east people continued to arrive on foot or with the assistance of smugglers, following Ministry of Interior instructions to bus companies not to sell tickets to persons who do not hold valid documentation.⁴⁶

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 deportation ("T1") forms.⁴⁷ 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.⁴⁸

In 2019 there were push backs from Greece to Turkey.⁴⁹ Lawyers in **Van** assisted in several cases and highlighted illegalities in the deportation procedures.⁵⁰

⁴⁴ TRT, 'Wall set to improve security along Turkey-Iranian border', 8 November 2018, available at: <https://bit.ly/2C0ppDB>.

⁴⁵ DGMM, *Irregular migration statistics*, available at: <https://bit.ly/2BO8chL>.

⁴⁶ Information provided by a stakeholder in February 2019.

⁴⁷ 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>.

⁴⁸ Information provided by a stakeholder in March 2019.

⁴⁹ See for example the Daily Sabah, 'Turkey calls on Greece to stop illegal 'pushbacks' of migrants', 27 October 2019, at: <https://bit.ly/3bl5Q2p>.

⁵⁰ Information provided by a lawyer from the Van Bar Association, February 2020.

As of November 2019, 23,789 Afghan nationals had reportedly been deported from Turkey.⁵¹

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

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 is much improved.

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.⁵² 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.⁵³ The reform was consolidated by Law No 7070 on 1 February 2018.

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.⁵⁴

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.⁵⁵ The reform introduced by the Decree has been criticised for facilitating and exacerbating risks of arbitrary deportations jeopardising the life and safety of refugees.⁵⁶

Cases of deportation under Article 54(1)(b), (d) and (k) LFIP continued in 2019.⁵⁷ 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](#)).

⁵¹ See Xinhua, ‘Over 464,000 undocumented Afghan refugees return home in 2019’, 21 November 2019, at: <http://bit.ly/39WFSYe>. For 2018 see: Evrensel, ‘Muhammed gibi binlerce mülteci ölümüne gönderiliyor’, 28 February 2019, available in Turkish at: <https://bit.ly/2CtMnmF>.

⁵² Article 80(1)(e) LFIP.

⁵³ 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.

⁵⁴ Article 77 Regulation No 28578 on Conditions of Probation, 5 March 2013, as amended by Article 1 Regulation No 30631 of 20 December 2018.

⁵⁵ 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.

⁵⁶ 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>.

⁵⁷ Information provided by a lawyer of the Izmir Bar Association, March 2019.

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.⁵⁸ 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.⁵⁹ 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 only in specific parts of the country, such as Gaziantep.⁶⁰ The assessment of risks, conducted by the Risk Analysis Department as far as airports are concerned,⁶¹ 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.⁶² 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.⁶³

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 person at the registry of the Administrative Court of Ankara.⁶⁴ 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.⁶⁵ 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.⁶⁶

In many cases,⁶⁷ Administrative Court rulings annulling the issuance of a security restriction code are later overturned by higher instance courts.⁶⁸ In a January 2019 ruling, the Constitutional Court declared lack of jurisdiction to rule on a complaint concerning the cancellation a code.⁶⁹

Another problem is the lack of country-based information about returns so it is unclear, for example, how many returnees were Syrians or non-Syrians.⁷⁰

⁵⁸ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁵⁹ HaberTurk, ‘Mısırlı idam mahkumu iade mi edildi?’, 6 February 2019, available in Turkish at: <https://bit.ly/2xx5VqV>.

⁶⁰ Information provided by a lawyer of the Antakya Bar Association, February 2019.

⁶¹ Karar, ‘Risk analiz merkezi kapılarını KARAR’a açtı’, 28 April 2016, available in Turkish at: <https://bit.ly/2GaDXEO>.

⁶² Information provided by a stakeholder, February 2018.

⁶³ Information provided by a stakeholder, February 2020; a lawyer of the Gaziantep Bar Association, February 2019.

⁶⁴ Information provided by a stakeholder, February 2019.

⁶⁵ 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.

⁶⁶ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶⁷ 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.

⁶⁸ 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.

⁶⁹ Constitutional Court, Decision 2019/1624, 16 January 2019.

⁷⁰ Information provided by a stakeholder in Izmir, February 2020.

Recent amendments to the LFIP 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”.⁷¹

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.⁷² The appeal against a deportation decision is a remedy separate from remedies in the international protection procedure.⁷³ 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.⁷⁴

However, removal decisions must be appealed before the Administrative Court within seven days of notification.⁷⁵ 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.⁷⁶

On the other hand, because 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.⁷⁷

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

⁷¹ 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>.

⁷² 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.

⁷³ Article 53 LFIP.

⁷⁴ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

⁷⁵ 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>.

⁷⁶ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

⁷⁷ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

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.⁷⁸

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.⁷⁹

Lawyers in **Van**, **Izmir** and **Antakya** 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 safe country. Clients who signed voluntary return forms have been deported to Armenia.⁸⁰

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 were often 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 that he wanted to leave Turkey illegally.⁸¹ 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.⁸²

There have been returns from the **Izmir** removal centre which were also judged not to be ‘voluntary’. People reported they were forced to sign the forms by threat or were given the wrong information.⁸³ 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.⁸⁴

In 2019, in **Antakya** lawyers identified voluntary return forms and unlawful signatures as major issues. In one case a young Syrian woman was a plaintiff in a criminal case of sexual assault but was also questioned by the prosecutor regarding a drug related case. Right after the questioning she was transferred to 500 Konutlar police station because she had signed a voluntary return form without knowing the content of the document. On 14 December 2019 a lawsuit was filed to stop the deportation before the Administrative

⁷⁸ Van 1st Administrative Court, Case number 2018/2558, decision number 2019/981, date 30 April 2019.

⁷⁹ Izmir 1st Instance Administrative Court, Case number 2019/692 2019/1331.

⁸⁰ Information provided by a lawyer from the Van Bar Association, February 2020.

⁸¹ Not at a border crossing point as per Article 5(1) LFIP.

⁸² Information provided by a lawyer from the Van Bar Association, February 2020.

⁸³ Information provided by stakeholders in Izmir 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>;

⁸⁴ Information provided by a lawyer from the Izmir Bar Association, March 2020.

Court.⁸⁵ However, in between, she was forcibly deported. The lawyer tried to stop the deportation by calling politicians, NGOs and emailing DGMM saying that the client had changed her mind and she did not want to go back to Syria. The lawyer also obtained a written statement from the client that she had changed her mind and did not want to return to Syria. Although the migration officer assured the lawyer that she would not be deported, the family notified the lawyer that she had already been deported to the Syrian border alone.

In another case a man was involved in an affair with a Turkish woman who complained to the prosecutor's office about online harassment. The client was questioned by the police and sent to 500 Konutlar police station because he had signed a voluntary return form. The lawyer took a statement that he had changed his mind and did not want to voluntarily return anymore. The migration officer rejected the statement and the client was returned to Syria. In a third case a Syrian woman with five children was transferred to the removal centre on the grounds of having double registration. She was allegedly forced to sign a voluntary return form but the police officer realised that she belonged to a vulnerable group and could not be voluntarily returned without her family. She was released by the decision of Hatay governorate⁸⁶ although her temporary protection had not been re-activated at the time of writing.⁸⁷

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.⁸⁸

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.⁸⁹

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.⁹⁰ In practice, the Constitutional

⁸⁵ Antakya Administrative Court, Docket number 2019/1209.

⁸⁶ Decision of Hatay Governorate PDMM to release 28 people from administrative decision because of diverse vulnerabilities eg women children. 27 December 2019, decision 3196 3003-000-E-48024.

⁸⁷ Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁸⁸ 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>.

⁸⁹ Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.

⁹⁰ 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*.⁹¹

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.⁹² In its decision published in July 2019,⁹³ 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 2019.⁹⁴

Some lawyers still apply to the Constitutional Court when an administrative body unlawfully deports their client or to secure a possible application to ECtHR.⁹⁵

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.⁹⁶ 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 asylum seekers to lodge their application?
☐ Yes ☒ No
2. If so, what is the time limit for lodging an application?

According to LFIP, the PDMM is the responsible authority for receiving and registering applications for international protection.⁹⁷

⁹¹ 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.

⁹² Constitutional Court, Pilot Decision 2016/22418, 12 June 2018, available in Turkish at: <https://bit.ly/2SaX5sn>.

⁹³ Constitutional Court, Decision 2016/22418, 30 May 2019, available in Turkish at: <https://bit.ly/2wHa3Eq>.

⁹⁴ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

⁹⁵ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

⁹⁶ On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings.

⁹⁷ 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.

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.⁹⁸ Applications for international protection may not be made by a lawyer or legal representative. However, a person can also 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.⁹⁹ 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.¹⁰⁰ 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.¹⁰¹ 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.¹⁰²

The LFIP states that applications for international protection shall be registered by the PDMM.¹⁰³ Applicants can request and shall be provided interpretation services for the purpose of the registration interview and later the personal interview.¹⁰⁴

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,¹⁰⁵ UNHCR announced on 10 September 2018 the termination of its registration activities in Turkey.¹⁰⁶ UNHCR still has a role to promote access to and the provision of protection.

Applications for international protection are now to be 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.¹⁰⁷ Applicants are expected to register before 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.

⁹⁸ Article 65(1) LFIP.

⁹⁹ Article 65(3) LFIP.

¹⁰⁰ Article 65(1) RFIP.

¹⁰¹ Article 65(2) RFIP.

¹⁰² Article 65(1) RFIP.

¹⁰³ Article 69(1) LFIP.

¹⁰⁴ Article 70(2) LFIP.

¹⁰⁵ For more details, see AIDA, Country Report Turkey, 2017 Update, March 2018, available at: <https://bit.ly/2l1S9fS>, 27-28.

¹⁰⁶ UNHCR, ‘UNHCR will end registration process in Turkey on 10 September 2018’, available at: <https://bit.ly/2HRy2FO>.

¹⁰⁷ Information provided by a stakeholder, February 2019.

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.¹⁰⁸ 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.¹⁰⁹

In practice, the takeover of the process by DGMM in September 2018 resulted in severe obstacles to access to the asylum procedure. The transfer of the registration process from UNHCR to DGMM took place very rapidly, despite the fact that the PDMM are still in the process of building up the necessary capacity to receive large volumes of asylum applications. UNHCR still directs its support in the areas where challenges are observed including physical and staffing capacity challenges of PDMM in registering new applicants.¹¹⁰

According to a report of the Court of Auditors published in September 2019, DGMM did not perform in conformity with the law in publishing its strategy, activity plan and performance report in 2018.¹¹¹ Issues remained in 2019 and arbitrariness increased after the takeover of registration of non-Syrians.¹¹² It is difficult to assess the overall system since there is no standardised application.¹¹³ 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.¹¹⁴ 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.¹¹⁵

In 2019 the number of cities accepting applications for international protection decreased.¹¹⁶ **Izmir** PDMM did not accept international protection applications or offer travel permits to non-Syrians. Applicants have not been referred to a city or given a date for the interview. The cities of **Karabuk**, **Kastamonu**, **Kirikkale**, **Samsun**, **Sakarya** and **Yalova** seemed to have a policy to motivate refugees to apply for temporary residency rather than applying for an international protection in order to decrease the numbers of refugees on paper. Refugees’ access to health care and social aid was thus prevented except education.¹¹⁷

In **Van**, especially during the summer 2019, Afghans slept in parks and on the streets but the public authorities did not register them. People were walking to other cities to be registered. The registration procedure was not accelerated for vulnerable groups unless there was media attention or national crisis. Numbers are always high especially in the summer time but it was more visible during 2019. Smugglers were leaving 200-300 irregular migrants at a time in the city centre.¹¹⁸

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.¹¹⁹ The PDMM may carry out a body search and checks on the personal belongings of applicants in order to confirm that all

¹⁰⁸ Article 70(4) RFIP.

¹⁰⁹ Article 66(2) RFIP.

¹¹⁰ Information provided by UNHCR, February 2019.

¹¹¹ Court of Auditors, *2018 report on DGMM*, September 2019, available in Turkish at: <https://bit.ly/2yhfiA>.

¹¹² Information provided by a stakeholder, February 2020.

¹¹³ Information provided by a lawyer from the Van Bar Association, March 2020.

¹¹⁴ Information provided by a stakeholder and a lawyer from the Van Bar Association, March 2020.

¹¹⁵ Information provided by a stakeholder, February 2020.

¹¹⁶ Information from a lawyer from the Izmir Bar Association.

¹¹⁷ Information provided by a stakeholder, February 2020.

¹¹⁸ Information provided by a lawyer from the Van Bar Association, March 2020.

¹¹⁹ Article 69(2)-(4) LFIP.

documents have been presented.¹²⁰ 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.¹²¹

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.¹²² Information on any special needs shall also be recorded.¹²³ Under the previous "joint registration" system, SGDD-ASAM carried out **Identification** of potential special needs upon registration. 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 emergencies such as pregnancy or severe illness, who are registered in order to make sure that they get medical assistance.¹²⁴

At the time of applying, the asylum seeker must provide a hand-written, signed statement from the applicant 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.¹²⁵ 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.¹²⁶ A printed version of the registration form filled in electronically is also handed to the applicant.¹²⁷

The law states that the applicant will receive an International Protection Applicant Identification Card upon completion of registration.¹²⁸ The renewal and extension of International Protection Applicant Identification Card is identified by the Ministry.¹²⁹ 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.¹³⁰

Following this reform, the PDMM no longer issue 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.¹³¹ 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**).

¹²⁰ Article 69(2) LFIP; Article 69(4) RFIP.

¹²¹ Article 69(3) LFIP; Article 69(3) RFIP.

¹²² Article 69(6) LFIP.

¹²³ Article 70(5) RFIP.

¹²⁴ Information provided by an NGO, February 2019.

¹²⁵ Article 65(5) RFIP.

¹²⁶ Article 70(6) RFIP.

¹²⁷ Article 70(7) RFIP.

¹²⁸ Article 76(1) LFIP, as amended by Article 35 Law No 7148 of 18 October 2018.

¹²⁹ Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.

¹³⁰ Article 76(2) LFIP.

¹³¹ Information provided by NGOs, February 2019.

The increasing pressure on PDMM following the transfer of responsibility for registration of international protection applicants in September 2018 had an effect on applicants who had already registered, as it created substantial delays in the renewal of International Protection Applicant Identification Cards. Earlier in 2019 in **Denizli**, for example, asylum seekers slept rough outside the PDMM while waiting to be let in to renew their cards. The police reportedly fired tear gas to disband the crowd of people camping outside the PDMM in early March 2019.¹³² As of 24 December 2019, however, the obligation to renew Identification Cards every six months was abolished.¹³³

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,¹³⁴ the PDMM shall be notified “at once” and shall process the application.¹³⁵ Applications for international protection indicated by persons in detention shall also be notified to the PDMM “at once”.¹³⁶ In addition to Removal Centres for pre-removal detention on territory, there is one facility in the transit zone of **Istanbul Atatürk Airport** (closed in April 2019)¹³⁷ and one in **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](#)).¹³⁸ The “T6” forms became more common in 2018 and served as referral letters to allow people to approach PDMM for registration. They were particularly issued vis-à-vis Afghan asylum seekers arriving in border provinces such as **Erzurum**, **Van**, **Hakkâri**, **Mardin**.¹³⁹ 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.¹⁴⁰ In **Istanbul** removal centres now grant a travel permit with the T6 form so there is no risk of detention or deportation whilst travelling to the referral city.¹⁴¹

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.¹⁴² In **Van** access to procedures was more difficult and more complex in 2019 for non-Syrians, especially for those who were detained in the removal centre. One Iranian asylum seeker in the removal centre received an interview date for 1.5 years later.¹⁴³

¹³² Ahval, ‘Turkish police use tear gas on migrants awaiting new IDs’, 5 March 2019, available at: <https://bit.ly/2TPRGwj>.

¹³³ Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.

¹³⁴ 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.

¹³⁵ Article 65(2) LFIP.

¹³⁶ Article 65(5) LFIP.

¹³⁷ Since April 2019, all commercial passenger flights were transferred from **Istanbul Atatürk Airport** to Istanbul Airport.

¹³⁸ Information provided by a stakeholder, February 2019.

¹³⁹ Information provided by a stakeholder, March 2019.

¹⁴⁰ Information provided by a stakeholder, February 2020.

¹⁴¹ Information provided by a stakeholder in Istanbul, March 2020.

¹⁴² 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.

¹⁴³ Information provided by a lawyer from the Van Bar Association, March 2020.

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.

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](#)).¹⁴⁵

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 2019: Not available

Applications for international protection shall be examined and decided upon by DGMM.¹⁴⁶ Specifically, migration experts from the Department of International Protection are in charge of processing applications at Headquarters and the PDMM. All procedural steps are being undertaken by PDMM as of September 2018. Due to this, coupled with the number of new applications, severe capacity issues persist in practice.

A decision shall be issued within 6 months from registration.¹⁴⁷ 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.¹⁴⁸

There are no statistics on the number of decisions taken by DGMM in 2017-2019. The latest available statistics referred to 30,380 decisions taken in 2016, of which 23,886 were positive and 6,494 were

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

¹⁴⁵ Koc University, *An overview of the EU-Turkey Deal*, April 2019: <http://bit.ly/33oZLol>.

¹⁴⁶ Article 78 LFIP.

¹⁴⁷ Article 78(1) LFIP.

¹⁴⁸ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

negative.¹⁴⁹ 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,¹⁵⁰ 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.¹⁵¹

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.

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.¹⁵² 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.¹⁵³

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

Under the regular procedure, the competent PDMM is required to carry out a personal interview with applicants within 30 days from registration,¹⁵⁴ to be conducted by personnel trained in fields such as refugee law, human rights and country of origin information.¹⁵⁵

Applicants are notified of the assigned place and date of their personal interview at the end of their **Registration** interview.¹⁵⁶ If the interview cannot be held on the assigned date, a new interview date must be issued.¹⁵⁷ The postponed interview date must be no earlier than 10 days after the previous appointment

¹⁴⁹ DGMM, *Annual Migration Report 2016*, available in Turkish at: <https://bit.ly/2TQdqU4>, 74-75.

¹⁵⁰ Information provided by a stakeholder in Izmir, February 2020.

¹⁵¹ 1st Administrative Court of Bolu, Case 2019/428, Decision 2019/700.

¹⁵² Article 67 LFIP.

¹⁵³ Information provided by a stakeholder, February 2019.

¹⁵⁴ Article 75(1) LFIP.

¹⁵⁵ Article 81(2) RFIP.

¹⁵⁶ Article 69(5) LFIP.

¹⁵⁷ Article 75(4) LFIP.

date. Additional interviews may be held with the applicant if deemed necessary.¹⁵⁸ 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.¹⁵⁹

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.¹⁶⁰ 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.¹⁶¹ There were also concerns that applicants were subject to misleading questions motivating them to make statements that they entered Turkey for economic reasons and that RSD interviews had been carried out by unauthorised people such as police officers or gendarmerie in some cities.

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**.¹⁶² 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. Interviews do not depend on credible information on country of origin information (COI) or there are discriminatory practices against specific groups such as Kurdish people coming from Iraq. The technical skills and knowledge of some migration officers could still be improved. 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.¹⁶³ A lawyer from the Bar Association in **Van** has tried to appeal a case where the interview was superficial concerning an Iranian Christian who played different types of music (R&B) but the appeal was unsuccessful.¹⁶⁴

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.¹⁶⁵

¹⁵⁸ Article 75(5) LFIP.

¹⁵⁹ Article 82(1) RFIP.

¹⁶⁰ Information provided by a stakeholder, February 2019.

¹⁶¹ Information provided by a stakeholder, February 2020.

¹⁶² Information provided by a stakeholder, February 2020.

¹⁶³ Information provided by a lawyer from the Van Bar Association, March 2020.

¹⁶⁴ Trabzon 1st Administrative Court, case 2017/860 decision number 2017/1160 was rejected as was the appeal to the higher administrative court, Samsun 3rd Regional Administrative Court case 2017/1498, decision 2018/480 from 20 April 2018.

¹⁶⁵ Article 70(2) LFIP.

