

Country Report: Turkey



**2018
Update**

Acknowledgements & Methodology

The original report and first update were researched and drafted by Refugee Rights Turkey and edited by ECRE. The 2017 and 2018 updates were researched and drafted by an independent consultant and edited by ECRE.

The 2018 update of the report draws on desk research, field visits and information collected from UNHCR Turkey, civil society organisations, academia, and legal practitioners in Istanbul, Izmir, Ankara, Konya, Hatay, Gaziantep, Şanlıurfa, Kayseri, Afyon, Antalya and Muğla. 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 2018, 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 20 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, UK) and 3 non-EU countries (Serbia, Switzerland, Turkey) 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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Table of Contents

Glossary & List of Abbreviations	7
Statistics	9
Overview of the legal framework.....	11
Overview of main changes since the previous report update	14
Introduction to the asylum context in Turkey.....	17

International Protection

Asylum Procedure.....	19
A. General	19
1. Flow chart	19
2. Types of procedures	20
3. List of authorities that intervene in each stage of the procedure.....	20
4. Number of staff and nature of the first instance authority.....	21
5. Short overview of the asylum procedure	21
B. Access to the procedure and registration	22
1. Access to the territory and push backs.....	22
2. Removal and <i>refoulement</i>	23
3. Registration of the asylum application	27
C. Procedures	32
1. Regular procedure	32
2. Dublin.....	41
3. Admissibility procedure	41
4. Border procedure (border and transit zones)	43
5. Accelerated procedure.....	44
D. Guarantees for vulnerable groups	46
1. Identification.....	46
2. Special procedural guarantees	48
3. Use of medical reports.....	49
4. Legal representation of unaccompanied children.....	49
E. Subsequent applications	50

F. The safe country concepts	51
1. First country of asylum.....	51
2. Safe third country.....	52
G. Information for asylum seekers and access to NGOs and UNHCR.....	53
1. Provision of information on the procedure.....	53
2. Access to NGOs and UNHCR	54
H. Differential treatment of specific nationalities in the procedure	55
Reception Conditions.....	57
A. Access and forms of reception conditions	57
1. Criteria and restrictions to access reception conditions	57
2. Forms and levels of material reception conditions	58
3. Reduction or withdrawal of reception conditions	61
4. Freedom of movement.....	62
B. Housing.....	65
1. Types of accommodation.....	65
2. Conditions in reception facilities	66
C. Employment and education	67
1. Access to the labour market	67
2. Access to education.....	69
D. Health care	70
E. Special reception needs of vulnerable groups	73
F. Information for asylum seekers and access to reception centres	76
1. Provision of information on reception	76
2. Access to reception centres by third parties.....	76
G. Differential treatment of specific nationalities in reception	76
Detention of Asylum Seekers	78
A. General	78
B. Legal framework of detention.....	79
1. Grounds for detention	79
2. Alternatives to detention	81
3. Detention of vulnerable applicants	82

4.	Duration of detention	83
C.	Detention conditions	84
1.	Place of detention	84
2.	Conditions in detention facilities	87
3.	Access to detention facilities	92
D.	Procedural safeguards	95
1.	Judicial review of the detention order	95
2.	Legal assistance for review of detention	97
E.	Differential treatment of specific nationalities in detention	98
	Content of International Protection	99
A.	Status and residence	100
1.	Residence permit	100
2.	Civil registration	101
3.	Long-term residence	102
4.	Naturalisation	102
5.	Cessation and review of protection status	103
6.	Withdrawal of protection status	104
B.	Family reunification	105
1.	Criteria and conditions	105
2.	Status and rights of family members	106
C.	Movement and mobility	106
1.	Freedom of movement	106
2.	Travel documents	106
3.	Resettlement	107
D.	Housing	108
E.	Employment and education	108
1.	Access to the labour market	108
2.	Access to education	108
F.	Social welfare	108
G.	Health care	109

Temporary Protection

Temporary Protection Procedure	111
A. Scope and activation procedure	111
B. Qualification for temporary protection	112
1. Eligibility criteria	112
2. Cessation of temporary protection	114
3. Exclusion and cancellation of temporary protection	116
C. Access to temporary protection and registration	117
1. Admission to territory	117
2. Registration under temporary protection	118
3. Appeal	119
4. Legal assistance	120
D. Detention in the temporary protection framework	120
Content of Temporary Protection	122
A. Status and residence	123
1. Protection from <i>refoulement</i>	123
2. Temporary protection identification document	123
3. Naturalisation	124
B. Family reunification	125
C. Movement and mobility	126
1. Freedom of movement	126
2. Travel documents	128
3. Resettlement and family reunification departures	128
D. Housing	130
E. Employment and education	133
1. Access to the labour market	133
2. Access to education	138
F. Social welfare	142
G. Health care	143
H. Guarantees for vulnerable groups	146

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 Kaynagını Geliştirme Vakfı
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	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 İkamet 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

Available statistics on Turkey are provided by the Directorate-General for Migration Management (DGMM). DGMM publishes information 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: 2018

Total	114,537
Iraq	68,117
Afghanistan	37,854
Iran	5,036
Somalia	1,723
Pakistan	227
Palestine	183
Turkmenistan	168
Yemen	138
Uzbekistan	96

Source: DGMM, International Protection: <http://bit.ly/1CRBEPX>.

As explained in the [General Introduction](#), persons subject to the international protection procedure were also registered with UNHCR until 10 September 2018. Between 1 January and 10 September 2018, UNHCR registered 84,170 new applicants for international protection and decided on 5,410 cases.¹

Registered temporary protection beneficiaries: 10 January 2019

	Beneficiaries	Percentage
Total number	3,628,180	-
Outside Temporary Accommodation Centres	3,484,562	96%
In Temporary Accommodation Centres	143,558	4%

Breakdown per twenty main provinces: 10 January 2019

Province	Population in Temporary Accommodation Centres	Total population	Share of total
Istanbul	0	557,569	15.4%
Şanlıurfa	44,261	452,531	12.5%
Hatay	16,857	445,295	12.3%
Gaziantep	3,747	423,949	11.7%
Adana	27,276	233,806	6.4%
Mersin	0	206,220	5.7%
Bursa	0	165,218	4.6%
Izmir	0	142,381	3.9%
Kilis	14,737	115,372	3.2%

¹ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

Konya	0	105,695	2.9%
Mardin	0	89,858	2.5%
Ankara	0	88,597	2.4%
Kahramanmaraş	13,648	87,269	2.4%
Kayseri	0	77,849	2.1%
Kocaeli	0	54,333	1.5%
Osmaniye	14,135	49,010	1.4%
Diyarbakır	0	33,884	0.9%
Malatya	8,927	29,356	0.8%
Adıyaman	0	27,383	0.8%
Batman	0	22,260	0.6%

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

Overview of the legal framework

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	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	LFIP	http://bit.ly/1fATdsC (EN) https://bit.ly/2ISX0RA (TR) http://bit.ly/2z0t3wh (TR) http://bit.ly/2S5DZzL (TR) https://bit.ly/2WAu8nx (TR) http://bit.ly/2EqekOa (TR)
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	Geçici Koruma Yönetmeliği 2014/6883, 22 ekim 2014	TPR	http://bit.ly/1He6wvl (TR)

October 2014			http://bit.ly/1JiGVSI (EN)
<i>Amended by:</i> Regulation 2016/8722, 5 April 2016	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 nisan 2016		http://bit.ly/209ErLI (TR)
<i>Amended by:</i> Regulation 2018/11208, 16 March 2018	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 mart 2018		https://bit.ly/2GynE4b (TR)
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, İşletirilmesi 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 Degisiklik Yapilmasi Hakkinda Yonetmelik, 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/1VeEOn5 (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 last updated in **March 2018**.

- ❖ **Presidential system:** Following the inauguration of Turkey's presidential system in 2018, several changes have been made to the authorities in charge of migration and asylum. The Council of Ministers, responsible *inter alia* for the declaration and termination of a temporary protection regime under Article 91 LFIP, is now replaced by the Presidency (*Cumhurbaşkanlığı*).² Moreover, the role and responsibilities of DGMM and AFAD have been specified in Presidential Decree No 4 of 15 July 2018. The Ministry of Family, Labour and Social Services is now also responsible for employment and social security issues.
- ❖ **Non-refoulement:** The derogation from the principle of *non-refoulement* for reasons such as public order, security and terrorism, introduced by way of emergency decree in October 2016 was consolidated by law in February 2018. Removal decisions have increasingly been used on these grounds in 2018.

The Constitutional Court delivered a pilot judgment in the case of *Y.T.*, on 12 June 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. From the entry into force of the decree until June 2018, the Constitutional Court had received 866 individual applications with requests for interim measures against deportation. Of those, the Court granted interim measures in 784 cases. The Constitutional Court has continued to grant interim measures to prevent deportation of persons in cases involving public order or security, although these were often valid only for several days.

International protection

International protection procedure

- ❖ **Registration:** Access to the international protection procedure has changed substantially in 2018, as UNHCR announced on 10 September 2018 the termination of its registration activities in Turkey. Applications for international protection are now to be formally registered by the PDMM in any of the 81 provinces. In practice, however, the takeover of the process by DGMM in September 2018 has resulted in severe obstacles to accessing the international protection procedure. While nationals of countries other than Afghanistan are instructed to appear before the PDMM in 6 to 9 months with a view to undergoing registration, the earliest registration appointments given to Afghan nationals are for 2021. Moreover, following an October 2018 amendment to the LFIP, 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 applicant only receives an International Protection Applicant Identification Card after having registered the application at the appointed province. 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, thus facing risks of arrest and detention and deprivation of essential rights such as health care.

² Article 71 Decree 703 of 9 July 2018 on the harmonisation of laws, amending several provisions of the LFIP, available in Turkish at: <https://bit.ly/2WAu8nx>. Note that the TPR has not yet been amended to reflect this change.

- ❖ **Legal assistance:** Under the legal aid project implemented by the Union of Bar Associations in Turkey in collaboration with UNHCR, free legal assistance is available to asylum seekers in 18 pilot provinces at all stages of the international protection procedure, detention, as well as civil law matters. The first Refugee Law Clinic has also been set up in Şanlıurfa. The project aims to expand to more provinces and set up more Refugee Law Clinics in its second phase.

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.
- ❖ **Place of detention:** Detention capacity almost doubled in the course of 2018 to a total of 24 active Removal Centres accommodating 16,116 persons. Temporary facilities Iğdır and Osmaniye (Düziçi) are included as temporary Removal Centres, the latter formerly operating as a temporary accommodation centre. With increasing arrivals through the Iranian border, in April 2018 the DGMM resorted to other facilities for pre-removal detention due to capacity shortage in Erzurum and detained people in 3 sport venues.
- ❖ **Access to detention facilities:** Several Removal Centres have introduced a further requirement for lawyers seeking to access the facilities in 2018, as they now require the presence of interpreters under oath for meetings with clients.

Temporary protection

Temporary protection procedure

- ❖ **Registration:** In 2018, large provinces such as Istanbul, Hatay and Mardin have *de facto* stopped registering and granting documents to newly arriving Syrian refugees, with the exception of vulnerable cases.
- ❖ **Cessation:** The Minister of Justice recently stated that 315,000 Syrian nationals have left Turkey to return to their country of origin and that more are expected to return as safe zones are being established in the country. Concerns have been expressed as to the voluntary nature of some returns, however. In 2018, UNHCR continued to monitor voluntary returns and observed the voluntary repatriation interviews of 10,395 families. In addition, a DGMM Circular of 7 January 2019 clarifying 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.

Content of temporary protection

- ❖ **Housing:** Following a 2018 amendment to the Temporary Protection Regulation, responsibility for accommodation and other services provided to temporary protection beneficiaries lies with DGMM. The number of temporary accommodation centres has been steadily reducing. Six camps were closed down in 2018, with most residents being granted cash assistance to find apartments in urban areas.

- ❖ **Access to education:** 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 had reached 6,600 children by the end of 2018. Moreover, the number of Temporary Education Centres (*Geçici Eğitim Merkezi*, GEM) continues to drop.

Introduction to the asylum context in Turkey

Turkey currently hosts both a population of over 3 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. The law also created the Directorate General of Migration Management (DGMM) as the agency responsible for migration and asylum.

Turkey implements a temporary protection regime for refugees from Syria, 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 the temporary protection regime, which is based on Article 91 LFIP and the Temporary Protection Regulation (TPR) of 22 October 2014.