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.¹⁶⁶ The interviewer shall inform the interpreter of the scope of the interview and the rules to be complied with.¹⁶⁷

In 2019 the lack of adequate numbers of interpreters at the PDMM remained a major difficulty. SGDD-ASAM provides interpreters to DGMM,¹⁶⁸ and in 2019 UNHCR supported DGMM with 239 qualified interpreters and 25 support staff both at PDMMs and International Protection Bureaux (Decision Centres).¹⁶⁹ At times PDMMs have not accepted interpreters provided by civil society organisations if they are not interpreters under oath.¹⁷⁰ In small cities, notaries are not willing to go to removal centres but removal centre administrations still request interpreters under oath.¹⁷¹ In **Antakya**, notaries are not willing to go to removal centres at all at weekends which causes problems.¹⁷² 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.¹⁷³ Lack of sensitivity to and censorship of applicant's statements have also been reported in claims relating to sexual orientation or gender identity.¹⁷⁴ Lawyers have expressed concerns about the quality of interpretation in removal centres including in important interviews on return.¹⁷⁵

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.¹⁷⁶

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.¹⁷⁷

An interview report shall then be drafted at the end of the interview, and the applicant shall sign it and receive a copy.¹⁷⁸ In practice, applicants are not given a copy of the interview report, especially in provinces such as **Sivas** and **Çankırı**.¹⁷⁹

¹⁶⁶ Article 86(2) RFIP.

¹⁶⁷ Article 83(3) RFIP.

¹⁶⁸ Information provided by SGDD-ASAM, February 2018.

¹⁶⁹ UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, available at: <http://bit.ly/3d0MsyY>.

¹⁷⁰ Information provided by a stakeholder, February 2019.

¹⁷¹ Information provided by a stakeholder, February 2020.

¹⁷² Information provided by a lawyer from the Antakya Bar Association, February 2020.

¹⁷³ Information provided by the Women's Solidarity Foundation, February 2019.

¹⁷⁴ Information provided by a stakeholder, February 2019.

¹⁷⁵ Information provided by a lawyer from the Antakya Bar Association, February 2020.

¹⁷⁶ Article 81(5) RFIP.

¹⁷⁷ Article 86(3) RFIP.

¹⁷⁸ Article 75(6) LFIP.

¹⁷⁹ Information provided by a stakeholder, February 2019.

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.¹⁸⁰ 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.¹⁸¹ In practice, the decisions are in Turkish but translated by the PDMM into the language of applicants.¹⁸²

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:¹⁸³

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,¹⁸⁴ subject to the derogation discussed in [Removal and Refoulement](#).

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.¹⁸⁵

IPEC are envisioned as a specialised administrative appeal body and serve under the coordination of the DGMM Headquarters.¹⁸⁶ 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.¹⁸⁷ DGMM personnel assigned to the IPEC will be appointed for

¹⁸⁰ Article 78(6) LFIP.

¹⁸¹ Article 100 LFIP.

¹⁸² Information provided by a stakeholder, March 2018.

¹⁸³ Article 80 LFIP.

¹⁸⁴ Article 80(1)(e) LFIP.

¹⁸⁵ Article 80(1)(a) LFIP.

¹⁸⁶ Article 134 RFIP.

¹⁸⁷ Article 145 RFIP.

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.¹⁸⁸

IPEC are competent to evaluate and decide appeals against the following decisions:¹⁸⁹

- 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.¹⁹⁰ 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.¹⁹¹ Therefore, decisions by IPEC cannot be considered as binding on 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.¹⁹² 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.¹⁹³

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.¹⁹⁴ 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.¹⁹⁵

¹⁸⁸ Article 146 and 147 RFIP.

¹⁸⁹ Article 149 RFIP.

¹⁹⁰ Article 100(1) RFIP.

¹⁹¹ Article 100(2) RFIP.

¹⁹² Information provided by a lawyer of the Izmir Bar Association, March 2019.

¹⁹³ Information provided by a stakeholder, March 2018.

¹⁹⁴ Article 80(1)(ç) LFIP.

¹⁹⁵ 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

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.¹⁹⁶ 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.¹⁹⁷

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.¹⁹⁸

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 **Istanbul** are regarded as the most expert courts in 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,¹⁹⁹ 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. This approach of the Court has been followed in other cases of applicants coming from Russia (Chechens), Somalia or Turkmenistan.²⁰⁰

The Administrative Court of Edirne rejected the application of an Afghan woman who claimed that in case of rejection and deportation she would be ill-treated and tortured by her sister-in-law. The court relied on the evidence presented by the DGMM, such as the fact that she had lived with her sister-in-law for 20 years, that she had had another international protection application refused by the authorities, that she had refused to leave Turkey of her own will and had left her satellite city without notifying the authorities, and that she had been caught by the police during a security check in Kırıkkale.²⁰¹ In a similar application of an Afghan

Administrative Court. The Administrative Court of each province is divided into several chambers which are designated with numbers.

¹⁹⁶ Article 101 LFIP.

¹⁹⁷ ECRE AIDA Database, 'Turkey: Judicial Review of Administrative Detention Decisions', 28 May 2018, available at: <https://bit.ly/3exWd8t>.

¹⁹⁸ Article 28 Law on Administrative Court Procedures.

¹⁹⁹ 1st Administrative Court of Ankara, Decision No 2015/849, 22 April 2015.

²⁰⁰ 1st Administrative Court of Ankara, Decision No 2015/491, 12 March 2016; No 2015/1601, 20 May 2015.

²⁰¹ 1st Administrative Court of Edirne, Decision 2017/426, 21 March 2017.

national, the Administrative Court of Ankara upheld DGMM's rejection decision on the ground that the applicant's reasons to enter Turkey were solely economic.²⁰²

1.4.3. Onward appeal before the Council of State

Applicants have the possibility of filing an onward appeal with the Council of State within 30 days.²⁰³ There is no time limit for 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 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.²⁰⁴
- 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.²⁰⁵

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.²⁰⁶

In principle, a notarised power of attorney is required for a lawyer to represent the asylum seeker,²⁰⁷ 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.²⁰⁸ In 2019 in **Sivas** and **Kirkkale**, there

²⁰² 1st Administrative Court of Ankara, Decision No 2015/177, 28 January 2015.

²⁰³ Article 28 Law on Administrative Court Procedures.

²⁰⁴ Council of State, 10th Chamber, Decision 2017/4288.

²⁰⁵ Council of State, 10th Chamber, Decision 2017/5137, 27 November 2017.

²⁰⁶ Article 81(1) LFIP.

²⁰⁷ On this point, see Constitutional Court, Decision 2015/87, 8 October 2015, available in Turkish at: <http://bit.ly/2E3xSln>.

²⁰⁸ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

were judgments where the court ruled against charging lawyers representing refugee applicants without a power of attorney 100 TL (around 15 EUR).²⁰⁹

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.²¹⁰ 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.²¹¹ International protection applicants and status holders are also free to seek counselling services provided by NGOs.²¹²

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 for a €5million project launched in January 2018 for the provision legal aid to asylum seekers and refugees in 18 provinces.²¹³ 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.²¹⁴ Cases can concern deportation, international or temporary protection procedures, civil law disputes. Labour and criminal proceedings are excluded.²¹⁵

In the new cycle, the number of cities will be increased to 21. Overall, the project has been seen as extremely beneficial, although there were some issues with the calculations for funding for different cities, the way the fees were paid, the costs covered and gaps in services due to the project-based approach.²¹⁶ 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 Malatya or Osmaniye removal centres, for instance, which are not project cities.²¹⁷

²⁰⁹ Information provided by a stakeholder, February 2020.

²¹⁰ Article 75(3) LFIP.

²¹¹ Article 94(2) LFIP.

²¹² Article 81(3) LFIP.

²¹³ *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>.

²¹⁴ Information provided by the Union of Turkish Bar Associations, February 2019.

²¹⁵ *Ibid.*

²¹⁶ Information provided by a lawyer from the Izmir Bar Association, February 2020.

²¹⁷ Information provided by a stakeholder, February 2020.

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 is 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.²¹⁸ In practice, however, not all bar associations accept referrals from NGOs or third parties.²¹⁹ 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.²²⁰ In addition, not all the cases referred by NGOs are eligible for legal aid.²²¹ 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.²²²

In 2018 the Union of Bar Associations in Turkey and UNHCR established the first Refugee Law Clinic in Turkey, located in **Şanlıurfa**. The clinic offers counselling, case management and psycho-social support through three lawyers, one assistant and one psychologist.²²³ Building on this model, the project established legal clinics in **Hatay** and **Gaziantep**, and a coordination body for clinics in **Ankara**.²²⁴ In 2019, the legal clinics in Şanlıurfa, Gaziantep and Hatay provided legal assistance to more than 2,700 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. Lawyers were also trained in international and temporary protection to respond to the need to provide legal protection and assistance in South East Turkey.²²⁵

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,²²⁶ apart from Izmir, Antakya, Van, Gaziantep and Sanliurfa, where a fixed line is provided to lawyers.²²⁷

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 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.

²¹⁸ 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>.

²¹⁹ *Ibid.*

²²⁰ Information provided by a lawyer of the Izmir Bar Association, February 2019.

²²¹ Information provided by a lawyer from the Istanbul Bar Association.

²²² Information provided by the Union of Turkish Bar Associations, February 2019.

²²³ Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.

²²⁴ *Ibid.*

²²⁵ UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

²²⁶ Information provided by a stakeholder in Istanbul, February 2019.

²²⁷ Information provided by stakeholders in Izmir, Antakya, Van, Gaziantep and Sanliurfa, March 2020.

Partners in coordination with UNHCR can only provide legal counselling service if the applicant has 'no suspect in relation with terrorism'.²²⁸ 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.²²⁹

UNHCR and partners also provided legal counselling and trainings for public officers and police officers in 2019.

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.²³⁰ 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.²³¹

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.

In **Izmir**, lawyers received a few cases from the legal aid system in 2019 with a growing trend in residence permit applications and lawsuits on codes and bans to enter to Turkey. The number of lawsuits concerning irregular migrants from other nationalities such as Pakistani, Bangladeshi or Congolese also increased.²³²

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.²³³

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

²²⁸ Information provided by a stakeholder, February 2020.

²²⁹ Information provided by ASAM Gaziantep February 2020.

²³⁰ Article 81(2) LFIP.

²³¹ Information provided by a stakeholder, February 2019; a lawyer of the Şanlıurfa Bar Association, February 2019.

²³² Information provided by a lawyer from the Izmir Bar Association. February 2020.

²³³ 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.²³⁴ 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.

2. Dublin

Since Turkey is not a Member State of the EU, the Dublin system does not apply.

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.²³⁵ However, the examination of inadmissibility criteria under Article 72 LFIP must be carried out by the PDMM during the **Registration** stage.²³⁶

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

- ❖ 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.²³⁷

²³⁴ 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>.

²³⁵ Article 72(2) LFIP; Article 74(3) RFIP.

²³⁶ Article 73 RFIP.

²³⁷ Article 72(3) LFIP.

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
☐ Yes	☒ No
☐ Yes	☐ No

 - ❖ If so, are questions limited to identity, nationality, travel route?
 - ❖ If so, are interpreters available in practice, for interviews?
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
☒ Judicial	☐
☒ Yes	☐ No

 - ❖ If yes, is it Administrative
 - ❖ If yes, is it suspensive

Inadmissibility decisions can only be appealed by the competent Administrative Court.²³⁸ 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](#).²³⁹ 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.²⁴⁰

²³⁸ Article 80(1)(a) LFIP.

²³⁹ Article 80(1)(ç) LFIP.

²⁴⁰ Constitutional Court, Decision 2016/134, 14 July 2016, available in Turkish at: <http://bit.ly/2rU0GOE>.

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.²⁴¹

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](#).²⁴²

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.

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;

²⁴¹ Article 67(1) RFIP.

²⁴² *Ibid.*

- (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.²⁴³

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.²⁴⁴ Where this time limit cannot be complied with, the applicant may be taken off the accelerated procedure and referred to the regular procedure.²⁴⁵

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.²⁴⁶ 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.²⁴⁷ In **Izmir**, in one case of an accelerated procedure, the applicant received the decision in 2019 in his 5th year of application.²⁴⁸

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.²⁴⁹ Similar observations have been reported for interviews at the airport: cases

²⁴³ Article 73 RFIP.

²⁴⁴ Article 79(2) LFIP.

²⁴⁵ Article 79(3) LFIP; Article 80(3) RFIP.

²⁴⁶ Information provided by UNHCR, February 2019.

²⁴⁷ Information provided by a stakeholder, February 2018.

²⁴⁸ Information provided by a stakeholder in Izmir, March 2020.

²⁴⁹ Information provided by a stakeholder, March 2018.

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?

❖ If yes, is it

☒ Yes

☐ No

❖ If yes, is it suspensive

☒ Judicial

☐ Administrative

☒ 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 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.²⁵⁰ 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.²⁵¹

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

²⁵⁰ 1st Administrative Court of Ankara, Decision 2017/3192, 29 December 2017.

²⁵¹ 1st Administrative Court of Izmir, Decision 2018/894, 22 October 2018.

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. The Administrative Court requires a power of attorney to be presented within 10 days, otherwise it considers the appeal inadmissible.²⁵²

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

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.”²⁵³

On the other hand, 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.²⁵⁴ In one LGBTI case **Kastamonu** PDMM asked for a medical report to prove that the applicant was a LGBTI person.²⁵⁵ However, overall there was a positive approach towards vulnerable groups

1.1. Screening of vulnerability

RFIP states that it “shall be primarily determined” whether the applicant is a person with special needs.²⁵⁶ 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.²⁵⁷

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.²⁵⁸

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

²⁵² Information provided by a lawyer of the Istanbul Bar Association, February 2019.

²⁵³ Article 3(1)(I) LFIP.

²⁵⁴ 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.

²⁵⁵ Information provided by a stakeholder, February 2020.

²⁵⁶ Article 113(1) RFIP.

²⁵⁷ Article 113(2) RFIP.

²⁵⁸ Article 113(3) RFIP.

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.²⁵⁹ Nevertheless, UNHCR still refers vulnerable cases to the PDMM to prioritise registration. In 2019 assessments of applicants’ vulnerabilities and their registration were very slow.²⁶⁰

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 of a physical and psychological assessment.²⁶¹ The applicant shall be notified as to the reason of this referral and the age assessment proceedings that will be undertaken.²⁶²

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 Policies’ 2015 Directive on unaccompanied children, the PDMM issue a medical report on the physical condition of the children before placing them in Ministry premises.²⁶³

In practice, bone tests are applied to assess the age of unaccompanied children referred to the Ministry of Family, Labour and Social Services to be taken into care.²⁶⁴ 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.²⁶⁵

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.²⁶⁶ If the bone test determines the child to be younger than 17, the Ministry can also conduct a psychosocial assessment.

²⁵⁹ Information provided by a stakeholder, February 2019.

²⁶⁰ Information provided by a stakeholder, February 2020.

²⁶¹ Article 123(2)(b) RFIP.

²⁶² Article 123(2)(c) RFIP.

²⁶³ Article 6 Ministry of Family and Social Policies Directive No 152065 on Unaccompanied Children.

²⁶⁴ Information provided by a lawyer from the Ankara Bar Association, March 2019.

²⁶⁵ Information provided by a stakeholder, March 2020.

²⁶⁶ 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.

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.²⁶⁷ 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.²⁶⁸ 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.²⁶⁹

The RFIP instructs that interviews with children shall be conducted by trained personnel, sufficiently informed on the child’s psychological, emotional and physical development.²⁷⁰ 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.²⁷¹ 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.²⁷² It is understood from current practice that PDMM provide priority to unaccompanied children in registration process and personal interviews.

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, Labour 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.

²⁶⁷ Article 75(3) LFIP.

²⁶⁸ Information provided by a stakeholder, February 2019.

²⁶⁹ Kaos GL report, *Turkey’s challenge with LGBTI refugees*, 4 December 2019, at: <http://bit.ly/2TXasf4>.

²⁷⁰ Article 123(2)(g) RFIP.

²⁷¹ Article 67 LFIP; Article 113(2) RFIP.

²⁷² Article 65(2) RFIP.

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, responsible authorities shall request international protection applicants to 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.²⁷³

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 Law²⁷⁴ must be implemented. The child applicant must be referred to an appropriate accommodation facility under the authority of the Ministry of Family, Labour 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.²⁷⁵

According to the Turkish Civil Code, all children placed under state care must be assigned a guardian.²⁷⁶ Specifically, all children who do not benefit from the custody of parents (*velayet*) must be provided guardianship (*vesayet*).²⁷⁷ 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 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.²⁷⁸ Therefore, as far as the legal requirements, qualified NGO staff, UNHCR staff or Ministry of Family, Labour and Social Services staff would qualify to be appointed as guardians for unaccompanied minor asylum seekers.

²⁷³ Information provided from a stakeholder, February 2019.

²⁷⁴ Law No 4395 on Child Protection.

²⁷⁵ 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>.

²⁷⁶ Law No 4721 on the Civil Code.

²⁷⁷ Article 404 Civil Code.

²⁷⁸ Articles 413, 414, 418 Civil Code.

Guardians are responsible for protecting the personal and material interests of the minors in their responsibility and to represent their interests in legal proceedings.²⁷⁹ 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.²⁸⁰

The appointment of guardians to unaccompanied children is generally carried out without difficulty although lawyers in **Ankara** have witnessed difficulties.²⁸¹ 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.²⁸²

LGBTI and other ex-minors benefit from UNHCR's fund and receive pocket money of around 200 TL (30 EUR) a month.²⁸³ 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.²⁸⁴ 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 from 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.²⁸⁵

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.²⁸⁶

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

²⁷⁹ Articles 445-448 Civil Code.

²⁸⁰ Article 456 Civil Code.

²⁸¹ Information provided by a lawyer of the Ankara Bar Association, March 2019.

²⁸² Information provided by a stakeholder, February 2020.

²⁸³ Information provided by a stakeholder, February 2020.

²⁸⁴ Information provided by a stakeholder, February 2018.

²⁸⁵ 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/2lcnIDB>.

²⁸⁶ 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>.

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.

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.²⁸⁷

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.

²⁸⁷ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018, available in Turkish at: <https://bit.ly/2Yjfi6y>.

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*.”²⁸⁸

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:²⁸⁹

- (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;
- (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.”²⁹⁰

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.

²⁸⁸ Article 73 LFIP; Article 75 RFIP. The wording resembles the EU definition in Article 35 recast Asylum Procedures Directive.

²⁸⁹ Article 74 LFIP. The wording resembles the EU definition in Article 38 recast Asylum Procedures Directive.

²⁹⁰ Article 74(3) LFIP.

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.²⁹¹ In **Izmir**, for example, deportation decisions do not state a safe third country for non-Syrians.²⁹²

It is thought that in practice, the DGMM currently considers Iran and Pakistan to be safe third countries for Afghans entering Turkey.²⁹³ 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.²⁹⁴ 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.²⁹⁵ 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 specify a country just a 'safe third country'. As she could not be returned to Syria, she could not be deported.²⁹⁶

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.²⁹⁷

²⁹¹ Information provided by a lawyer from the Ankara Bar Association, February 2020.

²⁹² Information provided by a lawyer from the Izmir Bar Association, March 2020.

²⁹³ Information provided by a stakeholder, March 2018.

²⁹⁴ Information provided by a lawyer from the Antakya Bar Association, February 2020.

²⁹⁵ Information provided by a lawyer from the Antakya Bar Association, February 2020.

²⁹⁶ Hatay First instance administrative court 2019/480, decision number 2019/1292.

²⁹⁷ UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, available at: <http://bit.ly/3d0MsyY>.

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 the 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.²⁹⁸

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 Kaynagını Geliştirme Vakfı*, IKGV), YUVA also provide assistance and counselling.

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.