On the other hand, asylum seekers from other countries of origin are expected to apply for an individual international protection status under LFIP and are subject to a status determination procedure conducted by DGMM. 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 on 10 September 2018. That said, 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 2018.³

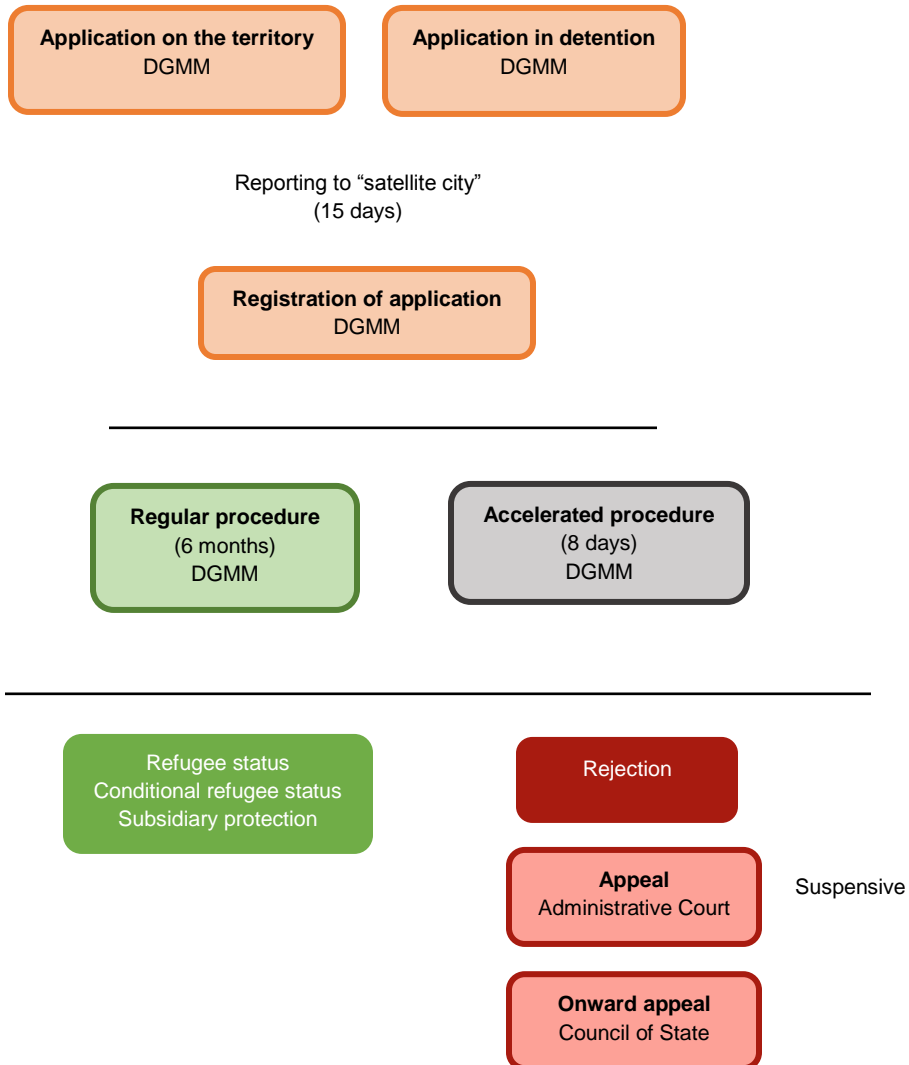
³ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

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: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ⁴ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ⁵ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Dublin procedure: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Accelerated procedure: ⁶ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> 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 For applications likely to be well-founded or made by vulnerable applicants.

⁵ Accelerating the processing of specific caseloads as part of the regular procedure.

⁶ Labelled as “accelerated procedure” in national law.

4. Number of staff and nature of the first instance 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 first instance authority?
Directorate General for Migration Management (DGMM)	Not available	Ministry of Interior	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 has established 36 District Directorates for Migration Management (*İlçe Göç İdaresi Müdürlüğü*) in 16 provinces, under the responsibility of the respective PDMM.⁷

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.⁸

UNHCR continues to assist DGMM in building capacity in refugee law and provided training to 250 staff members in 2018.⁹

According to stakeholders, DGMM employs approximately 40 lawyers who support the agency in litigation before the courts for all areas in which it is involved. The number of lawyers remains insufficient to cover the volume of cases dealt with by DGMM and thereby has an impact on its submissions.¹⁰

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. 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.

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

⁷ 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>.

⁸ Articles 158-167 Presidential Decree No 4, 15 July 2018, available in Turkish at: <https://bit.ly/2HHXsnG>.

⁹ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

¹⁰ Information provided by a lawyer of the Izmir Bar Association, March 2019.

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.

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 is carrying on with the construction of a 144km wall on its Iranian border, which is expected to be finalised in 2019.¹¹ The number of persons entering Turkey through the Iranian border increased considerably in 2018. Irregular arrivals were mostly reported in **Van**, **Ağrı** and **Erzurum** and predominantly concerned Afghan nationals. According to DGMM statistics, Afghanistan was the top nationality of persons apprehended for irregular migration, with 100,841 out of a total of 268,003 apprehended persons in 2018.¹² People arrived 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.¹³

The increasing 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.¹⁴ 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 can the decision only be challenged by a judicial appeal.¹⁵

In 2018, 31,000 Afghan nationals were reportedly deported from Turkey.¹⁶

¹¹ TRT, 'Wall set to improve security along Turkey-Iranian border', 8 November 2018, available at: <https://bit.ly/2C0ppDB>.

¹² DGMM, *Irregular migration statistics*, available at: <https://bit.ly/2BO8chL>.

¹³ Information provided by an NGO, February 2019.

¹⁴ 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>.

¹⁵ Information provided by an NGO, March 2019.

¹⁶ See e.g. Evrensel, 'Muhammed gibi binlerce mülteci ölümüne gönderiliyor', 28 February 2019, available in Turkish at: <https://bit.ly/2CtMnmF>.

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

Istanbul Atatürk Airport continues 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 apply to Syrian nationals arriving from third countries by air and sea since 2016.

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.¹⁷ 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.¹⁸ The reform was consolidated by Law No 7070 on 1 February 2018.

For foreigners who have been convicted of an offence, a recent amendment to the law clarifies that the Public Prosecutor shall request the opinion of the Ministry of Interior as to whether or not they should be removed from the country.¹⁹

The law effectively enables the unlawful 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.²⁰ The reform introduced by the Decree has been criticised for facilitating and exacerbating risks of arbitrary deportations jeopardising the life and safety of refugees.²¹

Cases of deportation under Article 54(1)(b), (d) and (k) LFIP have reportedly increased in 2018,²² including cases against persons who have been resident for a long time in Turkey.²³ 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](#)).

¹⁷ Article 80(1)(e) LFIP.

¹⁸ 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.

¹⁹ Article 77 Regulation No 28578 on Conditions of Probation, 5 March 2013, as amended by Article 1 Regulation No 30631 of 20 December 2018.

²⁰ Izmir Bar Association, *İzmir Geri Gönderme Merkezlerinde Adalete Erişim Hakkı Çerçevesinde Yaşanan Sorunlar Raporu*, July 2017, available in Turkish at: <http://bit.ly/2Dyc87X>, 25.

²¹ 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>.

²² Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Ankara Bar Association, March 2019; a lawyer of the Izmir Bar Association, March 2019.

²³ 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.²⁴ The implementation and regulation of these codes is not set out in the law but likely in internal circulars and instructions within the administration.

Security-related codes such as “G89” for foreign terrorist fighters and “G87” for general security seem to be applied widely, though not uniformly across the country.²⁵ Lawyers estimate approximately 100,000 persons to have received such codes in 2018.²⁶ The assessment of risks, conducted by the Risk Analysis Department as far as airports are concerned,²⁷ 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.²⁸ 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.²⁹

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.³⁰ 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.³¹

In many cases,³² Administrative Court rulings annulling the issuance of a security restriction code are later overturned by higher instance courts.³³ In a January 2019 ruling, the Constitutional Court declared lack of jurisdiction to rule on a complaint concerning the cancellation a code.³⁴

2.2. Appeal before the Administrative Court

Removal decisions may be appealed before the Administrative Court within 15 days of notification.³⁵ Courts have clarified that the decision must be properly notified to the individual, either in writing or orally, and include information on appeal possibilities.³⁶

The appeal against a deportation decision, which is a remedy separate from remedies in the international protection procedure,³⁷ generally has automatic suspensive effect, although exceptions to the right to

²⁴ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

²⁵ Information provided by a lawyer of the Antakya Bar Association, February 2019.

²⁶ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

²⁷ Karar, ‘Risk analiz merkezi kapılarını KARAR’a açtı’, 28 April 2016, available in Turkish at: <https://bit.ly/2GaDXEO>.

²⁸ Information provided by the International Refugee Rights Association, February 2018.

²⁹ Information provided by the International Refugee Rights Association, February 2019; a lawyer of the Gaziantep Bar Association, February 2019.

³⁰ Information provided by the International Refugee Rights Association, February 2019.

³¹ 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.

³² 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.

³³ 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.

³⁴ Constitutional Court, Decision 2019/1624, 16 January 2019.

³⁵ 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>.

³⁶ 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.

remain on the territory exist as of October 2016. Following Emergency Decree No 676, persons appealing against a removal decision have no right to remain where removal is ordered 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.³⁸

Administrative Courts usually refrain from granting interim measures,³⁹ and rarely halt deportations to prevent *refoulement*.⁴⁰ In a recent case at the end of 2018, the Administrative Court of **Manisa** found a decision on the deportation of an Iranian national unlawful, stating that, although the state enjoys a margin of appreciation in cases involving public order and security, the assessment of the risk of torture had not been conducted with due diligence.⁴¹ Administrative Courts conduct first an objective then a subjective legal assessment as to the conditions in the country of origin and profile of the applicant on a case by case basis. In a different case concerning a Kazakh woman in advanced pregnancy, who was given a deportation decision after being issued a “G82” code due to “activities against national security” (*milli güvenliğimiz aleyhine faaliyeti*), the Administrative Court of **Antalya** annulled the deportation decision based on the woman’s health condition, as attested by a medical report.⁴²

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. However, the majority of stakeholders agreed that there is no uniform application of the *non-refoulement* principle in Administrative Court reviews of deportation decisions. In one case reported by Amnesty International in 2016, the Administrative Court of **Aydın** failed to consider risks of ill-treatment upon return of a person to Syria and dismissed the appeal on the basis that it was not submitted within the deadline.⁴³ Lawyers in **Ankara** have also reported cases of interim measures not being granted by the Administrative Court.⁴⁴

Even where the execution of removal is suspended by Administrative Courts, compliance with court orders is reported to be arbitrary and dependent upon the individual police officers in question. Lawyers from **Gaziantep** and **Izmir** also reported some cases of clients who were deported without their lawyers being notified, despite the existence of an interim measure protecting them from deportation. In **Ankara** and **Istanbul**, interim measures from the Administrative Court have been ineffective in some cases due to procedural irregularities in boilerplate decisions e.g. omission of seal or personal details due to copy-pasted decisions.⁴⁵

³⁷ Article 53 LFIP.

³⁸ Article 53(3) LFIP, as amended by Article 35 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP.

³⁹ See e.g. 1st Administrative Court of Ankara, Decision 2019/35, 6 February 2019; Decision 2018/2229, 13 December 2018; Decision 2018/2228, 22 November 2018; Decision 2018/2095, 17 October 2018; 1st Administrative Court of Hatay, Decision 2018/904, 16 November 2018.

⁴⁰ For examples of positive decisions preventing deportation, see 1st Administrative Court of Manisa, Decision 2018/1456, 31 December 2018; 1st Administrative Court of Ankara, Decision 2018/2467, 18 January 2019; Decision 2018/2095, 18 September 2018; Decision 2018/2094, 18 September 2018. In the latter case, the in-merit decision upheld deportation: 1st Administrative Court of Ankara, Decision 2018/2094, 8 January 2019.

⁴¹ 1st Administrative Court of Manisa, Decision 2018/1456, 31 December 2018.

⁴² 1st Administrative Court of Antalya, Decision 2018/613, 25 October 2018.

⁴³ 1st Administrative Court of Aydın, Decision 2016/950, 3 November 2016.

⁴⁴ Information provided by a lawyer of the Ankara Bar Association, March 2019.

⁴⁵ Information provided by a lawyer of the Ankara Bar Association, January 2019; International Refugee Rights Association, February 2019.

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.⁴⁶

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.⁴⁷ In practice, the Constitutional Court seems to grant interim measures on different issues such as access to a lawyer or prevention of *refoulement*.⁴⁸

Since the entry into force of Emergency Decree No 676, the only effective recourse for preventing removal is a complaint before the Constitutional Court together with a request for interim measures. Another avenue for lawyers is to request a prohibition of exit from Turkey pending the outcome of the criminal proceedings to prevent deportation of their clients.

The Constitutional Court has granted interim measures in different cases to safeguard individuals against removal.⁴⁹ From the entry into force of the decree until June 2018, the Constitutional Court had received 866 individual applications with requests for interim measures against deportation. Of those, the Court granted interim measures in 784 cases, therefore halting deportation in over 90% of applications.⁵⁰ However, although it is required to rule on the merits of the case within 6 months of the grant of interim measures, the Constitutional Court has been able to decide on about 10 cases on the merits.⁵¹ The current legal framework has created a tremendous workload on the Court.⁵²

The Court delivered a pilot judgment in the case of *Y.T.*, on 12 June 2018, launching the pilot procedure to examine whether these requests for interim measures stem from a structural problem to protection from *refoulement* and, if so, what measures can be taken.⁵³ In the meantime, the Court continues to grant

⁴⁶ Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.

⁴⁷ 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>.

⁴⁸ 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.

⁴⁹ Information provided by a lawyer of the Adana Bar Association, February 2018.

⁵⁰ *Ibid.* See e.g. Constitutional Court, Decision 2014/19506.

⁵¹ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁵² Information provided by the International Refugee Rights Association, February 2019.

⁵³ Constitutional Court, Pilot Decision 2016/22418, 12 June 2018, available in Turkish at: <https://bit.ly/2SaX5sn>.

interim measures against deportation rapidly,⁵⁴ although these are usually time-limited to 6 months.⁵⁵ In the experience of a lawyer in **Ankara**,⁵⁶ interim measures from the Constitutional Court for persons in cases involving public order or security were valid only for several days.⁵⁷

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.⁵⁸ 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.⁵⁹

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.⁶⁰ 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.⁶¹ 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.⁶² In the same connection, 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.⁶³ There is no indication that these provisions are applied in practice so far.

Article 65 LFIP does not impose any time limits on persons for making an application as such, whether on territory, in detention or at the border. However, Article 65(4) appears to impose on applicants the

⁵⁴ Information provided by an NGO, February 2019; a lawyer of the Kayseri Bar Association, February 2019.

⁵⁵ See e.g. Constitutional Court, Decision 2018/36314, 17 December 2018.

⁵⁶ Information provided by a lawyer of the Ankara Bar Association, March 2019.

⁵⁷ See e.g. Constitutional Court, Application 2018/26768, 18 September 2018, which granted an interim measure for ten days. See also Constitutional Court, Application 2018/26767, 18 September 2018, which granted an interim measure for one month.

⁵⁸ On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings.

⁵⁹ 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.

⁶⁰ Article 65(1) LFIP.

⁶¹ Article 65(3) LFIP.

⁶² Article 65(1) RFIP.

⁶³ Article 65(2) RFIP.

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.⁶⁴

The LFIP states that applications for international protection shall be registered by the PDMM.⁶⁵ Applicants can request and shall be provided interpretation services for the purpose of the registration interview and later the personal interview.⁶⁶

In practice, access to the international protection procedure has 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,⁶⁷ UNHCR announced on 10 September 2018 the termination of its registration activities in Turkey.⁶⁸

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.⁶⁹ 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”).

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. That said, DGMM had conducted a pilot exercise from the end of 2017 until April 2018 for applicants from countries other than Afghanistan and Iraq, whereby the PDMM directly registered applications for international protection, issued a Registration Document, and referred applicants to satellite cities.⁷⁰

Between 1 January and 10 September 2018, UNHCR registered 84,170 new applicants for international protection in Turkey.⁷¹ UNHCR still directs its support in the areas where challenges are observed including physical and staffing capacity challenges of PDMM in registering new applicants.⁷²

Article 69 LFIP does not lay down any time limits for the completion of registration by the PDMM, although its Implementing Regulation (RFIP) requires applications to be recorded “within the shortest time on the institutional software system” of DGMM.⁷³ 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.⁷⁴

In practice, however, the takeover of the process by DGMM in September 2018 has resulted in severe obstacles to access to the asylum procedure. People have reported being unable to access registration

⁶⁴ Article 65(1) RFIP.

⁶⁵ Article 69(1) LFIP.

⁶⁶ Article 70(2) LFIP.

⁶⁷ For more details, see AIDA, Country Report Turkey, 2017 Update, March 2018, available at: <https://bit.ly/211S9fS>, 27-28.

⁶⁸ UNHCR, ‘UNHCR will end registration process in Turkey on 10 September 2018’, available at: <https://bit.ly/2HRy2FO>.

⁶⁹ Information provided by an NGO, February 2019.

⁷⁰ Information provided by an NGO, March 2019.

⁷¹ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

⁷² Information provided by UNHCR, February 2019.

⁷³ Article 70(4) RFIP.

⁷⁴ Article 66(2) RFIP.

due to a lack of capacity at the PDMM. Waiting times for registration interviews at the PDMM have risen dramatically in 2018. Lawyers observe that potential applicants are told that the province in question (e.g. **Şanlıurfa, Istanbul, Malatya**) cannot register their claim,⁷⁵ or to come back to the PDMM after several months.⁷⁶ In the latter case, while nationals of countries other than Afghanistan are instructed to appear before the PDMM in 6 to 9 months with a view to undergoing registration, the earliest registration appointments given to Afghan nationals are for 2021.

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.⁷⁷ The PDMM may carry out body search and checks on personal belongings of applicants in order to confirm that all documents are presented.⁷⁸ Where an applicant is unable to present documents to establish his or her identity, registration authorities shall rely on analysis of personal data and information gathered from other research. Where such identification measures fail to provide relevant information, the applicant's own statements shall be accepted to be true.⁷⁹

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.⁸⁰ Information on any special needs shall also be recorded.⁸¹ 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.⁸²

At the time of the application, the asylum seeker shall provide a hand-written and signed written 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 elements including the reasons for entering Turkey, as well as any special needs of the applicant.⁸³ 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 information recorded on the screen of the electronic system shall be precisely read back to the applicant who will have the opportunity to make corrections.⁸⁴ A printed version of the registration form filled in electronically is also handed to the applicant.⁸⁵

Previously, the law provided that following the completion of registration, the applicant would be issued an International Protection Applicant Registration Document free of charge, which would be replaced by an International Protection Applicant Identification Card once the interview had taken place. The Registration

⁷⁵ Information provided by a lawyer of Şanlıurfa Bar Association, February 2019; International Refugee Rights Association, February 2019. Note, however, that according to the Şanlıurfa Refugee Law Clinic the PDMM accepts international protection applications.

⁷⁶ Information provided by NGOs, February 2019.

⁷⁷ Article 69(2)-(4) LFIP.

⁷⁸ Article 69(2) LFIP; Article 69(4) RFIP.

⁷⁹ Article 69(3) LFIP; Article 69(3) RFIP.

⁸⁰ Article 69(6) LFIP.

⁸¹ Article 70(5) RFIP.

⁸² Information provided by an NGO, February 2019.

⁸³ Article 65(5) RFIP.

⁸⁴ Article 70(6) RFIP.

⁸⁵ Article 70(7) RFIP.

Document was valid for 30 days and could be extended by 30-day periods.⁸⁶ An October 2018 amendment to the LFIP has abolished this provision.⁸⁷

The law now states that the applicant receives an International Protection Applicant Identification Card upon completion of registration.⁸⁸ The LFIP still provides that this document is not issued to applicants falling under the Accelerated Procedure or the inadmissibility provisions, however.⁸⁹ Exclusion from the right to an identification document has severe consequences for those asylum seekers as it effectively prevents them from accessing rights such as health care for lack of documentation to prove their legal stay in Turkey.⁹⁰

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 after having registered the application with the PDMM at the appointed province.⁹¹ 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](#)). They are also unable to access essential services such as health care due to lack of documentation.⁹²

The increasing pressure on PDMM following the transfer of responsibility for registration of international protection applicants in September 2018 has also had an effect on already registered applicants, as it has created substantial delays in the renewal of International Protection Applicant Identification Cards. In **Denizli**, for example, asylum seekers have been sleeping 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 2019.⁹³

3.2. Applications from detention and at the border

Where an application for international protection is presented to law enforcement agencies⁹⁴ on the territory or at border gates, the PDMM shall be notified “at once” and shall process the application.⁹⁵ Applications for international protection indicated by persons in detention shall also be notified to the PDMM “at once”.⁹⁶ In addition to Removal Centres for pre-removal detention on territory, there is one facility in the transit zone of **Istanbul Atatürk Airport** 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](#)).

⁸⁶ Article 69(7) LFIP, as originally in force; Article 71(1) RFIP.

⁸⁷ Article 69(7) LFIP, abolished by Article 35 Law No 7148 of 18 October 2018.

⁸⁸ Article 76(1) LFIP, as amended by Article 35 Law No 7148 of 18 October 2018.

⁸⁹ Article 76(2) LFIP.

⁹⁰ Information provided by a lawyer of the Ankara Bar Association, February 2019.

⁹¹ Information provided by NGOs, February 2019.

⁹² See e.g. Sendika, ‘Kimliği olmadığı için tedavi edilmeyen Afgan mülteci hayatını kaybetti’, 5 January 2019, available in Turkish at: <https://bit.ly/2TXQAZX>, referring to an Afghan asylum seeker who lost his life after being refused access to a hospital in **Izmir** due to lack of an identification document. He had previously made an application at **Van** PDMM, which referred him to **Afyon** PDMM to register his claim. His application was cancelled due to non-compliance with the 15-day time limit.

⁹³ Ahval, ‘Turkish police use tear gas on migrants awaiting new IDs’, 5 March 2019, available at: <https://bit.ly/2TPrGwj>.

⁹⁴ 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.

⁹⁵ Article 65(2) LFIP.

⁹⁶ Article 65(5) LFIP.

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](#)).⁹⁷ 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**.⁹⁸

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.⁹⁹ More difficulties are reported in relation to the registration of claims at borders and airports such as **Istanbul Atatürk Airport**, as PDMM reportedly refuse to register applications and lawyers have no access to detention facilities.¹⁰⁰

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 since 4 April 2016, Turkey has readmitted a total 1,841 persons from Greece, of whom 710 originating from Pakistan, 351 from Syria, 193 from Algeria, 105 from Afghanistan and 101 from Bangladesh.¹⁰¹ Non-Syrian nationals have been transferred to and detained in the Removal Centre of Pehlivan köy in **Kırklareli**, and later in **Kayseri**.¹⁰² DGMM has established a specific code, “V89” entitled “Greece – return”, but stakeholders have not referred to this being used in practice.

According to reports in 2016 and 2017, attempts by returnees to apply for international protection in detention have been refused or not properly considered by the authorities in a number of cases.¹⁰³ Detainees face a number of obstacles including limited information on their rights, obstacles to contacting UNHCR and NGOs due to limited or no opportunity to use telephones, as well as barriers to granting power of attorney (see also [Legal Assistance for Review of Detention](#)).

⁹⁷ Information provided by an NGO, February 2019.

⁹⁸ Information provided by an NGO, March 2019.

⁹⁹ Information provided by an NGO, February 2019; a lawyer of the Istanbul Bar Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.

¹⁰⁰ *Ibid.*

¹⁰¹ DGMM, *Return statistics*, available at: <http://bit.ly/2AMI7g5>.

¹⁰² European Commission, *Sixth progress report on the EU-Turkey statement*, COM(2017) 323, 13 June 2017.

¹⁰³ See e.g. Council of Europe Special Representative for Migration and Refugees, *Report on the fact-finding mission to Turkey 30 May – 4 June 2016*, 10 August 2016, available at: <http://bit.ly/2bnNl1x>, 9; Orçun Ulusoy and Hemme Battjes, *Situation of readmitted migrants and refugees from Greece to Turkey under the EU-Turkey statement*, VU Migration Law Series No 15, September 2017, available at: <http://bit.ly/2xaf7vm>, 22.

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 2018: Not available

Applications for international protection shall be examined and decided upon by DGMM.¹⁰⁴ Specifically, “migration experts” the Department of International Protection are in charge of processing applications at Headquarters and the PDMM. All procedural steps are undertaken by PDMM as of September 2018. However, the DGMM is still in the process of building the necessary expertise and implementation modalities as responsibility for international protection applications is being rolled out to the PDMM.¹⁰⁵ 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.¹⁰⁶ 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.¹⁰⁷ In **Konya**, current waiting times for the interview reach two years.¹⁰⁸

There are no statistics on the number of decisions taken by DGMM in 2017 and 2018. The latest available statistics referred to 30,380 decisions taken in 2016, of which 23,886 were positive and 6,494 were negative.¹⁰⁹

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.¹¹⁰ 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.¹¹¹

¹⁰⁴ Article 78 LFIP.

¹⁰⁵ UNHCR continues to support DGMM under a new project launched in 2018 on strengthening the asylum procedure: DGMM, ‘İl Göç İdaresi Müdürlüklerinin Desteklenmesi Projesi’nin açılış çalıştayı’, 21 March 2019, available in Turkish at: <https://bit.ly/2Wr0Vv8>.

¹⁰⁶ Article 78(1) LFIP.

¹⁰⁷ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

¹⁰⁸ Information gathered following a visit to an NGO, February 2019.

¹⁰⁹ DGMM, *Annual Migration Report 2016*, available in Turkish at: <https://bit.ly/2TQdqU4>, 74-75

¹¹⁰ Article 67 LFIP.