In July 2019, UNHCR took over the direct management of its counselling line for refugees and asylum-seekers in Turkey. The UNHCR Counselling Line answered 110,463 unique calls from 1 July to 31 December 2019, and employs 34 multi-lingual operators. It provides counselling on registration procedures, referrals and existing support mechanisms, specifically resettlement, financial assistance and assistance for persons with specific needs. In the south-east region, the Sanliurfa Call Centre answered 11,427 calls in 2019. UNHCR also counselled 930 individuals through the Gaziantep hotline number.²⁹⁹

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. In 2019, several offices were closed including Nigde and Afyon branches which had been active for 10 years. Unfortunately, this meant a loss of field experience and memory in some cities.³⁰⁰

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.

²⁹⁸ Available in Turkish at: <https://bit.ly/2Vb4OXk>.

²⁹⁹ UNHCR, *Turkey 2019: Operational Highlights*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

³⁰⁰ Information provided by a stakeholder, February 2020.

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**.

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 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.³⁰¹

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.³⁰² 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.³⁰³

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

³⁰¹ Information provided by stakeholders, March 2019.

³⁰² Information provided by a stakeholder, March 2019.

³⁰³ Information provided by a stakeholder, March 2019.

registration compared to other nationalities, as many PDMM are reluctant to register their asylum applications.³⁰⁴

4. Other nationalities

In 2019 there were still complaints of systematic and automatic rejections for asylum seekers from **Iran** including for those who had already been interviewed by UNHCR under the previous registration system. Many Iranian asylum seekers have been ordered to leave.³⁰⁵

Asylum seekers of African origin also face discrimination in registration. Some PDMM such as Kastamonu reportedly refuse to register their asylum applications. 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.³⁰⁶

In 2019 DGMM began to grant long term residency and humanitarian residence permits to applicants on the grounds of a new humanitarian circular.³⁰⁷ 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.³⁰⁸

³⁰⁴ 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>.

³⁰⁵ Information provided by a stakeholder, March 2020.

³⁰⁶ Information provided by a stakeholder, February 2019.

³⁰⁷ Information provided by a stakeholder from Istanbul, February 2020.

³⁰⁸ Information provided by a stakeholder, March 2020.

Reception Conditions

As a general remark, 2019 can be considered as a year of social cohesion. DGMM issued a new strategy, the Cohesion Strategy and National Action Plan,³⁰⁹ according to which six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labour market and social support. The authorities have been working closely with SGDD-ASAM, MUDEM and community-based organisations on these issues in 2019.

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 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.

³⁰⁹ See DGMM, Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023, available in Turkish at: <https://bit.ly/2VlssZY>.

1.1. Restrictions on reception conditions by type of procedure

With regards 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 regards 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:³¹⁰

- 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.

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.³¹¹

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.³¹²

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 2019 (in original currency and in €): | Not available |
|---|---------------|

³¹⁰ Article 106(1) RFIP.

³¹¹ Article 90(1)(ç) LFIP.

³¹² Article 90(2) LFIP.

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,³¹³ 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 Centres in operation in **Yozgat**.³¹⁴

Rights and benefits granted to international protection applicants and status holders may not exceed the level of rights and benefits afforded to citizens.³¹⁵

2.1. Financial allowance

International protection applicants who are identified to be “in need”, may be allocated a financial allowance by DGMM.³¹⁶ 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.³¹⁷ 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.

2.2. Social assistance and benefits

International protection applicants identified “to be in need” can seek access to “social assistance and benefits”.³¹⁸ 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.

³¹³ Article 95 LFIP.

³¹⁴ DGMM, *Removal centres*, available at: <http://bit.ly/2osejRh>.

³¹⁵ Article 88(2) LFIP.

³¹⁶ Article 89(5) LFIP.

³¹⁷ Article 90(1) LFIP.

³¹⁸ Article 79(2) LFIP.

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 / €15-20.³¹⁹

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, Labour and Social Services. The social workers of the Ministry of Family, Labour 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, Labour 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.³²⁰

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.³²¹

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 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 October 2019, was assisting around 1.7 million people. In addition, EU-funded partner organisations had distributed over 700,000 e-vouchers, food parcels or kits with other urgently needed items. 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 mid-2019, CCTE had benefitted more than half a million 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.³²²

³¹⁹ Information provided by Ministry of Family and Social Policies, February 2018. There was no updated information in 2019.

³²⁰ UNHCR, *Social and financial assistance*, available at: <https://bit.ly/2GjSOJ1>.

³²¹ Information provided by Türk Kızılay, January 2019.

³²² European Commission, available at: <http://bit.ly/3d0Bgm9>.

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.³²³

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.³²⁴ 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.³²⁵

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.³²⁶

³²³ Article 90(2) LFIP.

³²⁴ Article 91(6) RFIP.

³²⁵ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

³²⁶ 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.³²⁷ 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.³²⁸

According to the latest list, 62 provinces in Turkey are designated by DGMM as “satellite cities” for the referral of international protection applicants:³²⁹

Satellite cities for international protection applicants: 2018			
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	

³²⁷ Article 2(hh) RFIP.

³²⁸ Article 66(3) RFIP.

³²⁹ 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. There is no updated list available for 2019.

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.³³⁰ 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 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.³³¹

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.³³² In Antep, even NGOs on the ground did not always know if the city was open or closed to applications.³³³ On the other hand, if there is a health or education emergency, both group of protection holders can be directed to other cities.

³³⁰ Information provided by an NGO, February 2019.

³³¹ Information provided by a stakeholder, March 2020.

³³² Information provided by an NGO, February 2020.

³³³ Information provided by an NGO, March 2020.

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.³³⁴

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.³³⁵ 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.³³⁶

As of November 2019, travel permits can 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.³³⁷

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.³³⁸ 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, 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 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 2018, PDMM issued Administrative Surveillance Decisions (“T6”) mainly to Afghan asylum seekers released from Removal Centres, imposing reporting obligations on them in Central Anatolian and northern provinces e.g. **Amasya, Niğde, Afyon and Kastamonu**.³³⁹ In 2019 the number of T6 forms issued increased because

³³⁴ 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>.

³³⁵ Article 71(1) LFIP.

³³⁶ Article 91(1)-(2) RFIP.

³³⁷ Information from a stakeholder, Ankara, February 2020.

³³⁸ Article 77(1)(ç) LFIP.

³³⁹ Information provided by an NGO, February 2019.

new detention centres opened. Ankara PDMM reportedly does not register people with T6 forms or those who illegally enter Turkey.³⁴⁰

It is possible for applicants to request that DGMM assign them to another province on grounds of family, health or other reasons.³⁴¹ 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: ³⁴²	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.³⁴³ 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](#)).

There is now only one remaining Reception and Accommodation Centre in operation in the province of **Yozgat** with a modest capacity of 100 places.³⁴⁴ The centre is envisioned as a short-stay facility, 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.

³⁴⁰ Information provided by a stakeholder, March 2020.

³⁴¹ Article 110(5) RFIP.

³⁴² Both permanent and for first arrivals.

³⁴³ Article 95(2) LFIP.

³⁴⁴ DGMM, *Removal centres*, available at: <http://bit.ly/2osejRh>.

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**.³⁴⁵ 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](#), currently 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.³⁴⁶

Reception services provided in the reception and accommodation centres may also be extended to international protection applicants and status holders residing outside the centres,³⁴⁷ 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 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 are subject to private accommodation in their assigned provinces on their own resources. Access to housing remains deeply challenging due to a range

³⁴⁵ European Commission, *Fiche: IPA decentralised National Programmes*, Project TR 07 12 17, available at: <http://bit.ly/1Jujtxl>.

³⁴⁶ Article 95(3) LFIP.

³⁴⁷ Article 95(4) LFIP.

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.³⁴⁸ In **Adana** and **Mersin** they mostly live in rural areas under precarious conditions with together with Syrians.³⁴⁹

On 29 November 2017, the media reported the case of 96 persons from Afghanistan and Pakistan kidnapped and locked in a basement by smugglers in **Istanbul**, suffering torture and starvation for one month.³⁵⁰ An earlier incident involving three Iranian refugees held in a house for 37 days and tortured by smugglers was reported on 29 July 2017.³⁵¹ In 2018, media reports showed a poster outside a shop in **Denizli** warning Iranian, Syrian and Afghan customers not to enter, threatening them with physical violence.³⁵² 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 many years were spent on identifying the victim rather than the death itself. The case is still pending in 2020 and has become a symbol of access to justice for migrants in Turkey.³⁵³

³⁴⁸ Yiğit Seyhan, 'The evolution of Afghan migration in Istanbul', 17 December 2017, available at: <http://bit.ly/2tkCRjH>.

³⁴⁹ Information provided by the Adana Bar Association, February 2018; Mersin Bar Association, February 2018.

³⁵⁰ T24, 'Pakistan ve Afganistanlı 96 mülteciye bodrum katında 'işkence': Her gün dövdüler, aç bıraktılar', 29 November 2017, available in Turkish at: <http://bit.ly/2tGEJn8>.

³⁵¹ Sözcü, 'Kadıköy'den korkunç haber: Dehşet dolu 37 gün!', 29 July 2017, available in Turkish at: <http://bit.ly/2DkOG9z>.

³⁵² Evrensel, 'İrkçı afiş: İran, Suriye, Afgan müşteri bu dükkâna giremez, dayak yer', 15 October 2018, available in Turkish at: <https://bit.ly/2YbyRgJ>.

³⁵³ See news report at: <http://bit.ly/33mNpxb> and Facebook campaign page, available at: <http://bit.ly/2QmJhb9>.

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.³⁵⁴

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.³⁵⁵ 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.³⁵⁶

Applicants must hold a valid identification document in order to apply,³⁵⁷ 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.³⁵⁸ The Ministry of Family, Labour and Social Services may introduce province limitations or quotas in these sectors.³⁵⁹ 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.³⁶⁰ In addition, applicants cannot be paid less than the minimum wage.³⁶¹

³⁵⁴ Article 89(4)(a) LFIP.

³⁵⁵ Article 89(4)(ç) LFIP.

³⁵⁶ Articles 6-7 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁵⁷ Article 6(1)-(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁵⁸ 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, Labour and Social Services: Provisional Article 1 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁵⁹ Article 9(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁶⁰ Article 18(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

³⁶¹ Article 17 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

In the Cohesion Strategy and National Action Plan (2018-2023)³⁶² 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.

In an interesting case Istanbul Marmura 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.³⁶³

In practice, it currently takes the authorities 1-2 months to process work permit applications.³⁶⁴ The number of work permits issued to the main nationality groups of asylum seekers from 2015 to 2018 remains meagre. The following table refers to work permits issued to Afghan, Iraqi and Somali nationals, not necessarily limited to applicants for international protection:

Work permits issued to Afghan, Iraqi and Somali nationals: 2015-2018				
	2015	2016	2017	2018
Afghanistan	305	444	609	823
Iraq	692	1,031	1,137	1,365
Somalia	0	0	0	0

Source: (former) Ministry of Labour and Social Security, Work permit statistics: <https://bit.ly/2U5RJyB>. Source 2018: <http://bit.ly/33mO6GN>.

Although there are not updated statistics for 2019, reports quote 113,134 work permits issued to immigrants in Turkey between January to October 2019, mainly to immigrants from Syria, Kyrgyzstan, Ukraine, Turkmenistan, Georgia, Uzbekistan and Russia.³⁶⁵

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).³⁶⁶ In practice, Public Education Centres under provincial Governorates and İŞKUR offer vocational courses to asylum seekers in many localities.

³⁶² See DGMM, Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023, available in Turkish at: <https://bit.ly/2VlssZY>.

³⁶³ Istanbul Marmura Magistrate Court decision 2018/8, date 2 February 2018.

³⁶⁴ 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.

³⁶⁵ Hürriyet, 'Türkiye 113 bin yabancıya iş kapısı oldu', 14 December 2019, available in Turkish at: <https://bit.ly/2wNKGp>.

³⁶⁶ Article 22 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

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.³⁶⁷ 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.³⁶⁸

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.³⁶⁹

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.³⁷⁰ 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”.³⁷¹

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 is a prerequisite for school authorities to be able to process the child’s registration.³⁷² 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 56,701.³⁷³

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

³⁶⁷ More information is available at: <http://bit.ly/3aZ4CiF>.

³⁶⁸ See, UNDP Turkey, *UNDP to Bring Turkish and Syrian Businesses Together at Mersin*, 16 January 2020, available at: <http://bit.ly/33q1lqp>.

³⁶⁹ Article 89(1) LFIP.

³⁷⁰ Law No 222 on Primary Education and Training.

³⁷¹ Law No 1738 Basic Law on National Education.

³⁷² 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.

³⁷³ UNICEF, *Turkey Humanitarian Situation Report*, January-March 2019, 1.

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, stationery 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.³⁷⁴

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.

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;

³⁷⁴ Stakeholders confirmed these schools were still accessed in this way in March 2020.

- Non-formal education opportunities including in libraries, community and municipal centres etc;
- Mobile libraries in temporary accommodation centres;
- Vocational courses.

Accordingly, stakeholders noted that in 2019 social cohesion classes were initiated at schools. Foreign and Turkish students began to attend classes to better understand their cultures.³⁷⁵

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.³⁷⁶

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 of 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, Labour 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.³⁷⁷ 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.

³⁷⁵ Information provided by a stakeholder, February 2020.

³⁷⁶ Law No 5510 on Social Security and General Health Insurance lays down the scope and modalities of Turkey's general health insurance scheme.

³⁷⁷ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

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.³⁷⁸

In 2019 some PDMMs did not activate the health insurance of some international protection applicants who were eligible to renew their IDs for another year. There were at least 100 cases from diverse central Anatolian cities. On the other hand, **Karabuk** PDMM activated health insurance in conformity with an internal document sent by DGMM for those whose international protection application was rejected but who had appealed the decision.³⁷⁹

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.

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).³⁸⁰

³⁷⁸ Information provided by a stakeholder, March 2020.

³⁷⁹ Information provided by a stakeholder, February 2020.

³⁸⁰ Directive No 28597, 24 March 2013.

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.³⁸¹ 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. Two new mental health centres will be established in Urfa and Ankara (pilot cities) then extended to 18 cities.³⁸²

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
- 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;

³⁸¹ Article 113(1) RFIP.

³⁸² Information provided by Türk Kızılay Community Centre Urfa, February 2020.

- 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 eg in hospitals where high concentration of migrants.

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.³⁸³ 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.³⁸⁴

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 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.³⁸⁵

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.³⁸⁶

³⁸³ Information provided by Bosphorus Migration Studies, January 2019.

³⁸⁴ Information provided by Bosphorus Migration Studies, January 2019.

³⁸⁵ Information provided by stakeholders, February 2019.

³⁸⁶ *Ibid.*

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.³⁸⁷

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

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”.³⁸⁸

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) LFIP³⁸⁹, all children younger than 18 shall be placed in children’s shelters or other premises under the authority of the Ministry of Family, Labour and Social Services.

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.³⁹⁰ In **Antakya**, there is a protocol between the PDDM and the Ministry of Family and Social Policies with regards to the registration of separated children and constitution of their legal relationships with their families. In **Antakya** in 2019 there concerns over the custody of unaccompanied and separated children and legal assessments of new guardians not being conducted carefully.³⁹¹

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 organisations and NGOs for this purpose (see **Health Care**).

Gender-based violence against refugee women persists as a risk, as highlighted in 2018 research from the Turkish Medical Association.³⁹² In 2016, two Ugandan sisters were raped and beaten, resulting in one

³⁸⁷ Information provided by a lawyer from the Van Bar Association, March 2020.

³⁸⁸ Article 3(1)(I) LFIP.

³⁸⁹ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

³⁹⁰ Information provided by a stakeholder, February 2020.

³⁹¹ Information provided by a lawyer from the Antakya Bar Association.

³⁹² Birgün, ‘Göçün kadına yansıması: Zorla fuhuş, şiddet, hastalık’, 23 August 2018, available in Turkish at: <https://bit.ly/2JudcgC>.

sister's death in **Istanbul**.³⁹³ In 2017, a woman from Kyrgyzstan was assaulted by police officers in **Antalya**.³⁹⁴ In 2018, an Afghan woman who had been missing for a month was found murdered in **Burdur**.³⁹⁵ 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.³⁹⁶

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.

In 2018, some women victims of violence were referred to provinces where they faced difficulties, including **Bayburt**, **Elazığ** and **Gümüşhane**. Four cases were reported concerning Afghan and Iranian single women assigned to **Nevşehir**, where they were exposed to harassment.³⁹⁷

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, Labour and Social Services, municipalities or NGOs.³⁹⁸ In 2018 Turkey had a total of 144 shelters spread across 79 municipalities, with an overall capacity of 3,454 places, including one shelter managed by DGMM with 12 places.³⁹⁹ In 2019 there were reports of 145 shelters with a capacity of 3,482.⁴⁰⁰

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.⁴⁰¹ 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.⁴⁰²

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

³⁹³ Evrensel, 'Violet ve Beatrice için adalet çağrısı', 5 December 2016, available in Turkish at: <http://bit.ly/2z3QdyB>.

³⁹⁴ Mynet, 'Antalya'daki kadına polis şiddeti için flaş tutuklama', 27 October 2017, available in Turkish at: <https://bit.ly/2TQ4Gxi>.

³⁹⁵ Evrensel, 'Burdur'da kadın cinayeti: Kayıp Afgan kadın gömülmüş halde bulundu', 8 February 2019, available in Turkish at: <https://bit.ly/2T80vYi>.

³⁹⁶ 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.

³⁹⁷ Information provided by an NGO, February 2019.

³⁹⁸ Ministry of Family, Labour and Social Services, *Şiddet Önleme ve İzleme Merkezi*, available in Turkish at: <https://bit.ly/2HLo6fm>.

³⁹⁹ Ministry of Family, Labour and Social Services, '137 Sığınma Evi Yetmiyor' Başlıklı Haberle İlgili Basın Açıklaması', 6 September 2018, available in Turkish at: <https://bit.ly/2Ofi7AT>.

See BBC Turkey, '25 Kasım Kadına Yönelik Şiddetle Mücadele Günü - Kadınların ağzından sığınma evleri: 'Sanki suç işlemiş 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>.

⁴⁰¹ DGMM, *Victims of human trafficking*, available at: <https://bit.ly/2uFKMpT>.

⁴⁰² 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.⁴⁰³ 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.⁴⁰⁴ 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.⁴⁰⁵

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.⁴⁰⁶ 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,⁴⁰⁷ 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.⁴⁰⁸ 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.⁴⁰⁹ In another positive decision, the 7th Civil Court of Izmir approved the gender reassignment process of an Iranian refugee.⁴¹⁰ More recently, however, lawyers have witnessed court decisions refusing gender reassignment procedures to trans refugees in **Izmir** and **Yalova**. Another application is currently pending before the Constitutional Court and a positive decision is expected. Once the process is complete she will go to Australia for resettlement.⁴¹¹

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.⁴¹²

⁴⁰³ Information provided by a stakeholder, February 2018.

⁴⁰⁴ See e.g. Deutsche Welle, ‘Suriyelilerin İstanbul’a kaydı durduruldu’, 6 February 2018, available in Turkish at: <http://bit.ly/2sjHtWS>.

⁴⁰⁵ Information provided by a stakeholder in Ankara, February 2020.

⁴⁰⁶ Kaos GL, *Turkey’s challenge with LGBTI refugees*, 4 December 2019, 29-32.

⁴⁰⁷ Information provided by a stakeholder, March 2018.

⁴⁰⁸ Kaos GL, *Waiting to be “safe and sound”: Turkey as an LGBTI refugees’ way station*, July 2016, 39.

⁴⁰⁹ 2nd Civil Court of Denizli, Decision 2018/19, 25 January 2018.

⁴¹⁰ 7th Civil Court of Izmir, Decision 2018/370, 9 October 2018.

⁴¹¹ Information provided by an NGO, February 2019.

⁴¹² 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.⁴¹³

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 majority have to secure their own accommodation, similar to applicants for international protection. That

⁴¹³ Information provided by an NGO, February 2019.

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 2019: ⁴¹⁴	Not available
2. Number of asylum seekers in detention at the end of 2019:	Not available
3. Number of Removal Centres:	28
4. Total capacity of Removal Centres:	20,000

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 2019, there were 28 active Removal Centres in Turkey with a total detention capacity of 20,000 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.⁴¹⁵

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",⁴¹⁶ and that they fall within the scope of the [Accelerated Procedure](#).⁴¹⁷

⁴¹⁴ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

⁴¹⁵ Answer to European Parliamentary Question reference P-002884/2019 on behalf of the European Commission, available at: <http://bit.ly/2TWAO0o>.