¹¹¹ Information provided by an NGO, February 2019.

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?
❖ If so, are interpreters available in practice, for interviews?
☒ Yes ☐ No
☒ 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,¹¹² to be conducted by personnel trained in fields such as refugee law, human rights and country of origin information.¹¹³

Applicants are notified of the assigned place and date of their personal interview at the end of their **Registration** interview.¹¹⁴ If the interview cannot be held on the assigned date, a new interview date must be issued.¹¹⁵ The postponed interview date must be no earlier than 10 days after the previous appointment date. Additional interviews may be held with the applicant if deemed necessary.¹¹⁶ 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.¹¹⁷

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.¹¹⁸ According to UNHCR, capacity building efforts are yielding results and there is an increase in the quality of the interviews particularly on the procedural side.¹¹⁹ According to civil society and lawyers, however, the quality of interviews remains low in most PDMM. In provinces such as **Istanbul**, stakeholders report that the PDMM do not take lawyers' written submissions into consideration,¹²⁰ and at times have forbidden lawyers from speaking during the interview.¹²¹ Quality of decisions has also been considered as low in **Konya**.¹²²

¹¹² Article 75(1) LFIP.

¹¹³ Article 81(2) RFIP.

¹¹⁴ Article 69(5) LFIP.

¹¹⁵ Article 75(4) LFIP.

¹¹⁶ Article 75(5) LFIP.

¹¹⁷ Article 82(1) RFIP.

¹¹⁸ Information provided by an NGO, February 2019.

¹¹⁹ Information provided by UNHCR, February 2019.

¹²⁰ Information provided by NGOs, February 2019.

¹²¹ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

¹²² Information provided by a lawyer of the Konya Bar Association, February 2019.

Interpretation

Applicants shall be provided with interpretation services, if they request so, for the purpose of personal interviews carried out at application, registration and personal interview stages.¹²³

Regarding the quality of interpretation during personal interview, 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.¹²⁴ The interviewer shall inform the interpreter of the scope of the interview and the rules to be complied with.¹²⁵

In current practice, the lack of adequate numbers of interpreters at the PDMM remains a major difficulty. SGDD-ASAM has provided approximately 60 interpreters to DGMM, while UNHCR has also provided them with translation support since June 2017 through a private company,¹²⁶ as well as training to interpreters in 2018.¹²⁷ In provinces such as **Adana**, interpreters from SGDD-ASAM and Support to Life are available to the PDMM,¹²⁸ although at times PDMM have not accepted interpreters provided by civil society organisations if they are not interpreters under oath.¹²⁹ 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.

In most provinces, there are shortages or lack of interpreters in specific rare languages spoken by applicants. Moreover, the number of female interpreters remains very low.¹³⁰ Lack of sensitivity to and censorship of applicant's statements have also been reported in claims relating to sexual orientation or gender identity.¹³¹

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.¹³²

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.¹³³

An interview report shall then be drafted at the end of the interview, and the applicant shall sign it and receive a copy.¹³⁴ In practice, applicants are not given a copy of the interview report, especially in provinces such as **Sivas** and **Çankırı**.¹³⁵

¹²³ Article 70(2) LFIP.

¹²⁴ Article 86(2) RFIP.

¹²⁵ Article 83(3) RFIP.

¹²⁶ Information provided by SGDD-ASAM, February 2018.

¹²⁷ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

¹²⁸ Information provided by the Adana Bar Association, February 2018.

¹²⁹ Information provided by an NGO, February 2019.

¹³⁰ Information provided by the Women's Solidarity Foundation, February 2019.

¹³¹ Information provided by an NGO, February 2019.

¹³² Article 81(5) RFIP.

¹³³ Article 86(3) RFIP.

¹³⁴ Article 75(6) LFIP.

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	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision: Not available

Decisions must be communicated in writing.¹³⁶ 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.¹³⁷ In practice, the decisions are in Turkish but translated by the PDMM in the language of applicants.¹³⁸

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:¹³⁹

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,¹⁴⁰ 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.¹⁴¹

IPEC are envisioned as a specialised administrative appeal body and serve under the coordination of the DGMM Headquarters.¹⁴² 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

¹³⁵ Information provided by an NGO, February 2019.

¹³⁶ Article 78(6) LFIP.

¹³⁷ Article 100 LFIP.

¹³⁸ Information provided by SGDD-ASAM, March 2018.

¹³⁹ Article 80 LFIP.

¹⁴⁰ Article 80(1)(e) LFIP.

¹⁴¹ Article 80(1)(a) LFIP.

¹⁴² Article 115 LFIP; Article 164 Presidential Decree No 4.

assign a representative in observer status. DGMM personnel assigned to the IPEC will be appointed for a period of 2 years whereas the Ministry of Justice and Ministry of Foreign Affairs representatives will be appointed for one-year term. IPEC are envisioned to serve as full-time specialised asylum tribunals as members will not be assigned any additional duties.

IPEC are competent to evaluate and decide appeals against the following decisions:¹⁴³

- 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.¹⁴⁴ 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.¹⁴⁵ 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 current practice, IPEC do 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.¹⁴⁶ 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.¹⁴⁷

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.¹⁴⁸ 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.¹⁴⁹

¹⁴³ Article 115(2) LFIP.

¹⁴⁴ Article 100(1) RFIP.

¹⁴⁵ Article 100(2) RFIP.

¹⁴⁶ Information provided by a lawyer of the Izmir Bar Association, March 2019.

¹⁴⁷ Information provided by SGDD-ASAM, March 2018.

¹⁴⁸ Article 80(1)(ç) LFIP.

¹⁴⁹ 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.¹⁵⁰ 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 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.¹⁵¹

Administrative Courts have recently become more active in the area of international protection, leading to an increase in positive decisions on appeals in the course of 2017.¹⁵² These decisions illustrate persisting gaps in the quality of first instance decisions. Especially the Administrative Courts of **Ankara** and **Istanbul** are regarded as the most expert and competent 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 many decisions based on incorrect assessment on the part of the DGMM. For instance, in a case of Christian Iranian applicant,¹⁵³ 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 reminded that the DGMM should have assessed in each case that the applicant might be protected either as a refugee or 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.¹⁵⁴ 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 by her will and had left her satellite city without notifying authorities, and that she had been caught by the police during a security check in Kırıkkale.¹⁵⁵ In a similar application of an Afghan national, the Administrative Court of Ankara

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

¹⁵⁰ Article 101 LFIP.

¹⁵¹ Article 28 Law on Administrative Court Procedures.

¹⁵² Information provided by Mülteci-Der, December 2017. A compilation of Administrative Court rulings by the Izmir Bar Association can be found at: <http://bit.ly/2DmwHTU>.

¹⁵³ 1st Administrative Court of Ankara, Decision No 2015/849, 22 April 2015.

¹⁵⁴ 1st Administrative Court of Ankara, Decision No 2015/491, 12 March 2016; No 2015/1601, 20 May 2015.

¹⁵⁵ 1st Administrative Court of Edirne, Decision 2017/426, 21 March 2017.

upheld DGMM's rejection decision on the ground that the applicant's reasons to enter Turkey were solely economic.¹⁵⁶

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.¹⁵⁷ 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 the international protection.¹⁵⁸
- 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.¹⁵⁹

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.¹⁶⁰

In principle, a notarised power of attorney is required for a lawyer to represent the asylum seeker,¹⁶¹ 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.¹⁶²

¹⁵⁶ 1st Administrative Court of Ankara, Decision No 2015/177, 28 January 2015.

¹⁵⁷ Article 28 Law on Administrative Court Procedures.

¹⁵⁸ Council of State, 10th Chamber, Decision 2017/4288.

¹⁵⁹ Council of State, 10th Chamber, Decision 2017/5137, 27 November 2017.

¹⁶⁰ Article 81(1) LFIP.

¹⁶¹ On this point, see Constitutional Court, Decision 2015/87, 8 October 2015, available in Turkish at: <http://bit.ly/2E3xSln>.

¹⁶² Information provided by a lawyer of the Istanbul Bar Association, March 2019.

As per the Union of Notaries Circular 2016/3 of 2 March 2016, the International Protection Applicant Identification Card (and the formerly issued Registration Document) 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.¹⁶³ 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.¹⁶⁴ International protection applicants and status holders are also free to seek counselling services provided by NGOs.¹⁶⁵

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 has been directed to UNHCR and the Union of Turkish Bar Associations for a 5m € project launched in January 2018 for the provision legal aid to asylum seekers and refugees in 18 provinces.¹⁶⁶ These efforts have led to improvements in the field, as more bar associations have become involved in the area of international and temporary protection in 2017 and 2018.

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.¹⁶⁷ In other provinces like **Konya**, on the other hand, the bar association has no specific arrangements in place to give priority to asylum cases and there does not seem to be a plan for such measures in the near future.

Cases can concern deportation, international or temporary protection procedures, civil law disputes; labour and criminal proceedings are excluded.¹⁶⁸

Requests for legal aid can be issued from an asylum seeker, a third party or a Removal Centre. In practice, however, not all bar associations accept referrals from NGOs or third parties.¹⁶⁹ 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.¹⁷⁰

¹⁶³ Article 75(3) LFIP.

¹⁶⁴ Article 94(2) LFIP.

¹⁶⁵ Article 81(3) LFIP.

¹⁶⁶ *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>.

¹⁶⁷ Information provided by the Union of Turkish Bar Associations, February 2019.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ Information provided by a lawyer of the Izmir Bar Association, February 2019.

One practical issue in the provision of legal aid under the project 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. Many bar associations do not have additional funds to support these cases, however.¹⁷¹

Between January 2018 to 15 February 2019, the project had received 653 legal aid applications across the 18 bar associations, the majority of which came from **Şanlıurfa**, **Izmir** and **Istanbul**.¹⁷²

Moreover, in 2018 the Union of Bar Associations in Turkey established in collaboration with UNHCR 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.¹⁷³ It has provided legal assistance to 650 persons, including about 70 international protection cases.¹⁷⁴ Building on this model, the project is to establish legal clinics in **Hatay** and **Gaziantep**, and a coordination body for clinics in **Ankara**.¹⁷⁵

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.¹⁷⁶ A total of 833 cases had received assistance through the telephone service as of 15 February 2019.¹⁷⁷

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, the Bodrum Women's Solidarity Foundation 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.

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.¹⁷⁸ 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.

¹⁷¹ Information provided by the Union of Turkish Bar Associations, February 2019.

¹⁷² *Ibid.*

¹⁷³ Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.

¹⁷⁴ *Ibid.* See also UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

¹⁷⁵ *Ibid.*

¹⁷⁶ Information provided by the International Refugee Rights Association, February 2019.

¹⁷⁷ Information provided by the Union of Turkish Bar Associations, February 2019.

¹⁷⁸ Article 81(2) LFIP.

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.¹⁷⁹

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

The costs associated with bringing a case before an Administrative Court in Turkey include notary fees for the power of attorney, sanctioned translations of identity documents, court application and other judicial fees and postal fees. Since the Legal Aid Scheme only covers a modest attorney fee, applicants are required to cover these costs from their own resources, although some bar associations such as **Adana** and **Antakya** have received funding to cover notary and transportation costs.¹⁸⁰ Although there is a possibility to request a waiver of these costs from the court, judges have a wide discretion in granting such exemptions and in some cases decline the request without providing any substantial reason.¹⁸¹

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 hours spent on the case.¹⁸² 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”;

¹⁷⁹ Information provided by an NGO, February 2019; a lawyer of the Şanlıurfa Bar Association, February 2019.

¹⁸⁰ Information provided by the Adana Bar Association, February 2018; Antakya Bar Association, February 2018.

¹⁸¹ 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.

¹⁸² For example, in 2018, the **Aydın** Bar Association granted 933 TL for actions before Magistrates’ Courts, 1,980 TL for actions before Civil Courts: Aydın Bar Association, *Adli Yardım Görevlendirmeleri Ücret Tarifeleri*, available in Turkish at: <https://bit.ly/2umZFNk>.

- (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.¹⁸³ However, the examination of inadmissibility criteria under Article 72 LFIP must be carried out by the PDMM during the [Registration](#) stage.¹⁸⁴

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.¹⁸⁵

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> 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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

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

¹⁸³ Article 72(2) LFIP; Article 74(3) RFIP.

¹⁸⁴ Article 73 RFIP.

¹⁸⁵ Article 72(3) LFIP.

Inadmissibility decisions can only be appealed by the competent Administrative Court.¹⁸⁶ 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](#).¹⁸⁷ 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.¹⁸⁸

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?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
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 - ❖ Does free legal assistance cover:

<input type="checkbox"/> Representation in interview
<input type="checkbox"/> Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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 - ❖ Does free legal assistance cover

<input checked="" type="checkbox"/> Representation in courts
<input checked="" type="checkbox"/> 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.¹⁸⁹

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](#).¹⁹⁰

¹⁸⁶ Article 80(1)(a) LFIP.

¹⁸⁷ Article 80(1)(ç) LFIP.

¹⁸⁸ Constitutional Court, Decision 2016/134, 14 July 2016, available in Turkish at: <http://bit.ly/2rU0GOE>.

¹⁸⁹ Article 67(1) RFIP.

¹⁹⁰ *Ibid.*

Facilities where persons apprehended without valid documentation are held exist in **Istanbul** Atatürk Airport, Istanbul Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **Izmir** Adnan Menderes Airport.

5. Accelerated procedure

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

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

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

The examination of accelerated procedure criteria under Article 79 LFIP must be carried out by the PDMM during the [Registration](#) stage.¹⁹¹

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.¹⁹² Where this time limit cannot be complied with, the applicant may be taken off the accelerated procedure and referred to the regular procedure.¹⁹³

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.¹⁹⁴ According to NGOs and lawyers in the field, the applications are subject to accelerated procedure and Removal Centre officers generally obey to the time limits set out in the law. However, decisions have been taken without respecting the 8-day time limit.¹⁹⁵ In one case, the application was channelled in the accelerated procedure on 21 December 2016 and received a decision on 3 February 2017, thereby after 44 days.¹⁹⁶

¹⁹¹ Article 73 RFIP.

¹⁹² Article 79(2) LFIP.

¹⁹³ Article 79(3) LFIP; Article 80(3) RFIP.

¹⁹⁴ Information provided by UNHCR, February 2019.

¹⁹⁵ Information provided by SGDD-ASAM, February 2018.

¹⁹⁶ Administrative Court of Ankara, Decision 2017/3192, 29 December 2017.

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.¹⁹⁷ Similar observations have been reported for interviews at the airport: cases of interviewers likely to ‘manipulate’ the applicant’s statements and trying to conclude on economic needs as the reason for their entry into Turkey have been reported.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

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

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

Unlike in the [Regular Procedure: Appeal](#), the court must decide on the appeal within 15 days in appeals originating from the accelerated procedure. The decision by the Administrative Court is final. It cannot be 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.¹⁹⁸ In a more recent judgment, the Administrative Court annulled a first instance decision taken in the accelerated procedure concerning a man facing religious persecution in Iran.¹⁹⁹

¹⁹⁷ Information provided by SGDD-ASAM, March 2018.

¹⁹⁸ 1st Administrative Court of Ankara, Decision 2017/3192, 29 December 2017.

¹⁹⁹ 1st Administrative Court of Izmir, Decision 2018/894, 22 October 2018.

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](#). Since applicants in the accelerated procedure are not issued an International Protection Applicant Identification Card, their ability to issue a power of attorney is severely limited. In practice, however, the Administrative Court requires a power of attorney to be presented within 10 days, otherwise it considers the appeal inadmissible.²⁰⁰

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.”²⁰¹

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.²⁰²

1.1. Screening of vulnerability

²⁰⁰ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

²⁰¹ Article 3(1)(I) LFIP.

²⁰² 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.

RFIP states that it “shall be primarily determined” whether the applicant is a person with special needs.²⁰³ 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.²⁰⁴

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.²⁰⁵

No official mechanism for the identification of vulnerabilities in the asylum procedure has been established to date. Under the previous [Registration](#) system, the joint registration interview conducted by UNHCR / SGDD-ASAM enabled the detection of specific needs of the applicant, which were then taken into consideration *inter alia* in the assignment of a “satellite city” in close coordination with the DGMM Headquarters (see [Freedom of Movement](#)). Following the transition to exclusive registration by DGMM, it is not clear how the PDMM assess special needs in practice.²⁰⁶ Nevertheless, UNHCR still refers vulnerable cases to the PDMM to prioritise registration.

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.²⁰⁷ The applicant shall be notified as to the reason of this referral and the age assessment proceedings that will be undertaken.²⁰⁸

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.²⁰⁹

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.²¹⁰ Where the test result indicates an age above 17 or 18, the applicant is deemed an adult and not granted the benefit of the doubt. To stop this practice, legal actions from the Ankara Bar Association and SGDD-ASAM have obtained protection orders for

²⁰³ Article 113(1) RFIP.

²⁰⁴ Article 113(2) RFIP.

²⁰⁵ Article 113(3) RFIP.

²⁰⁶ Information provided by an NGO, February 2019.

²⁰⁷ Article 123(2)(b) RFIP.

²⁰⁸ Article 123(2)(c) RFIP.

²⁰⁹ Article 6 Ministry of Family and Social Policies Directive No 152065 on Unaccompanied Children.

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

children in order to secure their placement in public institutions for children.²¹¹ If the bone test determines the child to be younger than 17, the Ministry can also conduct a psychosocial assessment.

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.²¹² 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 or not be taken into consideration. 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.²¹³

The RFIP instructs that interviews with children shall be conducted by trained personnel, sufficiently informed on the child’s psychological, emotional and physical development.²¹⁴ 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.²¹⁵ 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.²¹⁶ 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.

²¹¹ 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.

²¹² Article 75(3) LFIP.

²¹³ Information provided by an NGO, February 2019.

²¹⁴ Article 123(2)(g) RFIP.

²¹⁵ Article 67 LFIP; Article 113(2) RFIP.

²¹⁶ Article 65(2) RFIP.

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

3. Use of medical reports

Indicators: Use of Medical Reports

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

Article 69(4) LFIP provides that at the time of registration, 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.

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 Law²¹⁷ 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. Due to the current deficiencies in the [Registration](#) system, however, unaccompanied children making an international protection are not provided with documentation by the PDMM and cannot therefore be referred to the Ministry for care.²¹⁸

According to the Turkish Civil Code,²¹⁹ all children placed under state care must be assigned a guardian. Specifically, all children who do not benefit from the custody of parents (*velayet*) must be provided guardianship (*vesayet*).²²⁰ The assignment of guardians is carried 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 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

²¹⁷ Law No 4395 on Child Protection.

²¹⁸ Information provided by an NGO, February 2019.

²¹⁹ Law No 4721 on the Civil Code.

²²⁰ Article 404 Civil Code.

as guardians.²²¹ 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.

Guardians are responsible for protecting the personal and material interests of the minors in their responsibility and to represent their interests in legal proceedings.²²² 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.²²³

The appointment of guardians to unaccompanied children is carried out without difficulty. Previous issues related to the appointment of guardians in **Şanlıurfa** have been resolved in 2018.²²⁴ Lawyers in **Ankara** continue to witness difficulties in the appointment of guardians, however.²²⁵

The vast majority of unaccompanied children applying for international protection in Turkey originate from Afghanistan.²²⁶ Criminal proceedings against police officers in the case of Lütfillah Tacik, an Afghan unaccompanied child with illness who was suspiciously killed in **Van**, are still 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.²²⁷

E. Subsequent applications

Indicators: Subsequent Applications			
1.	Does the law provide for a specific procedure for subsequent applications?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.	Is a removal order suspended during the examination of a first subsequent application?		
	❖ At first instance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	❖ At the appeal stage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3.	Is a removal order suspended during the examination of a second, third, subsequent application?		
	❖ At first instance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	❖ At the appeal stage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

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

At the same time, Article 79(1)(f) LFIP foresees application of the accelerated procedure where the

²²¹ Articles 413, 414, 418 Civil Code.

²²² Articles 445-448 Civil Code.

²²³ Article 456 Civil Code.

²²⁴ Information provided by the Şanlıurfa Legal Clinic, February 2019.

²²⁵ Information provided by a lawyer of the Ankara Bar Association, March 2019.

²²⁶ Information provided by SGDD-ASAM, February 2018.

²²⁷ Amnesty International, ‘Uluslararası Af Örgütü Olarak Lütfillah Tacik Davasının Takipçisiyiz’, 19 January 2016, available in Turkish at: <https://bit.ly/2IcnIDB>.

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 no sufficient information from practice to indicate how subsequent applications are treated at the moment. In a March 2018 report, the Grand National Assembly reported 15 subsequent applicants in Turkey.²²⁸

F. The safe country concepts

Indicators: Safe Country Concepts

- | | |
|--|---|
| 1. Does national legislation allow for the use of “safe country of origin” concept? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Does national legislation allow for the use of “safe third country” concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

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

1. First country of asylum

Article 73 LFIP defines “first country of asylum” as a country (a) “in which the applicant was previously recognised as a refugee and that he or she can still avail himself or herself of that protection” or (b) “or where he or she can still enjoy sufficient and effective protection including protection against *refoulement*.”²²⁹

²²⁸ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018, available in Turkish at: <https://bit.ly/2Yjfi6y>.

²²⁹ Article 73 LFIP; Article 75 RFIP. The wording resembles the EU definition in Article 35 recast Asylum Procedures Directive.

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:²³⁰

- (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.”²³¹

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

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

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

In practice, it is reported that in 2015 **Iran** was considered as a safe third country for Afghans who enter Turkey therefrom and that their applications are dismissed as inadmissible on this base. Currently, the

²³⁰ Article 74 LFIP. The wording resembles the EU definition in Article 38 recast Asylum Procedures Directive.
²³¹ Article 74(3) LFIP.

DGMM applies the same approach to the application of Afghans entering Turkey from **Pakistan** which is also deemed a safe third country.²³²

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.

SGDD-ASAM previously provided oral and written information to applicants on procedural steps, rights and obligations under the joint [Registration](#) system. It is not clear how information is being provided by the PDMM following the takeover of the registration process in 2018. However, SGDD-ASAM has offices in more than 70 cities in Turkey, including all “satellite cities” where applicants reside.

As of March 2018, the DGMM had distributed 400,000 information brochures in Turkish, Arabic and English in order to encourage asylum seekers to register their applications and to inform them about their rights and obligations in Turkey.²³³

The DGMM also operates a hotline service called Foreigners Communication Centre (*Yabancı İletişim Merkezi*, YİMER). It is possible to reach the centres which serves in Turkish, English, Russian and Arabic at any time of day. The DGMM is planning to increase the number of staff and the number of languages over time. The Centre has received over 250,000 calls since its opening on 20 August 2015. According to a March 2018 Grand National Assembly report, YİMER has had many success stories, including those of 2,595 people whose boats were sinking and who were rescued in cooperation with the Coast Guard.²³⁴

In addition, UNHCR has set up a platform (“[Help](#)”) which provides information in English, Turkish, Arabic and Farsi. Also, mainstream NGOs such as Support to Life, Human Resource Development Foundation (*İnsan Kaynagını Geliştirme Vakfı*, IKGV), YUVA provide assistance and counselling.

Bar associations have distributed approximately 150,000 leaflets in the 18 provinces covered by legal assistance project implemented by UNHCR and the Union of Bar Associations in Turkey (see [Regular Procedure: Legal Assistance](#)).²³⁵ The Legal Clinic set up in **Şanlıurfa** in 2018 also provides information on the procedure to asylum seekers.

²³² Information provided by SGDD-ASAM, March 2018.

²³³ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

²³⁴ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

²³⁵ Information provided by the Union of Turkish Bar Associations, February 2019.

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.

SGDD-ASAM, the largest NGO and implementing partner of UNHCR in Turkey, has 72 offices across 46 provinces in Turkey and operates a helpline in different languages, which answered over 178,250 calls and referred 25,680 people with special needs for support in 2018.²³⁶

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 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 provide humanitarian aids, financial assistance and language classes. **İnsani Yardım Vakfı** is another faith-based organisation active nearly in each province of Turkey.

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

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

²³⁶ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

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 for international protection 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.²³⁷

2. Iraq

Iraq was the top nationality of international protection applicants (68,117) in Turkey in 2018. The previous policy of granting humanitarian residence permits to Iraqi nationals is no longer applied. Iraqis are 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.²³⁸

Previously, DGMM referred Iraqi **Turkmens** to *Turkemenli Derneği* in Ankara with a view to confirming their origin. These persons usually obtain international protection, do **Uyghurs** from China.²³⁹

3. Other nationalities

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. Especially single male asylum seekers from **Afghanistan** face particular obstacles to accessing registration compared to other nationalities, as many PDMM are reluctant to register their asylum applications. When given, appointments to register applications are scheduled for 2021.

Moreover, a recent petition has denounced practices of systematic and automatic rejection of applications for international protection by nationals of **Iran** after September 2018, including for cases already interviewed by UNHCR under the previous registration system. Many Iranian asylum seekers have been ordered to leave by the PDMM.²⁴⁰

²³⁷ Information provided by NGOs, March 2019.

²³⁸ Information provided by an NGO, March 2019.

²³⁹ Information provided by an NGO, March 2019.

²⁴⁰ iPetitions, 'An open letter To the United Nations High Commissioner for Refugees (A Report on the Status of Iranian asylum seekers and Refugees in Turkey)', available at: <https://bit.ly/2U4RgMY>.

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 is not the case following the takeover of registration by DGMM.²⁴¹

²⁴¹ Information provided by an NGO, February 2019.