⁴¹⁶ Article 68(5) LFIP.

⁴¹⁷ 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;⁴¹⁸ and
- ❖ Administrative detention for the purpose of removal.⁴¹⁹

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.⁴²⁰ Persons “may not be detained for the sole reason of having submitted an international protection application.”⁴²¹

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.

⁴¹⁸ Article 68 LFIP.

⁴¹⁹ Article 57 LFIP.

⁴²⁰ Article 68(2) LFIP; Article 96(1) RFIP.

⁴²¹ Article 68(1) LFIP.

The law further provides that detention shall immediately cease where it is no longer necessary.⁴²² 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.⁴²³ Conversely, the Magistrates' Court of **Van** has reached the opposite conclusion in similar cases.⁴²⁴

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.⁴²⁵ 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.⁴²⁶ 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. It remains to be seen how the new provision on alternatives to detention from December 2019 are implemented and if this reduces the time spent in pre-removal detention.

Since the changes to the LFIP in December 2019 an alternative to detention may also be ordered but it is too soon to know how this will be implemented in practice. 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.⁴²⁷ 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 2019⁴²⁸ 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 2019.⁴²⁹

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

⁴²² Article 57(4) LFIP.

⁴²³ 2nd Magistrates' Court of Antalya, Decision 2018/1761, 2 April 2018; 2nd Magistrates' Court of Hatay, Decision 2018/4659, 26 December 2018.

⁴²⁴ 2nd Magistrates' Court of Van, Decision 2018/6023, 27 November 2018; Decision 2018/6166, 7 January 2018.

⁴²⁵ Article 96(7) RFIP.

⁴²⁶ Information provided by a stakeholder, February 2018.

⁴²⁷ HRW, Turkey Stops Registering Syrian Asylum Seekers, July 2018, available at: <https://bit.ly/2XM5t2V>.

⁴²⁸ 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>.

⁴²⁹ Information provided by a stakeholder, March 2020.

inadmissible passengers can leave holding areas to travel to a country where they would like to go.”⁴³⁰ These persons are required to sign an “inadmissible passenger form” (*kabul edilemez yolcu formu*).⁴³¹

In practice, it is widely reported that applicants for international protection are held in facilities at the airport. There was an increase in such cases in 2018.⁴³² However, it was reported that people arriving irregularly ‘inadmissible passengers’ are not held for long in the new airport in Istanbul in 2019.⁴³³

In conformity with the law, the duration of assessment of the applications in the accelerated procedure does not exceed 2-3 days.⁴³⁴ 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.⁴³⁵

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 are concerned that this will create problems and violations of procedural safeguards, and the period of detention, conditions and access to appeal.⁴³⁶

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.⁴³⁷

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.⁴³⁸ 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

⁴³⁰ 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.

⁴³¹ DGMM, *Kabul Edilemez Yolcu Formları*, available at: <https://bit.ly/2Fz961l>.

⁴³² Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁴³³ Information provided by a lawyer from the Istanbul Bar Association, March 2020.

⁴³⁴ Information provided by a stakeholder, March 2018.

⁴³⁵ 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>.

⁴³⁶ 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>.

⁴³⁷ Article 71(1) LFIP.

⁴³⁸ Article 68(6) LFIP.

mandatory residence and notification obligation.”⁴³⁹ Both provisions are problematic as they refer to such obligations *after* detention is lifted rather than before it is ordered.

Up until recently, 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.⁴⁴⁰ For instance, **Aydin** Removal Centre obliged a non-Syrian registered in **Afyon** to give his signature every week in Aydin.⁴⁴¹ In addition, people were not properly informed of this obligation upon release from the Removal Centre.⁴⁴²

Lawyers appealed such 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.”⁴⁴³

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 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. Article 57(8) LFIP inserts that a person’s electronic tagging device may be examined by the authorities to establish the person’s identity.

It is too early to tell how this will affect practice overall. There are some concerns about return counselling given reported pressures in 2019 on detained refugees to voluntarily return.⁴⁴⁴ 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.⁴⁴⁵ On the other hand, there has already been a very recent positive decision from **Adana** where a potential detainee was issued a decision on ‘not leaving the domicile’ as an alternative to detention.⁴⁴⁶

⁴³⁹ Article 96(5) RFIP. Article 68(6) LFIP only refers to the obligations in Article 71 LFIP where detention is lifted.

⁴⁴⁰ Information provided by a stakeholder, February 2018.

⁴⁴¹ Information provided by a stakeholder in Ankara, February 2020.

⁴⁴² Information provided by a stakeholder, February 2019.

⁴⁴³ 1st Administrative Court of Gaziantep, Decision 2017/1302, 9 October 2017.

⁴⁴⁴ Information provided by a stakeholder, February 2020.

⁴⁴⁵ Information provided by a stakeholder in Istanbul, March 2020.

⁴⁴⁶ Information provided by a stakeholder in Gaziantep, February 2020.

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, Labour and Social Services.⁴⁴⁷ In practice, however, unaccompanied children often declare being over the age of 18 to avoid separation from their group.⁴⁴⁸ Unaccompanied minors are still kept in removal centres in border cities especially in **Van**.⁴⁴⁹ In **Gaziantep**, families are generally kept together although there have been some cases where unaccompanied children were deported alone.⁴⁵⁰

According to the law, children at risk and children convicted of an offence should be transferred to Child Support Centres (*Çocuk Destek Merkezleri*, ÇODEM).⁴⁵¹ However, concerns remain regarding the number of children – usually beggars or street vendors – arbitrarily detained in police stations.⁴⁵²

Children with their families are generally detained.⁴⁵³ 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.⁴⁵⁴ Cases of children, as well as elderly people being issued YTS codes continue to be witnessed in different provinces.⁴⁵⁵

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.⁴⁵⁶

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,

⁴⁴⁷ Article 66(1)(b) LFIP.

⁴⁴⁸ Information provided by a stakeholder, February 2019.

⁴⁴⁹ Information from a stakeholder in Ankara, February 2020.

⁴⁵⁰ Information from a stakeholder in Gaziantep, February 2020.

⁴⁵¹ Regulation No 29310 of 29 March 2015 on Child Support Centres, available in Turkish at: <https://bit.ly/19lwjfo>.

⁴⁵² Information provided by a stakeholder, February 2019.

⁴⁵³ 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.

⁴⁵⁴ 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>.

⁴⁵⁵ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁴⁵⁶ Information provided by a lawyer from the Antakya Bar Association, March 2020.

children with their mother, pregnant women have been held in removal centre and there was a case of a victim of human trafficking held in the removal centre and then deported.⁴⁵⁷ In **Antakya**, two people from Morocco, victims of human trafficking were deported to Morocco.⁴⁵⁸

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.⁴⁵⁹ LGBTI people are generally not held in removal centres in **Gaziantep**.⁴⁶⁰

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.⁴⁶¹ 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.⁴⁶² 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.⁴⁶³ 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.⁴⁶⁴

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.⁴⁶⁵

Pre-removal detention, on the other hand, may be ordered for 6 months, subject to the possibility of extension for another 6 months.⁴⁶⁶ This extension is systematically applied in practice, especially for persons under a YTS-related code.⁴⁶⁷ 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.⁴⁶⁸

⁴⁵⁷ Information provided by a lawyer from the Izmir Bar Association, March 2020.

⁴⁵⁸ Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁴⁵⁹ 2nd Magistrates' Court of Aydın, Decision of 6 April 2017.

⁴⁶⁰ Information provided by a stakeholder in Gaziantep, February 2020.

⁴⁶¹ ECtHR, *Yapcan v. Turkey*, Application No 160/18.

⁴⁶² Constitutional Court, Decision 2018/35518, 25 December 2018.

⁴⁶³ Evrencel, 'Engelli mülteci mahkeme kararına rağmen geri gönderme merkezinde tutuluyor', 10 January 2020, available in Turkish at: <https://bit.ly/2Jlo1P1>.

⁴⁶⁴ EgazeteEtik, 'Doğum yapan göçmen kadın faturayı ödeyemediği için polise teslim edildi', 14 December 2019, available in Turkish at: <https://bit.ly/2Uv3f6h>.

⁴⁶⁵ Article 68(5) LFIP.

⁴⁶⁶ Article 57(3) LFIP.

⁴⁶⁷ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁴⁶⁸ 2nd Magistrates' Court of Edirne, Decision 2018/2746, 3 July 2018.

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](#)),⁴⁶⁹ 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.⁴⁷⁰ 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.⁴⁷¹ In provinces such as **Istanbul** and **Hatay**, detention exceeding the 48-hour deadline is a general practice, however.⁴⁷² 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.⁴⁷³

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 December 2019, there were 28 active removal centres in Turkey with a total detention capacity of 20,000 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](#)). More Removal Centres are being planned and upon completion of these facilities the overall pre-removal detention capacity in Turkey will reach 21,466 places. **Adana** removal centre is about to close but a new one will be open in **Urfa**.⁴⁷⁴ A new removal centre in **Ankara** has just been activated.⁴⁷⁵

⁴⁶⁹ Article 96(7) RFIP.

⁴⁷⁰ Article 57(2) LFIP.

⁴⁷¹ Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017, available at: <https://bit.ly/2IWJuS0>.

⁴⁷² Information provided by NGOs and lawyers, February 2019 and March 2020.

⁴⁷³ Information provided by a stakeholder, March 2020.

⁴⁷⁴ Information provided by a stakeholder in Gaziantep, February 2020.

⁴⁷⁵ Information provided by a lawyer from the Ankara Bar Association, March 2020.

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 köy)
Çanakkale	Kocaeli
Çankırı	Malatya
Edirne	Muğla
Erzurum 1	Van (Tuşba)
Erzurum 2	Van (Kurubaş)
Gaziantep (Oğuzeli)	Iğdır (temporary)
Hatay	Osmaniye (Düziçi) (temporary)
Istanbul (Silivri)	Malatya (temporary)
Total capacity 2019	20,000

Source: DGMM, Removal centres: <http://bit.ly/2osejRh>.

The facilities located in **Iğdır** and **Osmaniye** (Düziçi) and **Malatya** are listed as temporary Removal Centres, with Osmaniye formerly operating as a temporary accommodation centre.

Despite the increase in detention capacity, overcrowding was reported in centres such as **Erzurum** in 2018 and **Izmir (Harmandalı)** in the course of 2019.⁴⁷⁶

Akyurt Removal Centre is the new removal centre established in Ankara. There have been complaints about the lack of physical infrastructure, unfinished construction, low quality meals, heating problems.⁴⁷⁷ In **Antakya** removal centre there were some complaints about hygiene due to overcrowding and the quality of meals but there were no ill treatment or torture claim in 2019.

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**.⁴⁷⁸

⁴⁷⁶ 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>; Information provided by a lawyer of the Izmir Bar Association, February 2020.

⁴⁷⁷ Information provided by a stakeholder in February 2020.

⁴⁷⁸ Information provided by a lawyer from the Van Bar Association, March 2020.

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.

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.⁴⁷⁹

Police stations can be used for short-term detention of up to 48 hours prior to a Removal Centre.⁴⁸⁰ 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.⁴⁸¹

Istanbul: A detention facility is used in Pendik to detain asylum seekers, likely due to overcrowding in police stations. Detention periods in this facility can reach one month.⁴⁸²

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 months, and deportation and international protection procedures are being conducted in the facility.⁴⁸³

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, is used for detention of persons caught in an irregular situation and for persons under a criminal investigation who are released by the Public Prosecutor. Persons detained there have reportedly been told to sign voluntary return documents, failing which they will be transferred to the Removal Centre.⁴⁸⁴ 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.

⁴⁷⁹ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).

⁴⁸⁰ Article 57(2) LFIP.

⁴⁸¹ Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.

⁴⁸² Information provided by the International Refugee Rights Association, February 2019; a lawyer of the Istanbul Bar Association, February 2019.

⁴⁸³ Information provided by a stakeholder, February 2019.

⁴⁸⁴ Information provided by a lawyer of the Antakya Bar Association, February 2019.

⁴⁸⁵ There is no third-party monitoring returns from here. UNHCR only monitors official voluntary returns which are managed by the PDMM.⁴⁸⁶

In **Van** during the summer time, due to high numbers, irregular migrants are also held in police stations or sport centres in Semdinli or the gendarmerie.⁴⁸⁷

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.⁴⁸⁸ 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.⁴⁸⁹ A series of judgments from the Constitutional Court against detention in **Istanbul** (Kumkapı), now closed, have highlighted the need to provide adequate detention conditions in Turkey.⁴⁹⁰

In 2017, in line with the monitoring provisions of the Regulation,⁴⁹¹ 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: for example, SGDD-ASAM was a member of the commission in **Izmir**, whereas another NGO participated in the commissions of **Kayseri** and **Hatay**. Generally, Türk Kızılay is present in these commissions.⁴⁹² 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.

⁴⁸⁵ Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁴⁸⁶ Information provided by a stakeholder, February 2020.

⁴⁸⁷ Information provided by a lawyer from the Van Bar Association, March 2020.

⁴⁸⁸ Article 11 Removal Centres Regulation.

⁴⁸⁹ Article 14(1) Removal Centres Regulation.

⁴⁹⁰ 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.

⁴⁹¹ Article 16 Removal Centres Regulation.

⁴⁹² Information provided by a stakeholder, February 2018.

2.1. Material conditions in detention

Conditions in Removal Centres vary from one facility to another. 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”.⁴⁹³ 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.⁴⁹⁴ While rooms are cleaned every day, the family units have faced bug infestation which has led to allergies in children.⁴⁹⁵

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.⁴⁹⁶ 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.⁴⁹⁷

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.⁴⁹⁸ Each centre has a capacity of 750 places.⁴⁹⁹ Women are accommodated on the top floor of GGM 2.⁵⁰⁰ Bedrooms accommodate six people on average and include a bathroom and toilet, although they have no curtains.⁵⁰¹ 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.⁵⁰² It also witnessed interruptions in the provision of hot water in GGM 2.⁵⁰³

GGM 1 has a playground and football, basketball and volleyball courts, a cafeteria, prayer rooms,⁵⁰⁴ 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.⁵⁰⁵ Some persons complained that they were not allowed outdoor access in GGM 2 on some days and that the sports facilities were not accessible.⁵⁰⁶ During a visit of the Human Rights and Equality Commission in 2018, a total of

⁴⁹³ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, available in Turkish at: <https://bit.ly/2UOmJjI>, paras 11-12 and 20.

⁴⁹⁴ *Ibid*, paras 21-26.

⁴⁹⁵ *Ibid*, para 28.

⁴⁹⁶ *Ibid*, paras 19-20.

⁴⁹⁷ Information from a lawyer from the Izmir Bar Association.

⁴⁹⁸ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, available in Turkish at: <https://bit.ly/2UJjyKd>.

⁴⁹⁹ *Ibid*, para 24.

⁵⁰⁰ *Ibid*, para 28.

⁵⁰¹ *Ibid*, para 29. The administration building has curtains, however.

⁵⁰² *Ibid*, paras 30, 35-36.

⁵⁰³ *Ibid*, para 32.

⁵⁰⁴ According to the Commission, people reported being unable to use the room: *Ibid*, para 37.

⁵⁰⁵ *Ibid*, paras 12-13.

⁵⁰⁶ *Ibid*, paras 49-51.

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.⁵⁰⁷

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.⁵⁰⁸

Istanbul: Women are generally detained in the Silivri Removal Centre, while men are held in Binkılıç.⁵⁰⁹

Antalya: People are held in cells that can be locked from the inside. Men and women are accommodated separately.⁵¹⁰

Çanakkale: Conditions have been reported to be adequate overall.⁵¹¹

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.⁵¹²

Kayseri: The centre has capacity for 750 persons and started operating in 2016.⁵¹³ Rooms have bunkbeds and are equipped with a cupboard, bathroom and toilet.⁵¹⁴ There are also two rooms for disabled persons, accessible by lift.⁵¹⁵ The walls, rooms and linen were found to be generally in good condition during a visit of the Human Rights and Equality Commission in 2018.⁵¹⁶ However, ventilation and hot water supply have been noticed as inadequate.⁵¹⁷

The facility has a prayer room, a library, a gym and a computer room.⁵¹⁸ 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.⁵¹⁹ Due to the rapid turnover of persons, the centre has not exceeded its capacity.⁵²⁰ If there are no available places in the centre, people are transferred to other Removal Centres such as **Kırıkkale** or **Çankırı**.⁵²¹

In **Izmir** (Harmandalı) and **Erzurum** people receive three meals a day in the cafeteria.⁵²² In 2018, however, the media raised concerns about food safety in Removal Centres after 100 people were poisoned from food

⁵⁰⁷ *Ibid*, paras 24-25.

⁵⁰⁸ Information provided by a lawyer of the Gaziantep Bar Association, February 2019.

⁵⁰⁹ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁵¹⁰ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵¹¹ Information provided by a lawyer of the Ankara Bar Association, February 2018.

⁵¹² Information provided by a lawyer of the Izmir Bar Association, February 2018.

⁵¹³ 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.

⁵¹⁴ *Ibid*, para 23.

⁵¹⁵ *Ibid*, para 25.

⁵¹⁶ *Ibid*, paras 32-34.

⁵¹⁷ *Ibid*, para 52.

⁵¹⁸ *Ibid*, para 51.

⁵¹⁹ *Ibid*, paras 14-15.

⁵²⁰ *Ibid*, para 24.

⁵²¹ Information provided by a lawyer of the Kayseri Bar Association, February 2019.

⁵²² Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 27; *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 33.

provided in **Kayseri**.⁵²³ The Human Rights and Equality Commission noted later in the year that meal menus are not shared with detainees in advance.⁵²⁴

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.⁵²⁵

A new removal centre in **Ankara** has just been opened. Detained people have complained about low quality food, access to medicine and severe cold.⁵²⁶

As regards border premises, the holding facility at **Istanbul Atatürk Airport** had two units, one for “inadmissible persons” who are not allowed entry into Turkey, and one for persons who have made an admissible claim for international protection.⁵²⁷ The former unit has systematically been the subject of critique by international bodies.⁵²⁸ It was closed in 2019 and a new airport, **Istanbul Airport** has much better conditions.

Another facility exists in **Esenboğa Airport** in Ankara. The facility’s conditions are limited but better than conditions in Atatürk Airport. People have access to the internet and a phone, water and food during their stay in the airport.⁵²⁹

2.2. Staff, health care and special needs

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.⁵³⁰ However, most detainees reported being unaware of the presence of the psychologist.⁵³¹ The Commission also expressed concerns about the lack of emergency response kits in the infirmary of the centre during its visit.⁵³²

Kayseri has one social worker, four teachers and one doctor.⁵³³ In **Erzurum**, a doctor is available from 08:00 to 17:00 and nurses work in shifts.⁵³⁴

Activities in Removal Centres vary across the country. In **Erzurum**, for example, detained Afghan children were able to access education in 2018.⁵³⁵ The same was reported in **Izmir** (Harmandalı), although a

⁵²³ Deniz Postası, ‘ŞOK! ŞOK! ŞOK! Geri Gönderim Merkezi’nde yüzlerce yabancı şahıs zehirlendi!’, 21 February 2018, available in Turkish at: <https://bit.ly/2I7p6r1>.

⁵²⁴ Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, para 41.

⁵²⁵ Information provided by a lawyer from the Van Bar Association, March 2020.

⁵²⁶ Information provided by a lawyer from the Ankara Bar Association, March 2020.

⁵²⁷ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).

⁵²⁸ See e.g. CPT, *Report of the visit to Turkey from 16 to 23 June 2015*, 17 October 2017, paras 36-39.

⁵²⁹ Information provided by a stakeholder, March 2018.

⁵³⁰ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 18.

⁵³¹ *Ibid*, para 37.

⁵³² *Ibid*, para 44.

⁵³³ Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, para 19.

⁵³⁴ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 52.