Reception Conditions

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	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Admissibility procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Subsequent application	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No
--	---	--	-----------------------------

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 in 2018 (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 basic rights. In 2018, an approximate 100 families of Afghan asylum seekers were living on the streets in **Amasya**. They were later placed in hostels by the Governorate and allowed registration at the Amasya PDMM.²⁴²

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 level and

²⁴² Information provided by an NGO, February 2019.

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 about whom an inadmissibility decision is 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.

In practice, however, since asylum seekers under the accelerated procedure or an inadmissibility decision are not eligible for an International Protection Applicant Identification Card, they do not hold a YKN and are therefore unable to access essential services.

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:²⁴³

- 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 entirety.²⁴⁴

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.²⁴⁵

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 2018 (in original currency and in €): N/A

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.

²⁴³ Article 106(1) RFIP.

²⁴⁴ Article 90(1)(ç) LFIP.

²⁴⁵ Article 90(2) LFIP.

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,²⁴⁶ 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 are only two such Reception and Accommodation Centres in operation.²⁴⁷

Rights and benefits granted to international protection applicants and status holders may not exceed the level of rights and benefits afforded to citizens.²⁴⁸

2.1. Financial allowance

International protection applicants who are identified to be “in need”, may be allocated a financial allowance by DGMM.²⁴⁹ 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 is expected to be 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.²⁵⁰ This indicates that such information may be a factor in the assessment of “neediness” for the purpose of financial allowance.

Currently, there is 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”.²⁵¹ 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 the “poor and needy” threshold.

²⁴⁶ Article 95 LFIP.

²⁴⁷ DGMM, *Removal centers*, available at: <http://bit.ly/2osejRh>.

²⁴⁸ Article 88(2) LFIP.

²⁴⁹ Article 89(5) LFIP.

²⁵⁰ Article 90(1) LFIP.

²⁵¹ Article 79(2) LFIP.

According to the list 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 €. ²⁵²

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. According to this upcoming project, the Ministry will grant 450 TL to adults and 200 TL to children as transportation assistance in exchange of registering in a Turkish language course.

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. ²⁵³

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 especially medical help such as buying a prosthesis or hearing instruments for children. ²⁵⁴

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.

As of February 2019, the ESSN is disbursed to 1,545,674 beneficiaries, of which 126,966 (8.2%) were Iraqi, 45,221 (2.9%) were Afghan and 3,298 (0.2%) were Iranian. The CCTE is disbursed to 487,089 beneficiaries, of which 42,692 (8.8%) were Iraqi, 20,224 (4.2%) were Afghan and 3,206 (0.7%) were Iranian. ²⁵⁵

²⁵² Information provided by Ministry of Family and Social Policies, February 2018.

²⁵³ UNHCR, *Social and financial assistance*, available at: <https://bit.ly/2GjSOJ1>.

²⁵⁴ Information provided by Türk Kızılay, January 2018.

²⁵⁵ Türk Kızılay, *Suriye insani yardım operasyonu*, February 2019, available in Turkish at: <https://bit.ly/2Ycy9jo>.

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.²⁵⁶

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.²⁵⁷ However, if the application is considered withdrawn (“cancelled”), General Health Insurance (*Genel Sağlık Sigortası*, GSS) is also de-activated.

The principle expressed in Article 90(1)(ç) LFIP above on the obligation for applicants to refund undeserved services and benefits is further elaborated the provision in relation to free health care coverage.²⁵⁸ Applicants “who do not have any health insurance coverage and do not have the financial means to pay for health care services”, are to be covered by the GSS scheme under Turkey’s public social security scheme.²⁵⁹ The GSS premiums of such beneficiaries will be paid for by the DGMM. The DGMM may require applicants to refund all or part of the premiums at a later time in consideration of the applicant’s financial means. Furthermore, where it is identified at a later time that the applicant actually did have health insurance coverage or sufficient financial means to pay for his or her own healthcare expenses, the DGMM shall terminate the GSS coverage of the applicant within 10 days and request the applicant to refund medical treatment and medication costs incurred previously.²⁶⁰

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 written. 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.

²⁵⁶ Article 90(2) LFIP.

²⁵⁷ Article 91(6) RFIP.

²⁵⁸ Article 89(3) LFIP.

²⁵⁹ Article 89(3)(a) LFIP.

²⁶⁰ Article 89(3)(b) LFIP.

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.²⁶¹

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 on 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.²⁶² While new applicants for international protection can initiate their application in a province not listed in the list, they may remain there until they are assigned and referred to a satellite city.²⁶³

According to the latest list, 62 provinces in Turkey are designated by DGMM as “satellite cities” for the referral of international protection applicants:²⁶⁴

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

²⁶¹ Article 80 LFIP.

²⁶² Article 2(hh) RFIP.

²⁶³ Article 66(3) RFIP.

²⁶⁴ 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.

Bolu	Iğdır	Mersin	Yozgat
Burdur	Isparta	Nevşehir	Zonguldak
Çanakkale	Kahramanmaraş	Niğde	
Çankırı	Karabük	Ordu	

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. Generally, it can be stated that metropolises and border cities usually do not figure among satellite cities.

Since there are only 2 fully operational Reception and Accommodation Centres with a capacity of 150 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 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.²⁶⁵ The interpretation of family links is confined to first-degree members, meaning that siblings or cousins are not accepted.

4.2. Travelling outside the "satellite city" and sanctions

The PDMM has the authority to impose on applicants the obligation to reside in a specific address, as well as reporting duties.²⁶⁶ 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.²⁶⁷ Permissions to travel are usually granted by the PDMM on time.²⁶⁸

Failure to stay in 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

²⁶⁵ Information provided by an NGO, February 2019.

²⁶⁶ Article 71(1) LFIP.

²⁶⁷ Article 91(1)-(2) RFIP.

²⁶⁸ Information provided by an NGO, February 2018.

withdrawn their international protection application.²⁶⁹ 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 “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 on them reporting obligations in Central Anatolian and northern provinces e.g. **Amasya, Niğde, Afyon and Kastamonu**.²⁷⁰

It is possible for applicants to request DGMM to assign them to another province on grounds of family, health or other reasons.²⁷¹

Requests for a change in assigned province for other reasons may be granted by the DGMM Headquarters on 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.

²⁶⁹ Article 77(1)(ç) LFIP.

²⁷⁰ Information provided by an NGO, February 2019.

²⁷¹ Article 110(5) RFIP.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:²⁷² 2
2. Total number of places in the reception centres: 150
3. Total number of places in private accommodation: N/A
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.²⁷³ 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](#)).

To date there are only two such Reception and Accommodation Centres in operation in the provinces of **Yozgat** and **Tekirdağ** with a modest capacity of 150 places, while a third centre in **Konya**, a dormitory for persons with special needs,²⁷⁴ is under renovation, with a planned capacity of 76 places.²⁷⁵ These centres are envisioned as short-stay facilities, where persons apprehended and wishing to apply for international protection may be hosted for a couple of days before being directed to **Ankara** to register their application. In practice, these centres are mainly available to applicants with special needs such as victims of gender-based violence, torture or physical violence, single women, elderly and disabled people.

In previous years, there was an expectation that 6 new Reception and Accommodation Centres would become operational with a cumulative accommodation capacity of 2,250 beds. These 6 centres were built within the framework of an EU twinning project and 80% of the construction budget has been financed by the European Commission. The locations chosen for the centres were **Izmir**, **Kirklareli**, **Gaziantep**, **Erzurum**, **Kayseri** and **Van**.²⁷⁶ 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](#)).

²⁷² Both permanent and for first arrivals.

²⁷³ Article 95(2) LFIP.

²⁷⁴ Information provided by SGDD-ASAM, February 2018.

²⁷⁵ DGMM, *Removal centers*, available at: <http://bit.ly/2osejRh>.

²⁷⁶ European Commission, *Fiche: IPA decentralised National Programmes*, Project TR 07 12 17, available at: <http://bit.ly/1Jujtxl>.

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. For instance, Türk Kızılay has a dormitory of 14 rooms with a capacity of 30 places, open especially to refugees facing emergencies.²⁷⁷

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 section on [Types of Accommodation](#), currently the only two Reception and Accommodation Centres in **Yozgat** and **Tekirdağ** and have a modest capacity of 150 places taken together. Little is known by civil society as regards the conditions in the centres in practice.

While the current capacity of Reception and Accommodation Centres is extremely limited as compared to the size of the international protection seeking population 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.²⁷⁸

Reception services provided in the reception and accommodation centres may also be extended to international protection applicants and status holders residing outside the centres,²⁷⁹ 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 of factors, including high rental prices and onerous advance payment requirements from owners. Rent prices are very high, resulting 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, due to which people are forced to live districts far from city centre, hospitals,

²⁷⁷ Information provided by Türk Kızılay, January 2018.

²⁷⁸ Article 95(3) LFIP.

²⁷⁹ Article 95(4) LFIP.

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 settle in Küçüksu and Yenimahalle.²⁸⁰ In **Adana** and **Mersin** they mostly live in rural areas under precarious conditions with together with Syrians.²⁸¹

On 29 November 2017, 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.²⁸² An earlier incident involving three Iranian refugees held in a house for 37 days and tortured by smugglers was reported on 29 July 2017.²⁸³ 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.²⁸⁴

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? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6 months |
| 2. Does the law allow access to employment only following a labour market test? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does the law only allow asylum seekers to work in specific sectors?
❖ If yes, specify which sectors: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Does the law limit asylum seekers' employment to a maximum working time?
❖ If yes, specify the number of days per year | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Are there restrictions to accessing employment in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Asylum seekers may apply for a work permit after 6 months following the lodging date of their international protection application.²⁸⁵

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.²⁸⁶ 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

²⁸⁰ Yiğit Seyhan, 'The evolution of Afghan migration in Istanbul', 17 December 2017, available at: <http://bit.ly/2tkCRjH>.

²⁸¹ Information provided by the Adana Bar Association, February 2018; Mersin Bar Association, February 2018.

²⁸² T24, 'Pakistan ve Afganistanlı 96 mülteciye bodrum katında 'işkence': Her gün dövüldüler, aç bıraktılar', 29 November 2017, available in Turkish at: <http://bit.ly/2tGEJn8>.

²⁸³ Sözcü, 'Kadıköy'den korkunç haber: Dehşet dolu 37 gün!', 29 July 2017, available in Turkish at: <http://bit.ly/2DkOG9z>.

²⁸⁴ Evrensel, 'İrkçi afiş: İran, Suriye, Afgan müşteri bu dükkâna giremez, dayak yer', 15 October 2018, available in Turkish at: <https://bit.ly/2YbyRgJ>.

²⁸⁵ Article 89(4)(a) LFIP.

²⁸⁶ Article 89(4)(ç) LFIP.

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.²⁸⁷

Applicants must hold a valid identification document in order to apply,²⁸⁸ 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.²⁸⁹ The Ministry of Family, Labour and Social Services may introduce province limitations or quotas in these sectors.²⁹⁰

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.²⁹¹ In addition, applicants cannot be paid less than the minimum wage.²⁹²

In practice, it currently takes authorities 1-2 months to process work permit applications.²⁹³ Nevertheless, the number of work permits issued to the main nationality groups of asylum seekers in 2015 to 2017 remains meagre; figures for 2018 are not available. 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: 2015-2017			
	2015	2016	2017
Afghanistan	305	444	609
Iraq	692	1,031	1,137
Somalia	0	0	0

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

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*). In 2018, the number of Afghan nationals in undeclared employment increased considerably in cities such as **Istanbul**, **Denizli** and **Kocaeli**.²⁹⁴

²⁸⁷ Articles 6-7 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

²⁸⁸ Article 6(1)-(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

²⁸⁹ 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.

²⁹⁰ Article 9(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

²⁹¹ Article 18(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

²⁹² Article 17 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

²⁹³ 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.

²⁹⁴ Hepimiz Göçmeniz, 'İSİG Meclisi'nden Murat Çakır'la göçmen işçiler üzerine röportaj', 10 March 2019, available in Turkish at: <https://bit.ly/2ClXxKj>. See also IRIN, 'Fleeing worsening war, Afghans find narrowing options in Turkey', 24 September 2018, available at: <https://bit.ly/2W6mfWH>.

The Regulation also foresees the possibility for applicants to have access to vocational training schemes organised by the Turkish Job Agency (İŞKUR).²⁹⁵ In practice, Public Education Centres under provincial Governorates and İŞKUR offer vocational courses to asylum seekers in many localities.

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

International protection applicants and their family members shall have access to elementary and secondary education services in Turkey.²⁹⁶

Turkey is 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.²⁹⁷ 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”.²⁹⁸

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.²⁹⁹ 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 October 2018 was 55,026.³⁰⁰

Since the language of education is Turkish, language barriers present a practical obstacle for asylum seeker children. There is no nationwide provision of preparatory or catch up classes for asylum-seeking children who start their education in Turkey or who did not attend school for some time due to various reasons. In practice, unaccompanied children who are accommodated in state shelters are offered Turkish language classes provided in the shelters before they are enrolled in schools. For other asylum-seeking children, while in theory they have access to Turkish classes provided by public education centres or the municipalities in their assigned province, in practice such language classes attuned for them are not universally available around Turkey. Nor does the Turkish educational system offer

²⁹⁵ Article 22 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

²⁹⁶ Article 89(1) LFIP.