⁵³⁵ Information provided by a stakeholder, February 2019.

standard training programme is applied to children regardless of age or nationality.⁵³⁶ In **Antalya**, detained children cannot access education but psycho-social support is available in the Removal Centre.⁵³⁷

There have been allegations of ill-treatment against detainees by staff such as security guards in **Izmir** (Harmandalı).⁵³⁸ 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.⁵³⁹ Incidents of violence, handcuffing and pressure to apply for “voluntary return” from guards have also been reported in **Hatay**.⁵⁴⁰ 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.⁵⁴¹ 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.

Detainees shall be provided “urgent and basic health care services which cannot be afforded by the person concerned”.⁵⁴² Also, access to psycho-social support service is possible.⁵⁴³

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 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.

⁵³⁶ Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 53.

⁵³⁷ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵³⁸ Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, paras 32-33.

⁵³⁹ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵⁴⁰ See e.g. Dev Haber, ‘Antep Geri Gönderme Merkezin’de mülteciler ters kelepçeleniyor’, 25 December 2017, available in Turkish at: <http://bit.ly/2ETCOWC>.

⁵⁴¹ Information provided by a lawyer of the the Gaziantep Bar Association, March 2018.

⁵⁴² Article 14(1) Removal Centres Regulation.

⁵⁴³ Article 14(2) Removal Centres Regulation.

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,⁵⁴⁴ and can only request a copy of documents deemed not to be confidential, provided they have a power of attorney.⁵⁴⁵

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.⁵⁴⁶ Lawyers have been also subjected to long delays and security checks including X-ray body searches before being able to interview clients.⁵⁴⁷ 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.⁵⁴⁸ Complaints against security guards have also been filed by lawyers.⁵⁴⁹

In the new removal centre in **Ankara**, the removal centre 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.⁵⁵⁰

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.⁵⁵¹

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. Lawyers have also complained to Izmir PDMM about physical limitations in the removal centre, such as unlawful body searches targeting lawyers.⁵⁵² 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.⁵⁵³ A group of lawyers is preparing a lawsuit against the unlawful treatment of lawyers in the removal centre.⁵⁵⁴ 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

⁵⁴⁴ 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.

⁵⁴⁵ DGMM Circular No 31386081-000-36499 of 17 December 2015 "Avukatların Ggm'lerdeki Yabancılarla Görüşme Talebi".

⁵⁴⁶ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁵⁴⁷ 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>.

⁵⁴⁸ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IV.2.

⁵⁴⁹ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁵⁵⁰ Information provided by a lawyer from the Ankara Bar Association, March 2020.

⁵⁵¹ Information provided by a stakeholder, February 2020.

⁵⁵² Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁵⁵³ ECRE, 'Turkey: Lawyers Arbitrarily Detained in Izmir Removal Centre', 31 May 2019, available at: <https://bit.ly/2WTgQG0>.

⁵⁵⁴ Information provided by a lawyer from the Izmir Bar Association, February 2020.

the lawyer from the client-lawyer meeting. This is a worrying issue since now the time limit to appeal deportation is 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.⁵⁵⁵

In 2019 lawyers were also subject to searches in Antep and Van removal centres.⁵⁵⁶

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.⁵⁵⁷

Lawyers' access to the removal centre in **Antakya** was better in 2019 compared to 2018.⁵⁵⁸

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.⁵⁵⁹ Arabic-speaking staff of the centre provide interpretation assistance to lawyers when needed.⁵⁶⁰ In **Izmir** lawyers need to bring their own interpreter who has to be under oath. 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.⁵⁶¹

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. Lawyers could not even enter the Vatan Police Station building without submitting a power of attorney in August 2019. It is more accessible now but there is always a very long queue. 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.⁵⁶²

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.⁵⁶³ In **Antalya**, a security guard is present during lawyer / client meetings if the

⁵⁵⁵ Information provided by a lawyer from the Izmir Bar Association March 2020.

⁵⁵⁶ Information provided by a stakeholder in Gaziantep, February 2020.

⁵⁵⁷ Information provided by a lawyer from the Van Bar Association, March 2020.

⁵⁵⁸ Information provided by a lawyer from the Antakya Bar Association March 2020.

⁵⁵⁹ Information provided by a stakeholder, February 2019.

⁵⁶⁰ Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁵⁶¹ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁵⁶² Information provided by a lawyer from the Istanbul Bar Association, February 2020.

⁵⁶³ Information provided by a lawyer of the Kayseri Bar Association, February 2019.

person has been issued a YTS code.⁵⁶⁴ In **Gaziantep**, lawyers' access to the centre improved in 2018 as waiting times for entering the facility have been reduced.⁵⁶⁵

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.⁵⁶⁶ 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.⁵⁶⁷ Lawyers can take notes of the meeting. In **Gaziantep**, a room for meetings with lawyers is currently under construction.⁵⁶⁸ 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.⁵⁶⁹ In 2018, lawyers were aware of persons pressured to sign voluntary return documents to avoid transfer to a Removal Centre located far away from their family members.⁵⁷⁰

Lawyers' access to airports was restricted in recent years but this improved overall in 2019.⁵⁷¹ 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.⁵⁷²

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.⁵⁷³

NGOs have no established protocols with DGMM for access to Removal Centres.⁵⁷⁴ 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.⁵⁷⁵

⁵⁶⁴ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁵⁶⁵ Information provided by a lawyer of the Gaziantep Bar Association, February 2019.

⁵⁶⁶ Grand National Assembly, *Izmir-Aydın Geri Gönderme Merkezleri İnceleme Raporu*, November 2017, 20.

⁵⁶⁷ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁵⁶⁸ Information provided by a lawyer of the Gaziantep Bar Association, February 2019; an NGO, February 2019.

⁵⁶⁹ Information provided by NGOs, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁵⁷⁰ Information provided by a lawyer of the Antakya Bar Association, March 2019.

⁵⁷¹ Information provided by an NGO, February 2019; International Refugee Rights Association, February 2019.

⁵⁷² Information provided by a lawyer from Istanbul Bar Association, February 2020.

⁵⁷³ Information provided by UNHCR, February 2019.

⁵⁷⁴ Information provided by SGDD-ASAM, February 2018.

⁵⁷⁵ Information provided by a lawyer of the Antakya Bar Association, February 2018.

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 | |

The decision to detain an international protection applicant during the processing of his or her claim must be communicated in writing.⁵⁷⁶ 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,⁵⁷⁷ 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.⁵⁷⁸ 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.⁵⁷⁹

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,⁵⁸⁰ pre-removal detention must be reviewed by the governorate on a monthly basis.⁵⁸¹

The decision to detain can be challenged at the competent Magistrates' Court through a non-suspensive appeal.⁵⁸² 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.⁵⁸³

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

⁵⁷⁶ Article 68(4) LFIP.

⁵⁷⁷ 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.

⁵⁷⁸ Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018.

⁵⁷⁹ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 47.

⁵⁸⁰ Article 68(6) LFIP only states that detention may be lifted at any point.

⁵⁸¹ Article 57(4) LFIP.

⁵⁸² 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.

⁵⁸³ Article 68(7) LFIP; Article 96(6) RFIP.

Centres,⁵⁸⁴ appeals against detention are rejected as a general rule.⁵⁸⁵ In **Hatay**, about 200 appeals against detention are filed per year.⁵⁸⁶ 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 careful assessment of the magistrate court.⁵⁸⁷ 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.⁵⁸⁸ In **Antakya** there have also been no positive decisions on administrative detention and concerns that there is a 'systematic' legal practice on this issue.⁵⁸⁹

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."⁵⁹⁰ 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.⁵⁹¹

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,⁵⁹² but following a separate appeal the **Çanakkale** Magistrates' Court ordered his release and imposed reporting obligations.⁵⁹³

One crucial gap in the LFIP provisions on detention concerns remedies against detention conditions.⁵⁹⁴ 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.⁵⁹⁵ The Court reiterated this position in several cases in 2016,⁵⁹⁶ which – similar to *K.A.* – concerned detention conditions in the former Removal Centre of **Istanbul** (Kumkapı).

⁵⁸⁴ 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.

⁵⁸⁵ 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.

⁵⁸⁶ Information provided by a lawyer, February 2019.

⁵⁸⁷ Information provided by a lawyer from the Izmir Bar Association, March 2020.

⁵⁸⁸ Information provided by a lawyer from the Van Bar Association, March 2020.

⁵⁸⁹ Information provided by a lawyer from the Antakya Bar Association, March 2020.

⁵⁹⁰ Magistrates' Court of Kirklareli, Decision 2016/2732, 24 October 2016.

⁵⁹¹ 2nd Magistrates' Court of Edirne, Decision 2018/2746, 3 July 2018.

⁵⁹² Information provided by a lawyer of the Ankara Bar Association, January 2019.

⁵⁹³ Magistrates' Court of Çanakkale, Decision 2018/3777, 12 October 2018.

⁵⁹⁴ 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>.

⁵⁹⁵ 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.

⁵⁹⁶ 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.

Finally, where administrative detention is unlawful, the applicant can lodge a compensation claim (*Tam Yargı Davası*) before the Administrative Court.⁵⁹⁷

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.⁵⁹⁸ 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.⁵⁹⁹

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.⁶⁰⁰ 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.⁶⁰¹

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.⁶⁰² 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 2019.⁶⁰³ Some notaries did not accept requests from refugees who had a travel permit but who were registered in other cities.⁶⁰⁴

⁵⁹⁷ Constitutional Court, *B. T.*, Decision 2014/15769, 30 November 2017.

⁵⁹⁸ Article 68(8) LFIP.

⁵⁹⁹ Article 81(2) LFIP.

⁶⁰⁰ 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.

⁶⁰¹ 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.

⁶⁰² Izmir Bar Association, *Izmir Geri Gönderme Merkezlerinde Adalete 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>.

⁶⁰³ 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.

⁶⁰⁴ Information provided by a stakeholder, March 2020.

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.⁶⁰⁵ 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, the courts accept representation of detained applicants under a legal aid appointment document without a power of attorney.⁶⁰⁶

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),⁶⁰⁷ **Kayseri**,⁶⁰⁸ 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.⁶⁰⁹

⁶⁰⁵ Evrensel, 'Yargı: Mülteciler vekaletnamesiz avukat hizmeti alabilir', 20 January 2018, available in Turkish at: <http://bit.ly/2CG9RCI>.

⁶⁰⁶ 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.

⁶⁰⁷ 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.

⁶⁰⁸ 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.

⁶⁰⁹ Information provided by a lawyer from the Izmir Bar Association, February 2020.

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.

4. Persons who fall within the refugee definition in Article of the 1951 Convention and come from a "European country of origin"⁶¹⁰ 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 2018,⁶¹¹ although a March 2018 report of the Grand National Assembly referred to 70 persons with refugee status.⁶¹² There was no official data in 2019.
5. 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.
6. 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.

According to stakeholders, the number of conditional refugees as well as the number of rejected internal protection increased in 2019. Stakeholders generally thought that practice in the decision-making process had gradually worsened. The quality of decision-making in Sivas, Ankara, Kirsehir and Tokat could have been improved in 2019. UNHCR is providing trainings and guidelines have been translated into Turkish.⁶¹³

⁶¹⁰ 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'.

⁶¹¹ T24, 'Türkiye'de 4.3 milyon göçmen yaşıyor; mülteci statüsünde 3 kişi var', 17 January 2018, available in Turkish at: <http://bit.ly/2D4ByFa>.

⁶¹² Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁶¹³ Information provided by a stakeholder, February 2020.

A. Status and residence

1. 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

(These provisions were amended on 24 December 2019. The duration of validity of these documents is to be determined by the Ministry of Interior).

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.⁶¹⁴ 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.⁶¹⁵ 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.⁶¹⁶

Previously **refugees** were granted an International Protection Status Holder Identification Document with a validity period of 3 years,⁶¹⁷ **conditional refugees** and beneficiaries of **subsidiary protection** were issued a document valid for 1 year.⁶¹⁸ 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.⁶¹⁹ 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

⁶¹⁴ Article 30(1) LFIP.

⁶¹⁵ Article 20(1)(g) LFIP, citing Article 83; Article 93(2) RFIP.

⁶¹⁶ Article 83(3) LFIP.

⁶¹⁷ Article 83(1) LFIP.

⁶¹⁸ Article 83(2) LFIP.

⁶¹⁹ Article 83 as amended by 85 7196 Law, 24 December 2019.

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 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.

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.⁶²⁰

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 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:

⁶²⁰ Information provided by an NGO, February 2019.

- 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 after the data verification process increased. 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.⁶²¹

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 2019: | Not available |

According to Law No 5901 on Turkish Citizenship, there are three procedures for naturalisation of foreign citizens. Citizenship may be acquired through:

- 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

⁶²¹ Information provided by a lawyer from the Antakya Bar Association, February 2020.

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.

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:⁶²²

- 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.⁶²³

⁶²² Article 85(1) LFIP.

⁶²³ Article 85(2) LFIP.

Subsidiary protection may also be ceased where circumstances have changed to such an extent that protection is no longer needed.⁶²⁴

Cessation is to be decided on an individual basis.⁶²⁵ 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.⁶²⁶ 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.⁶²⁷

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.⁶²⁸

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.⁶²⁹

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,⁶³⁰ the possibility to submit oral or written observations “within a reasonable period” is provided in the RFIP.⁶³¹ The remaining rules and procedures are the same as in **Cessation**.

There are a few cases reported on cancellation of international protection status in practice. In a ruling of 2016, the Administrative Court of **Bursa** upheld the withdrawal of international protection decision taken against an Iranian person who had breached his obligation to remain in his satellite city and had committed a crime in another city.⁶³²

⁶²⁴ Article 85(3) LFIP.

⁶²⁵ Article 97(3) RFIP.

⁶²⁶ Article 85(4) LFIP.

⁶²⁷ Article 97(1) RFIP.

⁶²⁸ Article 80(1)(a) LFIP.

⁶²⁹ Article 86(1) LFIP.

⁶³⁰ Article 86(2) LFIP.

⁶³¹ Article 98(1) RFIP.

⁶³² 1st Administrative Court of Bursa, Decision 2016/784, 12 May 2016.

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,⁶³³ 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.⁶³⁴ Refugees and subsidiary protection holders are expressly exempt from this condition, but conditional refugees are not.⁶³⁵

A refugee or beneficiary of subsidiary protection may reunite with the following family members:⁶³⁶

- Spouse, whereby only one spouse may benefit from family reunification in the case of polygamous marriages;⁶³⁷
- Minor children or minor children of the spouse;
- Dependent children or dependent children of the spouse.

As of January 2020 Türk Kızılay had received 1,696 requests for family reunification in total.⁶³⁸ The procedure takes up to 6 months or one year until the arrival of family members in Turkey.⁶³⁹

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.⁶⁴⁰ Holders of this permit have access primary and secondary education institutions without obtaining a student residence permit.⁶⁴¹

⁶³³ Article 34(1) LFIP; Article 30(1)(d) RFIP.

⁶³⁴ Article 35(1)(ç) LFIP.

⁶³⁵ Article 35(4) LFIP.

⁶³⁶ Article 34 LFIP; Article 30 RFIP.

⁶³⁷ Article 34(2) LFIP; Article 30(3) RFIP.

⁶³⁸ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020, 34.

⁶³⁹ *Ibid.*

⁶⁴⁰ Article 34(1) LFIP.

⁶⁴¹ Article 34(4) LFIP.

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.⁶⁴² However, this condition may be waived in cases where the spouse has been a victim of domestic violence,⁶⁴³ or in the event of death of the sponsor.⁶⁴⁴

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.⁶⁴⁵ 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.”⁶⁴⁶

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.⁶⁴⁷

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](#)).

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.⁶⁴⁸ 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.⁶⁴⁹ 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” (*Yabancılarla 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.

⁶⁴² Article 34(5) LFIP.

⁶⁴³ Article 34(6) LFIP.

⁶⁴⁴ Article 34(7) LFIP.

⁶⁴⁵ Article 82(1) LFIP; Article 110(4) RFIP.

⁶⁴⁶ Article 110(5) RFIP.

⁶⁴⁷ Article 110(1) RFIP.

⁶⁴⁸ Article 104 RFIP.

⁶⁴⁹ Article 84(2) LFIP; Article 104(2) RFIP.

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.⁶⁵⁰

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.⁶⁵¹ From January 1 to 30 November 2019, 22% of resettlement departures from Turkey were carried out to the United States of America, 77% were resettled in Europe and 1% in New Zealand.⁶⁵² According to DGMM statistics, a total 16,285 Syrians were transferred to third countries between 2014 and 2019, mainly to Canada, the US, the UK and Norway.⁶⁵³

Conditional refugees including those from Iran, Iraq and Afghanistan, face severe delays in accessing resettlement opportunities.⁶⁵⁴

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.

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

⁶⁵⁰ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶⁵¹ UNHCR, *Turkey Operational Highlights 2019*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

⁶⁵² UNHCR, *Turkey Key Facts and Figures*, November 2019, available at: <https://bit.ly/3bz0xlF>.

⁶⁵³ DGMM statistics, available in Turkish at: <https://bit.ly/39v1fz5>.

⁶⁵⁴ Information provided by a stakeholder, February 2019.

employment or self-employment after being granted status, on the basis of their International Protection Holder Identity Document without satisfying additional requirements.⁶⁵⁵

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.⁶⁵⁶

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.⁶⁵⁷ 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.⁶⁵⁸

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](#)).

⁶⁵⁵ Article 89(4)(b) LFIP; Article 4 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁶⁵⁶ Article 18 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁶⁵⁷ Article 89(4)(a) LFIP; Articles 6 and 9 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁶⁵⁸ 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.



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.⁶⁵⁹ 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.⁶⁶⁰ Following a reform in March 2018, responsibility for accommodation and other services also lies with DGMM.⁶⁶¹ 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).⁶⁶²

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.⁶⁶³ 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.⁶⁶⁴ The declaration decision shall elaborate the scope of beneficiaries, the start date of the temporary protection regime and its duration, where necessary.⁶⁶⁵ 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.⁶⁶⁶

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”.⁶⁶⁷ 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

⁶⁵⁹ Article 71 Decree 703 of 9 July 2018.

⁶⁶⁰ Article 10 TPR.

⁶⁶¹ Regulation 2018/11208 amending the Temporary Protection Regulation.

⁶⁶² Presidential Decree No 4 of 15 July 2018 also amended the duties and tasks of AFAD.

⁶⁶³ Articles 1 and 3 TPR.

⁶⁶⁴ Article 9 TPR.

⁶⁶⁵ Article 10 TPR.

⁶⁶⁶ Article 11 TPR.

⁶⁶⁷ Article 15 TPR.

termination of a temporary protection regime by means of a Presidency decision in accordance with Article 11 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.⁶⁶⁸

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.⁶⁶⁹ Those arriving through a third country are excluded from

⁶⁶⁸ Information provided by a lawyer of the Antakya Bar Association, March 2019.

⁶⁶⁹ Zeynep Kivilcim, ‘Lesbian, gay, bisexual and transsexual (LGBT) Syrian refugees in Turkey’, 2016, 29.

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 nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection.⁶⁷⁰

In some cases, PDMM have referred these persons for a short-term visa and then a short-term residence permit.⁶⁷¹ 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.⁶⁷²

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.⁶⁷³

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. However, it has been reported that there are some Syrians who are able to extend their passports at the Syrian Consulate in **Istanbul**.⁶⁷⁴

⁶⁷⁰ Information provided by NGOs, March 2019.

⁶⁷¹ *Ibid.*

⁶⁷² Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁶⁷³ 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.

⁶⁷⁴ Information provided by a stakeholder, February 2018. There was no new information on this in 2019.

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:⁶⁷⁵

- 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 continued to be 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,⁶⁷⁶ and the Ministry of Foreign Affairs declared that around 371,000 people had returned to safe zones in Syria.⁶⁷⁷ 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.⁶⁷⁸ 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.

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.⁶⁷⁹

According to Istanbul PDMM,⁶⁸⁰ 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 especially in July. Several cases are now pending before Istanbul courts regarding appeals against administrative detention and deportation decisions.⁶⁸¹

Amnesty International has also documented cases of persons being sent to removal centers, many of whom 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

⁶⁷⁵ Article 12(1) TPR.

⁶⁷⁶ Haber 3, '2019'da gönüllü olarak Suriye'ye dönen Suriyeli sayısı açıklandı', 1 January 2020, available in Turkish at: <https://bit.ly/3bB1R7H>.

⁶⁷⁷ AA news, 'Dışişleri Bakanı Çavuşoğlu: 371 bin Suriyeli güvenli şekilde geri döndü', 16 December 2019, available in Turkish at: <https://bit.ly/2QVuzs2>.

⁶⁷⁸ Ministry of Defence, available in Turkish at: <https://bit.ly/3atM5uZ>.

⁶⁷⁹ Information provided by an NGO, February 2019.

⁶⁸⁰ Istanbul PDMM statement available here (in Turkish): <https://bit.ly/33LBDwB>.

⁶⁸¹ Information provided by a lawyer from the Istanbul Bar Association, February 2020.

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.⁶⁸²

Lawyers in **Antakya** reported an approximate 20%-30% rise in deportation cases after the operations carried out in Istanbul in July 2019.⁶⁸³ The number of Syrian refugees whose temporary protection was ceased, and litigation on the matter, also rose significantly.⁶⁸⁴ The main reasons for cessation 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 deported.⁶⁸⁵

UNHCR continued to monitor voluntary returns in 2019. According to their 2019 report, UNHCR observed the voluntary return interviews of over 34,300 families in 2019 in nine provinces across South East Turkey as well as **Ankara, Istanbul, Izmir** and **Manisa**, and conducted visits with DGMM to observe the voluntary return procedures put in place by the provincial directorates, to identify gaps and challenges in the implementation and to provide support and strengthen the capacity of the provincial directorate staff. According to UNHCR some key findings of the monitoring were that the preferred destination of return in 2019 was **Aleppo** with 49% of the returnees interviewed, followed by Idlib (17%). Some 54% of returnees said the main reason for their return was ‘to join family members’ and the second reason with 8% of returnees was the ‘lack of financial/ humanitarian support/assistance in Turkey’. For 77% of refugees, it was their first time to return to Syria since they had been forced to flee.⁶⁸⁶

Human Rights Association (IHD), one of the biggest human rights organisations in Turkey, has revealed that neither UNHCR, Turkish Kizilay nor any other NGOs were present during voluntary return procedures for Syrians from July to October 2019 in Istanbul.⁶⁸⁷ 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.⁶⁸⁸ 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.⁶⁸⁹

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.⁶⁹⁰

⁶⁸² Amnesty International, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees*, 25 October 2019, available at: <https://bit.ly/3dBsknn>.

⁶⁸³ Information provided by a stakeholder in Antakya, February 2020.

⁶⁸⁴ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁶⁸⁵ Information provided by a stakeholder in Antakya, February 2020.

⁶⁸⁶ UNHCR, *Turkey: 2019 Operational Highlights*, available at: <https://bit.ly/2xvTICl>.

⁶⁸⁷ Evrensel, ‘İHD'den mülteci hak ihlalleri raporu: Gönüllü geri dönüş formlarında yetkili imza yok’, 1 November 2019, available in Turkish, at: <https://bit.ly/3bxKO6E>.

⁶⁸⁸ Information provided by an NGO, February 2019.

⁶⁸⁹ Information provided by an NGO, February 2019.

⁶⁹⁰ Information provided by Kirkayak Cultural Centre, February 2019.

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.⁶⁹¹ DGMM is authorised to grant or deny renewed access to temporary protection status upon repeat arrival in Turkey.

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. For example, it was reported that approximately 500 Syrians in **Mardin** are living without status near the border after having had their temporary protection status ceased and subsequently coming back to Turkey.⁶⁹² These persons had not been adequately informed by the authorities at the border on their obligations under temporary protection and the consequences of leaving the country. However, 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.⁶⁹³ 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.⁶⁹⁴ 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.⁶⁹⁵

In **Izmir** in 2019, the temporary protection of Syrians who were previously and unlawfully deported and kept in detention centres were 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.⁶⁹⁶ 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.⁶⁹⁷

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.⁶⁹⁸ DGMM statistics refer to 404 Syrian “irregular migrants” readmitted by Turkey from 4 April 2016 to 5 March 2020.⁶⁹⁹

⁶⁹¹ Article 13 TPR.

⁶⁹² Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁶⁹³ DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.

⁶⁹⁴ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁶⁹⁵ Information provided by SGDD-ASAM Antakya, February 2020.

⁶⁹⁶ Information provided by a lawyer from the Izmir Bar Association, February 2020.

⁶⁹⁷ Information provided by a lawyer from the Antakya Bar Association, February 2020.

⁶⁹⁸ Provisional Article 1(6) TPR, as inserted by Article 1 Regulation 2016/8722 of 5 April 2016.

⁶⁹⁹ DGMM, *Return statistics*, available at: <http://bit.ly/2AMI7g5>.

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:⁷⁰⁰

- 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.⁷⁰¹ In some cases, DGMM has also ordered cancellation on the basis of Article 8(1)(e) TPR.⁷⁰² 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.⁷⁰³

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 fall within the exclusion grounds listed above, their temporary protection status shall be cancelled. DGMM can delegate this power to governorates as of 25 December 2019.⁷⁰⁴

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](#)).

⁷⁰⁰ Article 8(1) TPR.

⁷⁰¹ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁷⁰² 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.

⁷⁰³ Information provided by an NGO, February 2019.

⁷⁰⁴ Article 12(2) TPR.

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.⁷⁰⁵

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".⁷⁰⁶ 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 of its parts.⁷⁰⁷ 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 2018.⁷⁰⁸ In March 2019, however, Turkey announced the opening of a border-crossing point in the Afrin region, named "Olive Branch".⁷⁰⁹ There are plans to reinforce the border-crossing point with new technology.⁷¹⁰

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,⁷¹¹ or to bribe border guards to enter Turkey.⁷¹² There are also reports of tunnels and that the wall has increased smugglers' prices.⁷¹³ According to available statistics, the Armed Forces apprehended at least 224,358 individuals trying to irregularly cross the Syrian border in 2018 alone.⁷¹⁴

⁷⁰⁵ Article 17(2) TPR.

⁷⁰⁶ Article 15 TPR.

⁷⁰⁷ 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>.

⁷⁰⁸ Human Rights Watch, *World Report 2019: Turkey*, available at: <https://bit.ly/2W2P1bl>.

⁷⁰⁹ Middle East Monitor, 'Turkey to open border gate with Syria's Afrin next week – minister', 5 March 2019, available at: <https://bit.ly/2ukw1s9>.

⁷¹⁰ CNN Turk, 'Suriye sınırına akıllı güvenlik', 13 January 2020, available in Turkish at: <https://bit.ly/2UNgY73>.

⁷¹¹ Hürriyet, 'Footage shows Syrians scaling Turkish border wall with ladders', 7 September 2018, available at: <https://bit.ly/2EEp0bl>.

⁷¹² International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*, February 2019, available at: <https://bit.ly/2tSkVdX>, 5-6.

⁷¹³ Information received from stakeholders from Ankara and Urfa, March 2020.

⁷¹⁴ International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*, February 2019, available at: <https://bit.ly/2tSkVdX>, 21.

DGMM figures for 2019 refer to a total of 454,662 apprehended irregular migrants countrywide, of whom only 55,236 were Syrian nationals. The largest group at 201,437 were Afghans.⁷¹⁵

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 2018.⁷¹⁶ There are reports that Turkish officers fire guns at times to stop people entering the country.⁷¹⁷ Applications for international protection are not accepted at the border.⁷¹⁸

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.⁷¹⁹ 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.⁷²⁰

2. Registration under temporary protection

The PDMM are formally in charge of registering temporary protection beneficiaries. However, in 2018, PDMM in large provinces such as **Istanbul**, **Hatay** and **Mardin** *de facto* stopped registering and granting documents to newly arriving Syrian refugees, with the exception of vulnerable cases.⁷²¹ Others such as **Şanlıurfa** continue to register temporary protection beneficiaries, although they have stopped registering international protection applicants.⁷²²

The registration process of Syrians has not been smooth in 2019. Vulnerable groups had priority in registration procedures but the number of Syrians who did not receive ID documents increased in 2019. The main problem is the increase in the number of 'closed cities' and the problems in getting travel permit from PDMMs. Without valid travel permits, Syrian refugees are at risk of deportation or administrative detention.⁷²³

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

⁷¹⁵ DGMM, *Irregular migration statistics*, available at: <https://bit.ly/2BO8chL>.

⁷¹⁶ Ministry of Interior, Reply to Human Rights Watch, 21 March 2018, available at: <https://bit.ly/2unxG2Y>.

⁷¹⁷ For example, Human Rights Watch, 'Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians', 3 February 2018, available at: <https://bit.ly/2KhddSH>.

⁷¹⁸ Information provided by a stakeholder in Gaziantep, February 2020.

⁷¹⁹ See the Al Jazeera timeline of events on the Turkey-Syria border, available here: <https://bit.ly/2QSaLFS>.

⁷²⁰ ECRE, *Statement on the situation on the Greek Turkish border*, 3 March 2020, available at: <https://bit.ly/2QVyzJ2>.

⁷²¹ Information provided by a stakeholder, February 2019. See also Human Rights Watch, 'Turkey Stops Registering Syrian Asylum Seekers', 16 July 2018, available at: <https://bit.ly/2uq5FWg>; Hürriyet, 'Turkish government stops relocating Syrians to Istanbul', 9 February 2018, available at: <https://bit.ly/2HPa9NL>.

⁷²² Information provided by a lawyer of the Şanlıurfa Bar Association, February 2019.

⁷²³ Information provided by a stakeholder, February 2020.

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.⁷²⁴

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, Balikesir, 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.⁷²⁵

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.⁷²⁶

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.⁷²⁷

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.⁷²⁸

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.⁷²⁹ Applicants also face other

⁷²⁴ Information provided by a stakeholder, February 2020.

⁷²⁵ Information provided by a stakeholder, March 2020.

⁷²⁶ 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>.

⁷²⁷ Information provided by Izmir PDMM, December 2017.

⁷²⁸ 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>.

⁷²⁹ 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.

practical impediments to registration such as errors on the part of DGMM officials, which may only be corrected following time-consuming legal intervention.⁷³⁰

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.⁷³¹

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 children.⁷³² 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.⁷³³

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.

⁷³⁰ Information provided by Adana Bar Association, February 2018.

⁷³¹ 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.

⁷³² DGMM Circular 2017/10 of 29 November 2017 on principles and procedures for foreigners under temporary protection.

⁷³³ *Ibid.*

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, the 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](#)).

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.

As discussed in the section on [Housing](#), camps for Syrians officially referred to as Temporary Accommodation Centres were originally established and run by AFAD. Since October 2015, however, DGMM has managed the camp based in the Düziçi district of **Osmaniye** province and began to use it as a *de facto* detention centre mainly to hold selected Syrian nationals.⁷³⁴ Currently, Düziçi is classified as a temporary Removal Centre (see [Place of Detention](#)).

Under a Circular of 25 July 2014, there is a provision relevant to beneficiaries who threaten public order or security *inter alia* by begging or living on the street.⁷³⁵ On the basis of this Circular, cases of Syrians confined

⁷³⁴ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, paras VI.1(b) and XI.2(f).

⁷³⁵ Ministry of Interior Circular 2014/429 of 25 July 2014.

within camps and not being allowed to leave after being arrested for homelessness or begging have been reported in previous years⁷³⁶ including to groups such as Dom.⁷³⁷ This practice stopped in 2018.⁷³⁸

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.⁷³⁹

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](#)).

⁷³⁶ Zeynep Kivilcim, 'Legal violence against Syrian female refugees in Turkey', *Female Legal Studies*, 2016, citing Amnesty International, *Europe's gatekeeper*, 2015.

⁷³⁷ Information provided by the Kirkayak Cultural Centre, February 2018.

⁷³⁸ Information provided by the Kirkayak Cultural Centre, February 2019.

⁷³⁹ 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;⁷⁴⁰ protection from punishment for illegal entry or presence⁷⁴¹ and protection from *refoulement*.⁷⁴²

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 [2018]. 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 regards 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 labor 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 labor, 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 labor market has become more important subjects. As a result of the mobility in Turkey and the increase in participation in the labor market in this period, Syrians have become more visible in Turkey.”⁷⁴³

2019 could potentially be identified as the beginning of a third period: one of social cohesion and return. As already mentioned, DGMM issued a new strategy, the Cohesion Strategy and National Action Plan.⁷⁴⁴ According to the strategy, six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labor 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.⁷⁴⁵ Amnesty International documented cases of Syrians deported from Istanbul, including 20 cases of forced returns⁷⁴⁶ 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 Belgium 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.⁷⁴⁷

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

⁷⁴⁰ Article 25 TPR.

⁷⁴¹ Article 5 TPR.

⁷⁴² Article 6 TPR.

⁷⁴³ 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.

⁷⁴⁴ DGMM, *Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023*, available in Turkish at: <https://bit.ly/2VlssZY>.

⁷⁴⁵ Information provided by a lawyer from Istanbul Bar Association, February 2020.

⁷⁴⁶ Amnesty International, *Sent to a War Zone: Turkey's Illegal Deportations of Syrian Refugees*, 25 October 2019, available at: <https://bit.ly/2WYNE0f>.

⁷⁴⁷ See 11.11.11, ‘Durable solutions for the Syrian Refugees in Turkey’, December 2019, available at: <https://www.11.be/en/home/item/durable>.

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) hopes to solve some of these issues.

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.⁷⁴⁸ They generally conduct cross-border activities in Syria in collaboration with DGMM and other authorities. They previously faced severe delays in obtaining residence permits for their foreign workers, but the situation seems to have been resolved as of 2018.

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.⁷⁴⁹ The reform was consolidated by Law No 7070 on 1 February 2018.

Deportation decisions were increasingly issued to Syrians on the basis of the abovementioned provisions in 2018,⁷⁵⁰ and 2019, 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.⁷⁵¹ 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.⁷⁵² In another case, the Court refused to terminate detention,⁷⁵³ despite the existence of an interim measure from the Constitutional Court.⁷⁵⁴

According to changes to the LFIP in December 2019 entry bans can now be applied to those who are in the country.⁷⁵⁵

⁷⁴⁸ For a list of active organisations, see Ministry of Interior, *Foreign CSOs permitted to operate in Turkey*, available at: <https://bit.ly/2TZyYgU>.

⁷⁴⁹ 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.

⁷⁵⁰ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁷⁵¹ 1st Administrative Court of Izmir, Decision 2017/1608, 28 February 2018.

⁷⁵² 2nd Magistrates' Court of Hatay, Decision 2019/476, 31 January 2019. See also 1st Administrative Court of Hatay, Decision 2018/887, 18 January 2019.

⁷⁵³ 2nd Magistrates' Court of Hatay, Decision 2018/4287, 27 November 2018.

⁷⁵⁴ The Constitutional Court had granted interim measures on 16 November 2018, and ordered interim measures again: Constitutional Court, Decision 2018/33177, 21 December 2018.

⁷⁵⁵ 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>.

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.⁷⁵⁶

In **Antakya** the number of deportations executed is 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.⁷⁵⁷

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 Syria⁷⁵⁸ 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.⁷⁵⁹

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](#).

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.⁷⁶⁰ 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 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

⁷⁵⁶ Evrensel, 'Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya', 25 December 2019, available in Turkish at: <http://bit.ly/2IL7kwp>.

⁷⁵⁷ Information provided by a stakeholder, February 2020.

⁷⁵⁸ For more information, see Al Jazeera, 'Will Turkey succeed in creating a 'safe zone' for Syrians?', available at: <https://bit.ly/2xpxDTR>

⁷⁵⁹ Information provided by a stakeholder in Gaziantep, February 2020.

⁷⁶⁰ Article 2 TPR.

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.⁷⁶¹ UNHCR reported that 96% of the verification target across Turkey was met through this exercise.⁷⁶² 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**.⁷⁶³

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 2011.⁷⁶⁴ This figure rose to 110 000 as of 14 February 2020.⁷⁶⁵

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.⁷⁶⁶

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.⁷⁶⁷

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 statements.⁷⁶⁸ There was no update on this process in 2019.

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

⁷⁶¹ DGMM, 'Türkiye'de Geçici Koruma Kapsamında Bulunan Yabancıların Kişisel Verilerinin Doğrulanması', 22 March 2018, available in Turkish at: <https://bit.ly/2plttBt>.

⁷⁶² UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

⁷⁶³ Information provided by an NGO, February 2019.

⁷⁶⁴ Habertürk, '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>.

⁷⁶⁵ Mülteciler Derneği, 'Türkiyedeki Suriyeli Sayısı' <https://t24.com.tr/haber/sekiz-yilda-450-bin-suriyeli-cocuk-turkiye-de-dogdu-57-bini-vatandas-oldu,863392>

⁷⁶⁶ Information provided by the International Refugee Rights Association, February 2019; Istanbul Bar Association, February 2019.

⁷⁶⁷ Information from a stakeholder, February 2020.

⁷⁶⁸ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

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.⁷⁶⁹ The limit for real estate ownership decreased down to \$250,000 in 2018. According to data 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 812.⁷⁷⁰

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.⁷⁷¹

Despite these initiatives, the majority of Syrians remain ineligible for naturalisation under the aforementioned exceptional circumstances.⁷⁷² The criteria for naturalisation are not consistently applied,⁷⁷³ while the duration of the process also varies. In **Hatay** the process takes 7 months, while in **Gaziantep** it may take years.⁷⁷⁴

Unaccompanied children accommodated in child protection shelters are granted citizenship if it is established that they have no relatives in Turkey.⁷⁷⁵ The legal status of children born in Turkey was discussed by a 2018 report of the Refugee Rights Commission of the Grand National Assembly.⁷⁷⁶ 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.⁷⁷⁷

The number of new-born Syrians in Turkey was 450,000 as of February 2020.⁷⁷⁸

Many of these can be presumed to be stateless.⁷⁷⁹ The Turkish Parliament's Refugee Sub-committee in 2018 spoke of over 300,000 Syrian children stateless in Turkey.⁷⁸⁰ Turkey is not a party to the 1961 Convention 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

⁷⁶⁹ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁷⁷⁰ ArtıGerçek, '2017'den bu yana yaklaşık 7 bin yabancıya 'emlak vatandaşlığı' 12 January 2020, available in Turkish at: <https://bit.ly/33UUw01>.

⁷⁷¹ Information from a stakeholder in Antakya, February 2020.

⁷⁷² 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>.

⁷⁷³ Information provided by an NGO, February 2019.

⁷⁷⁴ Information provided by an NGO, February 2019.

⁷⁷⁵ Information provided by an NGO, February 2019.

⁷⁷⁶ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁷⁷⁷ Hürriyet, 'Meclis'e rapor: Türkiye'nin haymatlosları*', 19 January 2018, available in Turkish at: <http://bit.ly/2DGdCJr>.

⁷⁷⁸ 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>.

⁷⁷⁹ See Konrad Adenauer Stiftung, *Syrian Refugees in Turkey*, September 2019, page 8, available at: <https://bit.ly/3bl07Q5>.

⁷⁸⁰ Hürriyet Daily News, 'More than 300,000 'stateless' Syrian babies born in Turkey: Refugee subcommittee', 19 March 2018, available at: <https://bit.ly/3bxOjdi>.

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.⁷⁸¹

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 2020 Türk Kızılay has received 1,696 family reunification requests to date.⁷⁸² 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.⁷⁸³ 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”.⁷⁸⁴

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.

⁷⁸¹ 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>.

⁷⁸² Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020, 34.

⁷⁸³ Article 10(1)(ç) TPR.

⁷⁸⁴ Article 15(1) TPR.

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.⁷⁸⁵ 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.⁷⁸⁶

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 2019, Syrians accounted for 55,236 of the total number of 454,662 apprehensions across the country.⁷⁸⁷ More specifically, the Coast Guard reported a total of 60,544 persons apprehended for irregular migration at sea in 2019.⁷⁸⁸

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, Labour 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 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.