²⁹⁷ Law No 222 on Primary Education and Training.

²⁹⁸ Law No 1738 Basic Law on National Education.

²⁹⁹ 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.

³⁰⁰ UNICEF, *Turkey: 2018 Humanitarian results*, December 2018, 3.

adaptation or catch-up classes to foreign children whose previous education was based on a different curriculum. However, community centres operated by Türk Kızılay across the country also offer Turkish language classes and other services to applicants (see [Content of Temporary Protection](#)).

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

Finally, although public schools are free, auxiliary costs such as notebooks, stationary and school uniforms will 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.³⁰¹

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.³⁰²

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.³⁰³

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.

³⁰¹ *Ibid.*

³⁰² Information provided by Bosphorus Migration Studies, January 2019.

³⁰³ Law No 5510 on Social Security and General Health Insurance lays down the scope and modalities of Turkey's general health insurance scheme.

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](#)). The law also states that where DGMM at a later stage identifies that an applicant is partially or fully able to pay their own health insurance premiums, he or she may be asked to pay back in part or in full the premium amount paid for by DGMM to the general health insurance scheme.

On the other hand, while Article 89(3) LFIP designates that DGMM shall make the premium payments on behalf of international protection applicants and status holders, in current practice, the Ministry of Family, Labour and Social Services makes the payments in the framework of an arrangement between the two agencies. The assessment of means takes the form of an “income test” which 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.³⁰⁴

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.

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.

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 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).³⁰⁵

³⁰⁴ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

³⁰⁵ 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 mending the damages caused by such 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.³⁰⁶ That said, the free health care coverage of international protection applicants would also extend to any mental health treatment needs of applicants arising from such 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 some locations around Turkey with limited capacity. SGDD-ASAM, IKGV, Support to Life and Türk Kızılay are some of the NGOs providing psycho-social support in different cities across Turkey.

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.³⁰⁷ Hospitals in Turkey give appointments to patients over 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 finances *inter alia* interpreters 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

³⁰⁶ Article 113(1) RFIP.

³⁰⁷ Information provided by Bosphorus Migration Studies, January 2019.

such as **Hatay**, doctors only accept interpreters under oath, while in others like **Ankara** hospitals have their own interpreters.³⁰⁸

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.³⁰⁹

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.³¹⁰

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”.³¹¹

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. While applicants below the age of 16 shall be placed in children’s shelters or other premises under the authority of the Ministry of Family, Labour and Social Services,³¹² applicants who are above 16 years of age may also be accommodated in dedicated quarters within Reception and Accommodation Centres. However, the placement of children aged between 16-18 in Ministry facilities remains problematic in parts of Turkey.

³⁰⁸ Information provided by Bosphorus Migration Studies, January 2019.

³⁰⁹ Information provided by NGOs, February 2019.

³¹⁰ *Ibid.*

³¹¹ Article 3(1)(I) LFIP.

³¹² For a discussion, see Sabine Strasser and Eda Elif Tibet, ‘The border event in the everyday: hope and constraints in the lives of young unaccompanied asylum seekers in Turkey’, *Journal of Ethnic and Migration Studies*, 20 March 2019, available at: <https://bit.ly/2Cxhga8>.

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 mending the damages caused by such 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.³¹³ In 2016, two Ugandan sisters were raped and beaten, resulting in one sister’s death in **Istanbul**.³¹⁴ In 2017, a woman from Kyrgyzstan was assaulted by police officers in **Antalya**.³¹⁵ In 2018, an Afghan woman who had been missing for a month was found murdered in **Burdur**.³¹⁶ In early 2019, an Uzbek woman was raped by a police officer in **Istanbul** and, as criminal proceedings were being pending before the 8th Criminal Court of Istanbul, it was reported by lawyers that the woman was deported due to violation of visa obligation and was no longer reachable in Uzbekistan to give a power of attorney.³¹⁷

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 these types 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, women victims of violence have been referred to provinces where they have 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.³¹⁸

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 shelters (*kadın konukevi*), most run by the Ministry of Family, Labour and Social Services, municipalities or NGOs.³¹⁹ Turkey has 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.³²⁰

Specifically as regards victims of trafficking, there are two dedicated facilities: one operated by DGMM in **Kırıkkale** with 12 places, and another shelter operated by the municipality of Ankara with 30 places.³²¹

³¹³ Birgün, ‘Göçün kadına yansıması: Zorla fuhuş, şiddet, hastalık’, 23 August 2018, available in Turkish at: <https://bit.ly/2JudcgC>.

³¹⁴ Evrensel, ‘Violet ve Beatrice için adalet çağırısı’, 5 December 2016, available in Turkish at: <http://bit.ly/2z3QdyB>.

³¹⁵ Mynet, ‘Antalya’daki kadına polis şiddeti için flaş tutuklama’, 27 October 2017, available in Turkish at: <https://bit.ly/2TQ4Gxi>.

³¹⁶ Evrensel, ‘Burdur’da kadın cinayeti: Kayıp Afgan kadın gömülmüş halde bulundu’, 8 February 2019, available in Turkish at: <https://bit.ly/2T80vYi>.

³¹⁷ 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.

³¹⁸ Information provided by an NGO, February 2019.

³¹⁹ Ministry of Family, Labour and Social Services, *Şiddet Önleme ve İzleme Merkezi*, available in Turkish at: <https://bit.ly/2HLo6fm>.

³²⁰ 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>.

³²¹ DGMM, *Victims of human trafficking*, available at: <https://bit.ly/2uFKMpT>.

However, conditions in those centres vary. For example, a woman escaped from the centre managed by DGMM in Kırıkkale due to poor security conditions.³²²

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

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.³²³ 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. In 2018, referrals of LGBTI persons to some of these provinces stopped due to problems identified in the asylum procedures carried out by the PDMM.³²⁴

Due to capacity shortages in these provinces, applicants have more recently been directed to more conservative provinces, where they face greater risks of discrimination.³²⁵ The number of LGBTI persons assigned to sensitive provinces as of the end of 2018 has dropped to near zero figures.³²⁶

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. Especially 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.³²⁷ SGDD-ASAM have referred trans applicants to the Transgender House ([Trans evi](#)) in **Istanbul** for short stays where the applicant has specific needs.³²⁸

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.³²⁹ 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.³³⁰ In another positive decision, the 7th Civil Court of Izmir approved the gender reassignment process of an Iranian refugee.³³¹ More recently, however, lawyers have witnessed court decisions refusing gender reassignment procedures to trans refugees in **Izmir** and **Yalova**. One application is currently pending before the Constitutional Court.³³²

³²² Information provided by the Women’s Solidarity Foundation, February 2019.

³²³ Information provided by SGDD-ASAM, February 2018.

³²⁴ Information provided by an NGO, February 2019.

³²⁵ See e.g. Deutsche Welle, ‘Suriyelilerin İstanbul’a kaydı durduruldu’, 6 February 2018, available in Turkish at: <http://bit.ly/2sjHtWS>.

³²⁶ Information provided by NGOs, February 2019.

³²⁷ Kaos GL, *Waiting to be “safe and sound”: Turkey as an LGBTI refugees’ way station*, July 2016, 37-39.

³²⁸ Information provided by SGDD-ASAM, March 2018.

³²⁹ Kaos GL, *Waiting to be “safe and sound”: Turkey as an LGBTI refugees’ way station*, July 2016, 39.

³³⁰ 2nd Civil Court of Denizli, Decision 2018/19, 25 January 2018.

³³¹ 7th Civil Court of Izmir, Decision 2018/370, 9 October 2018.

³³² Information provided by an NGO, February 2019.

4. Reception of persons living with HIV

People living with HIV are also not explicitly identified as a group having special needs in the LFIP. There are few NGOs dealing with the basic needs of this group such as Positive Life in **Istanbul** and SGDD-ASAM in **Ankara**. Unfortunately, the information on their situation has not been made visible in the field so far. The limited training and familiarity of health care institutions with their situation creates obstacles to effective access to health care.³³³

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.

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 Centres currently in operation to shelter international protection applicants are in the provinces of **Yozgat** and **Tekirdağ** and have a modest capacity of 150 places taken together. 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 advisers 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.

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

³³³ 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 2018: ³³⁴	Not available
2. Number of asylum seekers in detention at the end of 2018:	Not available
3. Number of Removal Centres:	24
4. Total capacity of Removal Centres:	16,116

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 24 active Removal Centres in Turkey with a total detention capacity of 16,116 places.

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”,³³⁵ and that they fall within the scope of the [Accelerated Procedure](#).³³⁶

³³⁴ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

³³⁵ Article 68(5) LFIP.

³³⁶ 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: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ at the border: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> 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;³³⁷ and
- ❖ Administrative detention for the purpose of removal.³³⁸

1.1. Detention of international protection applicants

The decision to detain an international protection applicant 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.³³⁹ Persons “may not be detained for the sole reason of having submitted an international protection application.”³⁴⁰

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.

³³⁷ Article 68 LFIP.

³³⁸ Article 57 LFIP.

³³⁹ Article 68(2) LFIP; Article 96(1) RFIP.

³⁴⁰ Article 68(1) LFIP.

The law further provides that detention shall immediately cease where it is no longer necessary.³⁴¹ 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.³⁴² Conversely, the Magistrates' Court of **Van** has reached the opposite conclusion in similar cases.³⁴³

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.³⁴⁴ 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.³⁴⁵ 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.

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 thereto. 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 the authorities have 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](#)).

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 in transit zones as a form of detention, on the basis that "at any time inadmissible passengers can leave holding areas to travel to a country where they would like to go."³⁴⁶ These persons are required to sign an "inadmissible passenger form" (*kabul edilemez yolcu formu*).³⁴⁷

In practice, it is widely reported that applicants of the international protection are held in facilities at the airport, and there has been an increase in such cases in 2018.³⁴⁸

In conformity with the law, the duration of assessment of the applications in the accelerated procedure does not exceed 2-3 days.³⁴⁹ However, even though this is not formally regarded as a form of detention,

³⁴¹ Article 57(4) LFIP.

³⁴² 2nd Magistrates' Court of Antalya, Decision 2018/1761, 2 April 2018; 2nd Magistrates' Court of Hatay, Decision 2018/4659, 26 December 2018.

³⁴³ 2nd Magistrates' Court of Van, Decision 2018/6023, 27 November 2018; Decision 2018/6166, 7 January 2018.

³⁴⁴ Article 96(7) RFIP.

³⁴⁵ Information provided by SGDD-ASAM, February 2018.

³⁴⁶ 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.

³⁴⁷ DGMM, *Kabul Edilemez Yolcu Formları*, available at: <https://bit.ly/2Fz961l>.

³⁴⁸ Information provided by a lawyer of the Izmir Bar Association, March 2019.

³⁴⁹ Information provided by an NGO, March 2018.

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.³⁵⁰

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.³⁵¹

Conversely, Article 57 LFIP makes no reference to less coercive alternatives in the context of pre-removal detention.

Alternatives to detention are not applied in practice.³⁵²

Furthermore, the LFIP states that competent authority may end detention at a later time following the detention order and put in place less coercive alternative measures.³⁵³ This is echoed by the RFIP, which provides that an applicant who is released from administrative detention may be required “to fulfil other obligations besides mandatory residence and notification obligation.”³⁵⁴ Both provisions are problematic as they refer to such obligations *after* detention is lifted rather than before it is ordered.

It is observed from the field that applicants who are released after the expiry of the maximum duration of pre-removal detention are issued an Administrative Surveillance Decision (“T6”) and are obliged to regularly report to the PDMM (see [Registration](#)).³⁵⁵ This is a concerning practice, insofar as the imposition of reporting obligations to the PDMM is introduced 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 such cases where clients have been obliged to discharge their reporting duties in a distant city,

³⁵⁰ 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>.

³⁵¹ Article 71(1) LFIP.

³⁵² Information provided by a lawyer of the Ankara Bar Association, January 2018; 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.

³⁵³ Article 68(6) LFIP.

³⁵⁴ Article 96(5) RFIP. Article 68(6) LFIP only refers to the obligations in Article 71 LFIP where detention is lifted.