⁷⁸⁵ DGMM Circular No 55327416-000-22771 of 29 August 2015 on “The Population Movements of Syrians within the Scope of Temporary Protection”.

⁷⁸⁶ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IV.5.

⁷⁸⁷ DGMM, *Irregular migration statistics*, available at: <http://bit.ly/2BO8chL>.

⁷⁸⁸ Daily Sabah, ‘Ege Denizi’nde 2019 yılında 60 bin 544 düzensiz göçmen yakalandı’, 2 January 2020, available in Turkish at: <https://bit.ly/3asap0B>.

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.⁷⁸⁹ The Turkish authorities reportedly arrested about 118,432 irregular migrants in Istanbul during 2019, compared to only 28,364 in 2018.⁷⁹⁰ 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 2019.⁷⁹¹

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.⁷⁹² 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.

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

⁷⁸⁹ See also, InfoMigrants, ‘Turkey, nearly 100,000 unregistered Syrians removed from Istanbul’, January 2020, available at: <https://bit.ly/3anYDUR>.

⁷⁹⁰ Middle East Monitor, ‘Official: Number of Syrians decreased in Istanbul during 2019’, 6 January 2020, available at: <https://bit.ly/2QQYrFS>.

⁷⁹¹ 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>.

⁷⁹² Article 44 TPR.

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.⁷⁹³ IOM also supports the process for family reunification departures to Germany.⁷⁹⁴

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.

As already mentioned in [Resettlement](#), 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; 78% of them were Syrian refugees and 22% were refugees of other nationalities.⁷⁹⁵ According to DGMM statistics, a total 16,285 Syrians were transferred to third countries between 2014 and 2019, mainly to Canada, the US, the UK and Norway.⁷⁹⁶

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.

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.⁷⁹⁷

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 12 March 2020, 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 March 2020
Germany	9,501
France	4,549
Netherlands	4,464
Finland	1,950
Belgium	1,301
Sweden	1,917
Spain	754
Italy	396
Croatia	250
Portugal	244
Austria	213
Luxembourg	206
Lithuania	102

⁷⁹³ Information provided by the International Refugee Rights Association, February 2019.

⁷⁹⁴ IOM, *Göç ve Entegrasyon*, available in Turkish at: <https://bit.ly/2uwAnfM>.

⁷⁹⁵ UNHCR Turkey Operational Highlights 2019, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

⁷⁹⁶ DGMM statistics, available at: <https://bit.ly/39v1fz5>.

⁷⁹⁷ Council of the European Union, *EU-Turkey statement*, 18 March 2016, para 2.

Bulgaria	85
Estonia	59
Latvia	46
Slovenia	34
Romania	31
Malta	17
Denmark	16
Total	26,135

Source 2019: DGMM, Temporary protection: <http://bit.ly/1Np6Zdd>.

The total number of 26,135 thus marks a slight increase in comparison to last year where it reached 20,267 as of March 2019.⁷⁹⁸

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.⁷⁹⁹ The situation became extremely tense in February and March 2020 after an escalation of tensions in northeastern 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.⁸⁰⁰

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 27 February 2020 | 64,048 |

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.⁸⁰¹ These camps are officially referred to as Temporary Accommodation Centres.⁸⁰² A further amendment to the LFIP in 2018 sets out provisions on the financing of camps set up by DGMM.⁸⁰³

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 Affairs.⁸⁰⁴ 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.

⁷⁹⁸ AIDA, Country Report Turkey, 2018 Update, available at: <https://bit.ly/2ULzpsV>.

⁷⁹⁹ Info Migrants, 'EU border agency: Spike in border arrivals from Turkey', 20 January 2020, available at: <https://bit.ly/39qiKQV>.

⁸⁰⁰ ECRE, *Statement on the situation on the Greek Turkish border*, 3 March 2020, available at: <https://bit.ly/2QVyzJ2>.

⁸⁰¹ Article 37(3) TPR, as amended by Regulation 2018/11208.

⁸⁰² Article 3 TPR.

⁸⁰³ Article 121A LFIP, inserted by Article 71(e) Decree 703 of 9 July 2018.

⁸⁰⁴ Article 24 as amended by Regulation 2019/30989

As of 27 February 2020, there were seven such large-scale camps accommodating a total of 64,048 temporary protection beneficiaries, spread across five provinces in Southern Turkey in the larger Syria border region.⁸⁰⁵ The cost of operation of the camps and service provision therein is significant.⁸⁰⁶

The number of temporary accommodation centres has been steadily reducing. In 2019, the number of camps and of residents decreased again. In 2019, **Malatya Beydagi**, **Harran**, **Ceylanpınar**, **Suruc**, **Antep Nizip 2** and **Kilis Oncupınar** were closed. Closing dates were announced beforehand and UNHCR gave pocket money 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 were transferred to other locations from **Ceylanpınar** 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 were kept in Adana Sarıcam 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.⁸⁰⁷

A survey conducted by SGDD-ASAM and UN Women found a significant number of women leaving camps and relocating to urban settings due to poor living conditions.⁸⁰⁸ However, beyond Türk Kızılay and NGOs with formal cooperation agreements, other organisations have access to the camps only upon request.

There were recent reports 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 camp by bus.⁸⁰⁹

In April 2020 the Greek authorities claimed that 2000 refugees from Osmaniye camp had been transported to Greece by the Turkish coastal guard.⁸¹⁰

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 27 February 2020, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,587,266, of which less than 2% were accommodated in the Temporary Accommodation Centres, whereas 3,523,218 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**, **Şanlıurfa**, **Hatay** and **Gaziantep**). While **Istanbul** hosts the largest number of registered temporary

⁸⁰⁵ DGMM, *Temporary protection*, available at: <http://bit.ly/1Np6Zdd>.

⁸⁰⁶ 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>.

⁸⁰⁷ Information provided by a stakeholder in Gaziantep, February 2020.

⁸⁰⁸ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018

⁸⁰⁹ Evrensel, "İstanbul'a" denilerek otobüsle Osmaniye'ye götürülen mülteciler: Bizi unutmayın', 29 March 2020, available in Turkish at: <https://bit.ly/2XKgnGx>.

⁸¹⁰ See, DW, 'Yunanistan: Türkiye Ege'ye sığınmacı taşıyor', 14 April 2020, available in Turkish at: <https://bit.ly/2KdVxaC>.

protection beneficiaries, this only corresponds to 3.27% of its population. Conversely, temporary protection beneficiaries correspond to 22.3% of the population in **Gaziantep**, 20.9% in **Şanlıurfa**, 27.4% in **Hatay** and 80.8% in **Kilis**.⁸¹¹

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 neighborhoods of cities which were evacuated as part of urban transformation projects. It must be noted that those living in these neighborhoods 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.”⁸¹²

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 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.”⁸¹³

Many Syrians in **Adana** and **Mersin** live under squalid conditions in tents set up in agricultural areas.⁸¹⁴ Hundreds of Syrians unable to afford increasing rent prices in **Ankara** lived in nylon tents in the Dikmen and Karakusunlar areas in 2018,⁸¹⁵ but there are reports that many tents were moved on in 2019 as the area was developed.⁸¹⁶ Tents are also used by some refugees in **Hatay**.⁸¹⁷ In March 2018, several hundred people were reported to live in a complex of abandoned houses originally intended for luxury villas in the Beylikdüzü district in **İstanbul**, due to the halt of the construction project since 2009.⁸¹⁸

Recent 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.⁸¹⁹ Similar findings were published in June 2018 by SGDD-ASAM and UN Women based on a survey of 1,230 women. About half of the surveyed women reported living in households larger than seven people.⁸²⁰ According to recent data 70.53% of Syrians in Turkey are Women and Children.⁸²¹

⁸¹¹ DGMM, *Temporary protection*, available at: <http://bit.ly/1Np6Zdd>.

⁸¹² Turkish National Police Academy, *Mass immigration and Syrians in Turkey*, November 2017, 20-21.

⁸¹³ 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.

⁸¹⁴ Information provided by the Antakya Bar Association, February 2018; Adana Bar Association, February 2018; Mersin Bar Association, February 2018.

⁸¹⁵ Bir & Bir, ‘Görünmem mücadelesi ve ötesi’, 26 November 2018, available in Turkish at: <https://bit.ly/2XXXOwb>.

⁸¹⁶ Haberler, ‘Dikmen Vadisi’nde çalışmalar sürüyor, July 2019, available in Turkish at: <https://bit.ly/2wPtsTL>.

⁸¹⁷ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 22.

⁸¹⁸ Milliyet, ‘İstanbul’daki lüks siteyi işgal ettiler! Her şey bir aile ile başladı...’, 16 March 2018, available in Turkish at: <https://bit.ly/2FpCNTZ>.

⁸¹⁹ Diken, ‘Her iki Suriyeli göçmenden biri ülkesine dönmek istiyor; yüzde 60’ı çalışmıyor’, 19 October 2018, available in Turkish at: <https://bit.ly/2TZoYn5>.

⁸²⁰ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 26.

⁸²¹ Mültideciler Derneği, ‘Türkiyedeki Suriyeli Sayısı’, Mart 2020, available in Turkish on: <https://bit.ly/2JncqPt>.

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.⁸²² In **Elazığ**, refugees were subject to racist violence in September 2018 and were told to leave the Artuklu neighbourhood after their shops were attacked.⁸²³ Two serious incidents were reported in **Bursa** in July and September 2018.⁸²⁴ 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.⁸²⁵ 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.⁸²⁶ 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.⁸²⁷ 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.⁸²⁸

In previous years, one incident of attempted mass lynching had occurred on 16 July 2016 in Siteler (“Little Aleppo”), located in Altındağ, **Ankara**, where approximately 40,000 refugees are residing.⁸²⁹ In 2017, as many as 181 social tension and criminal incidents recorded throughout the year, while many more are likely to be unreported.⁸³⁰ In **Mersin**, tensions in the neighbourhood of Adanalıoğlu in April 2017 led to the evacuation of Syrian refugees.⁸³¹ In 2016, Syrians’ houses in the Beyşehir district in **Konya** were attacked by locals following a fight between Syrian and Turkish men. Local people said: “We do not want Syrians in Beyşehir anymore.”⁸³²

In 2018, the Ombudsman received 37 complaints against racial discrimination and found violations in two cases.⁸³³ 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.⁸³⁴ The Media and Refugee Rights

⁸²² Evrensel, ‘Mardin’de mülteci ailelere mermili tehdit mektubu’, 24 February 2019, available in Turkish at: <https://bit.ly/2WfFJrS>.

⁸²³ Gazete Duvar, ‘Belediye başkanı: Suriyelilere gitmeleri için üç gün verdik’, 7 September 2018, available in Turkish at: <https://bit.ly/2TCvQaW>.

⁸²⁴ 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>.

⁸²⁵ 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>.

⁸²⁶ 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>.

⁸²⁷ Information provided by an NGO, February 2019.

⁸²⁸ Cumhuriyet, ‘Vali’den 31 Mart ricası: Suriyeliler dışarı çıkmasın’, 4 February 2019, available in Turkish at: <https://bit.ly/2YbB5N7>.

⁸²⁹ For more information, see Ankara Bar Association, Press Release, available in Turkish at: <http://bit.ly/2FoQYFQ>; Mazlumder, *Siteler bölgesinde yaşayan Suriyeli sığınmacıların*, 16 July 2016, available in Turkish at: <http://bit.ly/2FqdzCb>.

⁸³⁰ International Crisis Group, *Turkey’s Syrian refugees: Defusing metropolitan tensions*, January 2018, 3–4.

⁸³¹ CNN, ‘Mersin’de mahalleli ve Suriyeliler arasında gerginlik’, 18 April 2017, available in Turkish at: <http://bit.ly/2EGNXEZ>.

⁸³² T24, ‘Konya’da Suriyelilerin evi taşlandı!’, 12 July 2016, available in Turkish at: <https://bit.ly/2J1E0R2>.

⁸³³ Information provided by the Ombudsman, 21 January 2019.

⁸³⁴ C. Özatalay, S. Doğuç, *The perception of discrimination in Turkey*, 2019, available at: <https://bit.ly/2Js6Lbc>, 35.

Association has also produced recent analyses on very negative reporting in the media on refugee issues,⁸³⁵ including blaming refugees for a lack of access to healthcare for host populations.⁸³⁶

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.⁸³⁷ 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.

Temporary protection beneficiaries are required to apply for a work permit in order to access employment.⁸³⁸ An application for a work permit may be lodged following 6 months from the granting of temporary protection status,⁸³⁹ by the employer through an online system (*E-Devlet Kapisi*) or by the beneficiary him or herself in the case of self-employment.⁸⁴⁰

The Regulation foresees an exemption from the obligation to obtain a work permit for seasonal agriculture of livestock works.⁸⁴¹ In that case, however, beneficiaries must apply to the relevant provincial governorate to obtain a work permit exemption.⁸⁴² The Ministry of Family, Labour and Social Services may also limit the number and provinces where temporary protection beneficiaries may work under seasonal agriculture of livestock jobs.⁸⁴³ 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.⁸⁴⁴

⁸³⁵ Bianet, '174 News Reports Violate Refugee Rights in a Week', Says Report, 18 December 2019, available at: <https://bit.ly/39ukAjZ>.

⁸³⁶ Bianet, Report: Media Blames Syrian Refugees for Citizens Who Cannot Receive Healthcare, 6 January 2020, available at: <https://bit.ly/2QVUm3j>.

⁸³⁷ Article 29 TPR.

⁸³⁸ Article 4(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³⁹ Article 5(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴⁰ Article 5(2)-(3) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴¹ Article 5(4) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴² *Ibid.*

⁸⁴³ Article 5(5) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴⁴ Article 6(2) Regulation on Work Permit for Foreigners under Temporary Protection.

When deciding on the granting the right to apply for a work permit, the Ministry of Family, Labour and Social Services takes into consideration the province where the beneficiary resides as a basis.⁸⁴⁵ 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.⁸⁴⁶

The Ministry may also set a quota on temporary protection beneficiaries based on the needs of the sectors and provinces.⁸⁴⁷ 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 347TL / €53.⁸⁴⁸ Under the Regulation, temporary beneficiaries may not be paid less than the minimum wage.⁸⁴⁹

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.⁸⁵⁰ According to the Ministry of Labor, Family and Social services, the number of companies having at least one Syrian founder is 15,159 was of 29 February 2019.⁸⁵¹

According to the latest figures made available following a request from an MP to the Presidency Communication Centre (*Cumhurbaşkanlığı İletişim Merkezi*, CİMER), the number of work permits granted to Syrian temporary protection beneficiaries from 1 January 2016 to 30 September 2018 was 27,930. Of those, 25,457 permits were issued to men and 2,473 to women. The main provinces issuing work permit to temporary protection holders were as follows: Istanbul, Gaziantep, Bursa, Kahramanmaraş, Mersin, Ankara, Konya, Hatay, Kocaeli and Adana.⁸⁵²

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

⁸⁴⁵ Article 7(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴⁶ Article 7(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴⁷ Article 8 Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁴⁸ See: <http://www.calismaizni.gov.tr>.

⁸⁴⁹ Article 10 Regulation on Work Permit for Foreigners under Temporary Protection.

⁸⁵⁰ Hürriyet, 'Suriyeli iş adamlarından Türkiye'ye yatırım', 7 October 2018, available in Turkish at: <https://bit.ly/2OfIAy9>.

⁸⁵¹ Mültideciler Derneği, 'Türkiyedeki Suriyeli Sayısı', March 2020, available in Turkish on: <https://bit.ly/2JncqPt>.

⁸⁵² Source: ODATV: <https://bit.ly/2TOFQ5v>.

Administrative manager	521
Office clerk	460
Support staff	452
Cleaner	433
Others	20,786
Total	27,930

Source: ODATV: <https://bit.ly/2TOfQ5v>.

The total number of work permits issued to temporary protection beneficiaries rose to 32,199 as of 15 November 2018.⁸⁵³ The number as of 31 March 2019 is 31,185.⁸⁵⁴

Although there are no updated statistics for the full year 2019, reports quote 113,134 work permits issued to immigrants in Turkey between January to October 2019, mainly to immigrants from Syria, Kyrgyzstan, Ukraine, Turkmenistan, Georgia, Uzbekistan and Russia.⁸⁵⁵ 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 a special protection provisions for humanitarian aid NGOs in the Law on Work Permit of Foreigners and the Refugee Convention.⁸⁵⁶

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 2020.⁸⁵⁷

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.⁸⁵⁸ Undeclared employment flourishes

⁸⁵³ Mülteciler Derneği, 'Türkiyedeki Suriyeli Sayısı Mart 2019', 28 March 2019, available in Turkish at: <https://bit.ly/2FycEVd>.

⁸⁵⁴ Mülteciler Derneği, 'Türkiyedeki Suriyeli Sayısı', March 2020, available in Turkish at: <https://bit.ly/2JncqPt>.

⁸⁵⁵ Hürriyet, 'Türkiye 113 bin yabancıya iş kapısı oldu', 14 December 2019, available in Turkish at: <https://bit.ly/2wNKGRp>.

⁸⁵⁶ 1st Magistrates' Court of Hatay, Decision 2016/180, 31 March 2016.

⁸⁵⁷ For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, October 2018, available at: <https://bit.ly/2UUS3h0>.

⁸⁵⁸ 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 labor market', Koç University Working Paper 1815, December 2018, available at: <https://bit.ly/2U64aKJ>.

in the agricultural sector, particularly in provinces such as **Adana**.⁸⁵⁹ Despite initiatives such as a recent UNHCR-funded agricultural skills training in southeastern Turkey,⁸⁶⁰ Syrians work long hours – in many cases exceeding 11 hours a day – for 38 TL / €8.37, a portion of which is withheld by “handlers” (*elciler*) who act employment agents.⁸⁶¹ In other provinces such as **Muğla**, undeclared employment frequently occurs in the construction sector,⁸⁶² 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.⁸⁶³ 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 işçileri*) in major cities including **Istanbul**, **Izmir**, **Adana**, **Gaziantep**, **Konya** and **Manisa**, demanding lawful employment and better working conditions in workshops.⁸⁶⁴

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.⁸⁶⁵

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.⁸⁶⁶ 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.⁸⁶⁷ 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 **Istanbul**, where women and girls work in the rear of basements and in windowless rooms for long hours.⁸⁶⁸

⁸⁵⁹ Information provided by a lawyer of the Adana Bar Association, February 2018.

⁸⁶⁰ Food and Agricultural Organisation, ‘Syrian refugees acquire agricultural job skills and work opportunities in Turkey’, 29 November 2017, available at: <http://bit.ly/2z44zPs>.

⁸⁶¹ On **Izmir**, see Association of Bridging People, ‘Seasonal agricultural labor 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>.

⁸⁶² Information provided by Bodrum Women’s Solidarity Association, December 2017.

⁸⁶³ 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>.

⁸⁶⁴ Göçmen Dayanışma Ağı, ‘About saya (shoe-upper) workers’ resistance’, 1 December 2017, available at: <http://bit.ly/2B8UCSo>.

⁸⁶⁵ More information is available in Turkish at: <http://bit.ly/2UiMtpE>.

⁸⁶⁶ Refugees International, *Legal employment still inaccessible for refugees in Turkey*, December 2017, 5, 11-12.

⁸⁶⁷ 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>.

⁸⁶⁸ Papatya Bostancı, ‘“Çalışanı Meşgul Etmeyin”: Merdivenaltı Tekstil Atölyelerinde Mülteci Kadın Olmak’, 30 September 2017, available in Turkish at: <http://bit.ly/2CLBLNF>.

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,⁸⁶⁹ textile factories,⁸⁷⁰ as well as 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.⁸⁷¹ The Worker Health and Safety Council documented the case of a 5-year-old Syrian child forced to work in **Gaziantep** in 2017.⁸⁷² According to the Turkish Medical Association, children in textile industries work 12-hour shifts for 300 TL a month.⁸⁷³

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.⁸⁷⁴ Dedicated monitoring bodies were set up for the purpose of preventing child labour in six cities under that National Action Plan.⁸⁷⁵ The bodies continued to be active in 2019. Monitoring Commissions held meetings every month and raised awareness among NGOs and other public bodies.⁸⁷⁶

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.

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.

⁸⁶⁹ 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, ‘Baromuz Doğankent çadır bölgesindeki Suriyeli mülteci çocukları ziyaret etti’, 17 January 2018, available in Turkish at: <http://bit.ly/2Hv1w89>.

⁸⁷⁰ 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. 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 labor 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>.

⁸⁷¹ 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>.

⁸⁷² Worker Health and Safety Council, ‘Göçmen çocuk sömürüsü: 5 yaşında çocuklar çalıştırılıyor’, 28 March 2017, available in Turkish at: <http://bit.ly/2FoFzpu>.

⁸⁷³ Birgün, ‘Günde 12 saat çalıştırılıp ayda 300 TL kazanıyorlar’, 20 August 2018, available in Turkish at: <https://bit.ly/2HG2KzY>.

⁸⁷⁴ National Action Plan for the Fight against Child Labour, 29 March 2017, available in Turkish at: <https://bit.ly/2GhE6q0>.

⁸⁷⁵ Information provided by Development Workshop, February 2019.

⁸⁷⁶ Information provided by a stakeholder, March 2020.

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.⁸⁷⁷

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-2019.⁸⁷⁸

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.⁸⁷⁹ Another 55 schools are planned to be built by 2021 with World Bank funding.⁸⁸⁰

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.⁸⁸¹

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 80,000.⁸⁸² UNICEF estimates as many as 400,000 children out of school.⁸⁸³ Drop-out rates, particularly at high school level, are linked to factors such as the high level of child labour in the job market,⁸⁸⁴ as well as early marriages.⁸⁸⁵ Bullying at schools is still a huge unresolved problem.⁸⁸⁶ Fear of deportation also has an impact on access to school, affecting around 8,500 children in **Bursa**, for example.⁸⁸⁷ 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.

⁸⁷⁷ Bianet, ‘Suriyeli Olmayan Mülteci Çocukların Eğitime Erişimleri Yok’, 31 May 2017, available in Turkish at: <https://bit.ly/2pG75JK>.

⁸⁷⁸ Inter-Agency Coordination Turkey, *Turkey Education Sector: Q2 January to June 2019*, available at: <https://bit.ly/2UINaZj>.

⁸⁷⁹ Delegation of the European Union to Turkey, ‘Education for all in times of crisis II’, available at: <https://bit.ly/2JmMni3>.

⁸⁸⁰ World Bank, ‘Education Infrastructure for Resilience Activities in Turkey’, available at: <https://bit.ly/2QS085U>.

⁸⁸¹ UNHCR, *Turkey: Operational Highlights*, 2019.

⁸⁸² Hürriyet, ‘Anadolu lisesi öğrencilerine atölyelerde eğitim’, 19 March 2019, available in Turkish at: <https://bit.ly/2Y9Ljh7>.

⁸⁸³ UNICEF, *Turkey Humanitarian Situation Report*, January - March 2019, 1.

⁸⁸⁴ Children in the agricultural sector are not enrolled at school, for example: Information provided by Development Workshop, February 2019.

⁸⁸⁵ Information provided by a stakeholder in Gaziantep, February 2020 and Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁸⁸⁶ Information provided by a stakeholder in Gaziantep, February 2020.

⁸⁸⁷ Posta, ‘Sınır dışı oluruz’ korkusuyla 8 bin 500 Suriyeli çocuk okula gönderilmiyor’, 3 May 2018, available in Turkish at: <https://bit.ly/2UNKXLc>.

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.⁸⁸⁸ 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.⁸⁸⁹ According to observations from practice, CCTE has been more effective at elementary school level.⁸⁹⁰

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.⁸⁹¹ 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.⁸⁹²

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 of 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.⁸⁹³

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.⁸⁹⁴

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

⁸⁸⁸ 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>.

⁸⁸⁹ Information provided by Türk Kızılay, February 2019.

⁸⁹⁰ Information provided by Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁸⁹¹ UNHCR, Global Compact for Refugees digital platform, available at: <https://bit.ly/2wKMSt1>.

⁸⁹² Hürriyet, 'Mülteci çocuklar eğitim sistemine dahil edilecek', 6 January 2020, available in Turkish at: <https://bit.ly/2UrZKx7>.

⁸⁹³ Information provided by Türk Kızılay Community Centre, Urfa, February 2020.

⁸⁹⁴ Hâlâ Gazeteciyiz, '50 Percent of Syrians in Turkey Never Enrolled in a School', 10 October 2018, available at: <https://bit.ly/2u6t91Q>.

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.⁸⁹⁵

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 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.⁸⁹⁶

The Ministry of National Education has planned a gradual-phase out of the GEM.⁸⁹⁷ 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.

The number of GEM is gradually reducing.⁸⁹⁸ The authorities are aiming to close all GEMs by the end of 2020. As of 2019 there were 199 GEMs in 11 provinces educating 39,178 Syrian children.⁸⁹⁹ 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.⁹⁰⁰

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

⁸⁹⁵ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁸⁹⁶ Information provided by a lawyer of the Adana Bar Association, February 2018; Information provided by an NGO, February 2019.

⁸⁹⁷ 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.

⁸⁹⁸ Information provided by Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁸⁹⁹ ERG, *Öğrenciler ve eğitime erişim izleme raporu*, Eğitim izleme raporu, 2019.

⁹⁰⁰ Information provided by Bosphorus Migration Studies, January 2019.

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.⁹⁰¹ 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;⁹⁰² 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.⁹⁰³

According to statistics of the Council of Higher Education, the number of enrolled Syrian students in Turkish higher education institutions rose from 14,747 during the 2016-2017 academic year⁹⁰⁴ to 33,000 Syrians in the 2019/20 academic year.⁹⁰⁵ According to the Directorate on Life-Long Learning 599,475 Syrians benefitted from vocational and other trainings by the State in 2019.⁹⁰⁶

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**.⁹⁰⁷ 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.⁹⁰⁸ 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 Centers organize various courses and activities for the beneficiaries to improve their life skills. Community Centers 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.⁹⁰⁹

⁹⁰¹ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁹⁰² Regulation 2018/12007 of 27 June 2018, available in Turkish at: <https://bit.ly/2OthDXK>.

⁹⁰³ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁹⁰⁴ European University Association, 'Syrian women's access to higher education in Turkey', 5 March 2019, available at: <https://bit.ly/2UTsNra>.

⁹⁰⁵ A Barişçıl, *Refugee students in the Turkish higher education in the light of the Syrian conflict*, 2019, 135.

⁹⁰⁶ See, TC Milli Eğitim Bakanlığı Hayat Boyu Öğrenme Genel Müdürlüğü Göç ve Acil Durum Eğitim Daire Başkanlığı, January 2020.

⁹⁰⁷ Information provided by Türk Kızılay, February 2020.

⁹⁰⁸ Information from Türk Kızılay, February 2020.

⁹⁰⁹ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020.

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.

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, Labour and Social Services, under the coordination of AFAD.⁹¹⁰ 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*.⁹¹¹ 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: as of October 2019, the ESSN was assisting around 1.7 million people. In addition, EU-funded partner organisations had distributed over 700,000 e-vouchers, food parcels or kits with other urgently needed items.⁹¹²

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.⁹¹³ 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 1,726,518 beneficiaries as of January 2020, of whom 1,540,247 (89.2%) are Syrian. The majority of beneficiaries are located in **Gaziantep**, followed by **Istanbul**, **Şanlıurfa**, **Hatay**, **Adana** and **Ankara**.⁹¹⁴

⁹¹⁰ European Commission, '1 million refugees in Turkey reached by EU's Emergency Social Safety Net', 17 October 2017, available at: <http://bit.ly/2ztLNSN>.

⁹¹¹ Türk Kızılay, *Kızılay Kart, Cash based assistance programmes*, December 2019, 1.

⁹¹² ECHO, *Turkey Factsheet*, 5 March 2020, available at: <http://bit.ly/3d0Bgm9>.

⁹¹³ 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>.

⁹¹⁴ Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020, 10.

- **In-Camp Programme:** This programme provides cash assistance to refugees residing in Temporary Accommodation Centres. As of January 2020, 54,879 people had benefited.⁹¹⁵
- **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 boys receive 50 TL and girls 60 TL. The CCTE is being disbursed to 498,551 beneficiaries as of February 2020, of whom 416,347 (85.1%) are Syrian. The majority of beneficiaries are located in **Istanbul, Gaziantep, Hatay and Şanlıurfa**.⁹¹⁶ CCTE has mainly focused on primary school children. 0.5% of beneficiaries attended the Accelerated Learning Programme (HEP).⁹¹⁷ 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.⁹¹⁸
- **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.⁹¹⁹

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.⁹²⁰ 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.⁹²¹ This does not apply to vulnerable groups, however.

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.⁹²²

⁹¹⁵ *Ibid.*

⁹¹⁶ *Ibid.*

⁹¹⁷ *Ibid.*

⁹¹⁸ Information provided by a stakeholder in Gaziantep, February 2020.

⁹¹⁹ ECHO, *Turkey Factsheet*, 5 March 2020, available at: <http://bit.ly/3d0Bgm9>.

⁹²⁰ Article 27 TPR.

⁹²¹ Article 27(1)b as amended by Regulation no.30989.

⁹²² 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.⁹²³

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.⁹²⁴ 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.⁹²⁵

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 psycho-social 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.⁹²⁶

⁹²³ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

⁹²⁴ *Ibid.*

⁹²⁵ Information provided by a lawyer of the Adana Bar Association, February 2018.

⁹²⁶ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

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.⁹²⁷

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 Syrians service expenditure is 40 billion Turkish Lira and the major service unit is health care.⁹²⁸

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.⁹²⁹ The language barrier also hinders access to mental health treatment.⁹³⁰ 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 services are available.⁹³¹ 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.⁹³²

⁹²⁷ SIHHAT, *Proje Faaliyetleri*, available in Turkish at: <https://bit.ly/2UUEZbi>.

⁹²⁸ Al-Monitor, ‘Suriyelilere 40 milyar dolar harcandı mı?’, 2 November 2019, available in Turkish at: <https://bit.ly/2yd0g9A>.

⁹²⁹ Basak Bilecen and Dilara Yurtseven, ‘Temporarily protected Syrians’ access to the healthcare system’ (2018) 15:1 Migration Letters 133, 118.

⁹³⁰ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

⁹³¹ Information provided by an NGO, February 2019.

⁹³² For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, September 2017, available at: <http://bit.ly/2Fsj2YZ>.

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.⁹³³ 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.⁹³⁴ 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.⁹³⁵ Stakeholders have complained about access to the Kanuni Sultan Suleyman hospital in Istanbul which has turned away refugees including pregnant Syrian women.⁹³⁶

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.⁹³⁷

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, Labour 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, Labour 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.”⁹³⁸

1. Unaccompanied children under temporary protection

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

⁹³³ 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.

⁹³⁴ *Ibid*, 67-68.

⁹³⁵ Information provided by a stakeholder in Gaziantep in February 2020.

⁹³⁶ Information from a stakeholder in Istanbul, March 2020.

⁹³⁷ Information provided by a stakeholder in February 2020.

⁹³⁸ Article 48 TPR.

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, Labour 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, Labour and Social Services.

Once the PDMM refers the child to the relevant Provincial Ministry of Family, Labour 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, Labour 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, Labour and Social Services. In practice, however, the referral mechanisms set out in the 2015 Directive are not being used according to stakeholders’ observations.⁹³⁹

According to the TPR, unaccompanied children are mainly housed in Ministry of Family, Labour and Social Services shelters but may also be placed in Temporary Accommodation Centres if appropriate conditions can be ensured.⁹⁴⁰ 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.⁹⁴¹

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, Labour 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 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

⁹³⁹ Information provided by a lawyer of the Ankara Bar Association, March 2019.

⁹⁴⁰ Article 30(3) TPR, as inserted by Regulation 2018/11208. The previous provision in Article 23(4) TPR has been repealed by the amendment.

⁹⁴¹ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

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.⁹⁴²

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.⁹⁴³ Updated figures for 2019 are not available.

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.⁹⁴⁴ The University of Marmara has noted that six out of ten Syrian refugee children suffer from mental health conditions such as PTSD and depression.⁹⁴⁵

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.⁹⁴⁶ 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."⁹⁴⁷ 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**.⁹⁴⁸ In 2018, a Syrian woman was killed by her uncle in **Bursa**.⁹⁴⁹ In 2020 two of the attackers were sentenced to 4 years 7 months and 3 years and 20 days imprisonment.⁹⁵⁰ 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.⁹⁵¹

⁹⁴² Türk Kızılay, *Syrian Crisis Humanitarian Relief Operation*, January 2020, 10.

⁹⁴³ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁹⁴⁴ 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.

⁹⁴⁵ Diken, 'Araştırma: Türkiye'deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var', 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

⁹⁴⁶ 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/2lYHgC6>. 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.

⁹⁴⁷ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 26.

⁹⁴⁸ 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>.

⁹⁴⁹ Cumhuriyet, 'Bursa'da vahşet: 18 yaşındaki Dima'nın cesedi bulunduğu kucağında bebeği vardı', 20 June 2018, available in Turkish at: <https://bit.ly/2Fohm4e>.

⁹⁵⁰ 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>.

⁹⁵¹ 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>.

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, Labour 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](#)). In 2018 Turkey had a total of 144 shelters spread across 79 municipalities, with an overall capacity of 3,454 places,⁹⁵² with reports of 145 shelters in 2019 with a capacity of 3,482.⁹⁵³ According to experts, the number of centres should be around 8,000 to cater for existing needs.⁹⁵⁴ Since women 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.⁹⁵⁵ The need for women shelters in regions such as **Gaziantep, Adana, Şanlıurfa** is pressing.⁹⁵⁶

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.⁹⁵⁷ For foreign women to access women's shelters in **Ankara** managers request a medical report evidencing the physical violence and a written criminal complaint.⁹⁵⁸

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](#)).⁹⁵⁹

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.⁹⁶⁰

⁹⁵² Ministry of Family, Labour and Social Services, "137 Sığınma Evi Yetmiyor" Başlıklı Haberle İlgili Basın Açıklaması', 6 September 2018, available in Turkish at: <https://bit.ly/2Ofi7AT>. 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/39m6TU9>.

⁹⁵⁴ Gazete Duvar, 'Türkiye'de 137 sığınma evi var, en az 8 bin olmalı', 29 November 2017, available in Turkish at: <https://bit.ly/2GgWH5D>.

⁹⁵⁵ Information provided by a stakeholder, February 2018.

⁹⁵⁶ Information provided by a stakeholder, February 2019.

⁹⁵⁷ Information provided by a stakeholder, February 2019.

⁹⁵⁸ Information provided by a stakeholder in Ankara, February 2020.

⁹⁵⁹ Information provided by the Women's Solidarity Foundation, February 2019.

⁹⁶⁰ 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. Such houses are run by the municipalities of Altındağ, Yenimahalle, Ulus and Central Municipality in **Ankara**, for example.

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.⁹⁶¹ 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.⁹⁶²

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.

Access to justice in the courts is also difficult 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.⁹⁶³

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.⁹⁶⁴ While both practices are criminalised under Turkish law, polygamous 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 18,⁹⁶⁵ as well as a rising number of children abandoned by their mothers due to marriage to Turkish men.⁹⁶⁶

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

⁹⁶¹ Information provided by a stakeholder, December 2017.

⁹⁶² *Ibid.*

⁹⁶³ Information provided by the Esra Khashram, Foundation for Women's Solidarity (KADAV), February 2020.

⁹⁶⁴ 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.

⁹⁶⁵ Information provided by an NGO, February 2019.

⁹⁶⁶ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

legal obligation to inform the police of child marriage cases when treating child brides and mothers.⁹⁶⁷ Where they do inform the authorities, police officers may refrain from investigating the cases.⁹⁶⁸

Statistics on such reports are not available countrywide. In **Edirne**, the Ministry of Family, Labour and Social Services received 186 reports of pregnant girls in 2017.⁹⁶⁹

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.⁹⁷⁰ Bodrum Women's Solidarity Association provides trainings and workshops on sexual health, hygiene along with legal counselling and social cohesion activities.⁹⁷¹

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.⁹⁷²

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.⁹⁷³

Finally, the issue of arranged marriages is not confined to women in Turkey. Reports have also documented cases of refugee men sold into marriage.⁹⁷⁴

2.3. The situation of sex workers

Furthermore, 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.⁹⁷⁵

⁹⁶⁷ 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/2BM185l>, referring to at least 5 Syrians.

⁹⁶⁸ Information provided by a stakeholder, December 2017.

⁹⁶⁹ Demokrathaber, 'Edirne'de 186 çocuğun hamile bırakıldığı tespit edildi', 9 March 2018, available in Turkish at: <https://bit.ly/2ufHgCl>.

⁹⁷⁰ Information provided by SGDD-ASAM, February 2018.

⁹⁷¹ Information provided by Bodrum Women's Solidarity Association, March 2019.

⁹⁷² Information provided by CARE Turkey, February 2019.

⁹⁷³ Information provided by a stakeholder, February 2019.

⁹⁷⁴ News Deeply, "'I Was Something She Bought': Syrian Men Marry To Survive", 21 February 2018, available at: <http://bit.ly/2sPp58E>.

⁹⁷⁵ 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.

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.⁹⁷⁶

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.⁹⁷⁷ 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.⁹⁷⁸ A man was sentenced to 15 years imprisonment after unjust provocation and good conduct abatements.⁹⁷⁹

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.⁹⁸⁰ 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.⁹⁸¹ Another trans woman from Syria was found dead in her hotel room in Beyoglu, Istanbul, on March 9, 2018.⁹⁸² In Yalova, a refugee trans woman, Ayda, was attacked by a large group of men in her neighbourhood on May 30, 2018.⁹⁸³

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.⁹⁸⁴ In other cases, discrimination coming from family members or local communities pushes trans persons to move to larger cities in Turkey.⁹⁸⁵ 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.⁹⁸⁶ Their access to health care, including in Migrant Health Centres (see [Health Care](#)) is hindered by high levels of discrimination.⁹⁸⁷

⁹⁷⁶ Zeynep Kivilcim, ‘LGBT Syrian refugees in Turkey’, 2016, 31.

⁹⁷⁷ *Ibid.*, 32-33.

⁹⁷⁸ Kaos GL, ‘İstanbul’da Suriyeli eşcinsel mülteci öldürüldü’, 3 August 2016, available in Turkish at: <http://bit.ly/2BiCwKf>.

⁹⁷⁹ Kaos GL, ‘Wisam Sankari’nin katiline haksız tahrik’ indirimi!’, 5 October 2017, available in Turkish at: <https://bit.ly/3bvX1gl>.

⁹⁸⁰ Red Umbrella Sexual Health and Human Rights Association, *Syrians under “temporary protection” in Turkey and sex work*, 2017, 88-89, 97.

⁹⁸¹ Kaos GL, ‘Suriyeli trans kadın İstanbul’da öldürüldü’, 20 December 2016, available in Turkish at: <http://bit.ly/2CdWsCq>.

⁹⁸² Kaos GL, ‘Human Rights of LGBTI People in Turkey 2018’, at: <http://bit.ly/2IPQ5Ko>.

⁹⁸³ *Ibid.*

⁹⁸⁴ Zeynep Kivilcim, ‘LGBT Syrian refugees in Turkey’, 2016, 34.

⁹⁸⁵ *Ibid.*, 95-96. See also RFI, ‘Life as a transgender refugee in Turkey’, 10 June 2016, available at: <http://bit.ly/2j1jh4c>.

⁹⁸⁶ Zeynep Kivilcim, ‘LGBT Syrian refugees in Turkey’, 2016, 34.

⁹⁸⁷ Information provided by a stakeholder, February 2019.

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.⁹⁸⁸

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**.⁹⁸⁹ 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.⁹⁹⁰ 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.

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.⁹⁹¹ 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.

⁹⁸⁸ Information provided by the Antakya Bar Association, February 2018.

⁹⁸⁹ Information provided by a stakeholder, February 2019.

⁹⁹⁰ Information provided by a stakeholder, February 2018.

⁹⁹¹ Information provided by a stakeholder, Gaziantep, February 2020.