³⁵⁵ Information provided by Mülteci-Der, December 2017.

two, three or even five days a week, thereby entailing disproportionate transportation and accommodation costs for applicants.³⁵⁶ In addition, people are not properly informed of this obligation upon release from the Removal Centre.³⁵⁷

Lawyers have appealed such cases of reporting obligations after detention is terminated, but to varied outcomes so far. 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.”³⁵⁸ In a similar case on the weekly reporting obligation in Kırklareli imposed on an Iraqi national residing in Ankara, the Magistrates’ Court of Kırklareli found that reporting duties cannot be imposed in a city other than the place of residence of the applicant.³⁵⁹

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.³⁶⁰ Such children are no longer detained in Removal Centres but are transferred to facilities of the Ministry of Family, Labour and Social Services.³⁶¹ In practice, however, unaccompanied children often declare being over the age of 18 so as to avoid separation from their group.³⁶²

According to the law, children at risk and children convicted of an offence should be transferred to Child Support Centres (*Çocuk Destek Merkezleri*, ÇODEM).³⁶³ However, concerns remain regarding the number of children – usually beggars or street vendors – arbitrarily detained in police stations.³⁶⁴ An increase in children engaged in forced begging has been witnessed in provinces such as **Muğla** in 2018.³⁶⁵

Families with children are generally detained, on the other hand.³⁶⁶ 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

³⁵⁶ Information provided by NGOs, February 2018.

³⁵⁷ Information provided by an NGO, February 2019.

³⁵⁸ 1st Administrative Court of Gaziantep, Decision 2017/1302, 9 October 2017.

³⁵⁹ Magistrates’ Court of Kırklareli, Decision 2017/455, 28 February 2017.

³⁶⁰ Article 66(1)(b) LFIP.

³⁶¹ Information provided by Mülteci-Der, December 2017.

³⁶² Information provided by an NGO, February 2019.

³⁶³ Regulation No 29310 of 29 March 2015 on Child Support Centres, available in Turkish at: <https://bit.ly/19lwjfo>.

³⁶⁴ Information provided by an NGO, February 2019.

³⁶⁵ Information provided by Bodrum Women’s Solidarity Association, March 2019.

³⁶⁶ 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.

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.³⁶⁷ Cases of children, as well as elderly people being issued YTS codes continue to be witnessed in different provinces.³⁶⁸

LGBTI persons are at particular risk of detention when apprehended outside their assigned province. Towards the end of 2018, stakeholders have witnessed an increase in apprehension and detention cases.³⁶⁹ 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 the detention order on grounds of "public security" issued to 8 foreign women who were informally working in a night club.³⁷⁰

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.³⁷¹ The same case is pending before the Constitutional Court for interim measures.³⁷² 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.³⁷³

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.³⁷⁴

Pre-removal detention, on the other hand, may be ordered for 6 months, subject to the possibility of extension for another 6 months.³⁷⁵ This extension is systematically applied in practice, especially for persons under a YTS-related code.³⁷⁶ 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.³⁷⁷

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](#)

³⁶⁷ 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>.

³⁶⁸ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

³⁶⁹ Information provided by an NGO, February 2019.

³⁷⁰ 2nd Magistrates' Court of Aydın, Decision of 6 April 2017.

³⁷¹ ECtHR, *Yapcan v. Turkey*, Application No 160/18.

³⁷² Information provided by the International Refugee Rights Association, March 2019.

³⁷³ Constitutional Court, Decision 2018/35518, 25 December 2018.

³⁷⁴ Article 68(5) LFIP.

³⁷⁵ Article 57(3) LFIP.

³⁷⁶ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

³⁷⁷ 2nd Magistrates' Court of Edirne, Decision 2018/2746, 3 July 2018.

for Detention),³⁷⁸ lawyers and other experts are aware of several such 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.

While average detention periods may vary among different nationalities or from one centre to another, lawyers have witnessed an increase in the duration of detention in 2018.³⁷⁹

Persons facing removal have to be transferred to a Removal Centre within 48 hours of the issuance of the detention order.³⁸⁰ 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.³⁸¹ In provinces such as **Istanbul** and **Hatay**, detention exceeding the 48-hour deadline is a general practice, however.³⁸²

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

According to DGMM, detention capacity almost doubled in the course of 2018. As of December 2018, there were 24 active removal centres in Turkey with a total detention capacity of 16,116 places, up from 18 centres with a total capacity of 8,276 places in February 2018.

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](#)). Another 11 Removal Centres are being planned, totalling a capacity of 5,350 detention places. Therefore, upon completion of these facilities the overall pre-removal detention capacity in Turkey would reach 21,466 places.

³⁷⁸ Article 96(7) RFIP.

³⁷⁹ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

³⁸⁰ Article 57(2) LFIP.

³⁸¹ Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017, available at: <https://bit.ly/2IWjuS0>.

³⁸² Information provided by NGOs, February 2019.

The locations and capacities of Removal Centres are listed as follows:

Capacity of pre-removal detention centres in Turkey	
Pre-removal detention centre	Detention capacity
<i>Existing centres</i>	
Adana	80
Ağrı	400
Antalya	170
Aydın	564
Çanakkale	400
Edirne	500
Erzurum 1	750
Erzurum 2	750
Gaziantep (Oğuzeli)	750
Hatay	192
Iğdır	2,090
Istanbul (Silivri)	270
Istanbul (Binkılıç)	120
Istanbul (Tuzla)	900
Izmir (Harmandalı)	750
Kayseri	750
Kirikkale	200
Kırklareli (Pehlivan köyü)	750
Kocaeli	250
Malatya	250
Muğla	88
Osmaniye (Düziçi)	4,000
Van	392
Van (Kurubaş)	750
Total existing	16,116
<i>Planned centres</i>	
Çankırı	750
Balıkesir	200
Adana	400
Kütahya	400
Niğde	400
Şanlıurfa	600
Istanbul (3 rd Airport)	700
Ankara	500
Hatay	400
Bayburt	150
Tekirdağ	400
Total planned	5,350
Grand total	21,466

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

The facilities located in **Iğdır** and **Osmaniye** (Düziçi) are listed as temporary Removal Centres, the latter formerly operating as a temporary accommodation centre. According to UNHCR, Düziçi has stopped operating for some time in the summer of 2018 for renovation purposes.³⁸³

Despite the increase in detention capacity, overcrowding has been reported in centres such as **Erzurum** and **Izmir** (Harmandalı) in the course of 2018.³⁸⁴

Previously operating Removal Centres such as **Istanbul** (Kumkapı), **Ankara** and **Izmir** (Isikkent) have now been closed.

According to the observations of lawyers, it seems that some Removal Centres accommodate different categories of persons. For example, in 2017 **Edirne** mainly accommodated irregular migrants intercepted while attempting to leave Turkey, while **Hatay**, **Erzurum** and **Gaziantep** accommodated persons identified as foreign terrorist fighters (YTS). In 2018, **Izmir** (Harmandalı) accommodated *inter alia* persons with a YTS code, and **Erzurum** was mainly used for detention and removal of Afghans apprehended in the provinces near the Iranian border.³⁸⁵

1.2. Airport holding facilities and police stations

There is one border facility for persons refused entry into Turkey (“inadmissible passengers”) at international airports. These include **Istanbul** Atatürk Airport, **Istanbul** Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **Izmir** Adnan Menderes Airport.

The authorities generally do not consider holding in transit zones as 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.³⁸⁶

Police stations can be used for short-term holding of up to 48 hours prior to a Removal Centre.³⁸⁷ 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.

Erzurum: In April 2018, due to the Removal Centres reaching capacity following an increase in the number of arrested and detained Afghan nationals, DGMM resorted to other facilities for pre-removal detention and detained people in three sport venues.³⁸⁸

³⁸³ Information provided by UNHCR, February 2019.

³⁸⁴ 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, March 2019.

³⁸⁵ 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>.

³⁸⁶ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).

³⁸⁷ Article 57(2) LFIP.

³⁸⁸ Information provided by an NGO, February 2019.

Şanlıurfa: Persons apprehended are detained in a sports hall for periods reaching one week before being transferred to the nearest Removal Centre in Gaziantep.³⁸⁹

Izmir: Due to an increase in the number of people apprehended by the Coast Guard in summer 2018 and to capacity shortage in the Harmandalı Removal Centre, the authorities used a sports hall to detain persons for periods reaching one month. Men and women were held together without privacy, under substandard hygienic conditions. Security guards were also affected by health risks such as hepatitis in those facilities.³⁹⁰

Istanbul: A detention facility is used in Pendik to detain asylum seekers, likely due to overcrowding in police stations. The facility hosts about 500 to 600 persons at the time of writing. Detention periods in this facility can reach one month.³⁹¹

Mersin: The basement of the Yumuktepe police station in Demirtaş district is 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.³⁹²

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 therein have reportedly been told to sign voluntary return documents, failing which they will be transferred to the Removal Centre.³⁹³

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

All Removal Centres in Turkey are under the authority of DGMM and each centre is managed by a director.³⁹⁴ 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.”

³⁸⁹ Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.

³⁹⁰ Information provided by the Izmir Bar Association, March 2019.

³⁹¹ Information provided by the International Refugee Rights Association, February 2019; a lawyer of the Istanbul Bar Association, February 2019.

³⁹² Information provided by an NGO, February 2019.

³⁹³ Information provided by a lawyer of the Antakya Bar Association, February 2019.

³⁹⁴ Article 11 Removal Centres Regulation.

Removal Centres are required to provide among others: accommodation and food; security; emergency and basic health care services; psychological and social support.³⁹⁵ 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.³⁹⁶

In 2017, in line with the monitoring provisions of the Regulation,³⁹⁷ 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 is a member of the commission in **Izmir**, whereas another NGO participates in the commissions of **Kayseri** and **Hatay**. Generally, Türk Kızılay is present in these commissions.³⁹⁸

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”.³⁹⁹ 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.⁴⁰⁰ While rooms are cleaned every day, the family units have faced bug infestation which has led to allergies in children.⁴⁰¹

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.⁴⁰²

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.⁴⁰³ Each centre has a 750-place capacity.⁴⁰⁴ Women are accommodated on the top floor of GGM 2.⁴⁰⁵

³⁹⁵ Article 14(1) Removal Centres Regulation.

³⁹⁶ 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.

³⁹⁷ Article 16 Removal Centres Regulation.

³⁹⁸ Information provided by SGDD-ASAM, February 2018.

³⁹⁹ Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, available in Turkish at: <https://bit.ly/2UOmJjI>, paras 11-12 and 20.

⁴⁰⁰ *Ibid*, paras 21-26.

⁴⁰¹ *Ibid*, para 28.

⁴⁰² *Ibid*, paras 19-20.

⁴⁰³ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, available in Turkish at: <https://bit.ly/2UJjyKd>.

⁴⁰⁴ *Ibid*, para 24.

⁴⁰⁵ *Ibid*, para 28.

Bedrooms accommodate six people on average and include a bathroom and toilet, although they have no curtains.⁴⁰⁶ 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 lack of adequate ventilation.⁴⁰⁷ It also witnessed interruptions in the provision of hot water in GGM 2.⁴⁰⁸

GGM 1 has a playground and football, basketball and volleyball courts, a cafeteria, prayer rooms,⁴⁰⁹ 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.⁴¹⁰ Some persons complained that they were not allowed outdoor access in GGM 2 on some days and that the sports facilities were not accessible.⁴¹¹

During a visit of the Human Rights and Equality Commission in 2018, a total of 1,157 people were detained, of whom 627 in GGM 1 and 530 in GGM 2. 16 children, 14 women, one elderly person and one disabled person were detained.⁴¹²

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.⁴¹³

Istanbul: Women are generally detained in the Silivri Removal Centre, while men are held in Binkılıç.⁴¹⁴

Antalya: People are held in cells that can be locked from the inside. Men and women are accommodated separately.⁴¹⁵

Çanakkale: Conditions have been reported to be adequate overall.⁴¹⁶

Hatay: Lawyers have received reports of substandard conditions. Persons have no access to shower or hot water, and only have 40 minutes of outdoor access.⁴¹⁷ Part of the Removal Centre is currently under renovation, due to which a number of persons are being transferred to Gaziantep.

Kayseri: The centre has capacity for 750 persons and started operating in 2016.⁴¹⁸ Rooms have bunkbeds and are equipped with a cupboard, bathroom and toilet.⁴¹⁹ There are also two rooms for disabled persons, accessible by lift.⁴²⁰ The walls, rooms and linen were found to be generally in good

⁴⁰⁶ *Ibid*, para 29. The administration building has curtains, however.

⁴⁰⁷ *Ibid*, paras 30, 35-36.

⁴⁰⁸ *Ibid*, para 32.

⁴⁰⁹ According to the Commission, people reported being unable to use the room: *Ibid*, para 37.

⁴¹⁰ *Ibid*, paras 12-13.

⁴¹¹ *Ibid*, paras 49-51.

⁴¹² *Ibid*, paras 24-25.

⁴¹³ Information provided by a lawyer of the Gaziantep Bar Association, February 2019.

⁴¹⁴ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁴¹⁵ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁴¹⁶ Information provided by a lawyer of the Ankara Bar Association, February 2018.

⁴¹⁷ Information provided by a lawyer of the Izmir Bar Association, February 2018.

⁴¹⁸ 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.

⁴¹⁹ *Ibid*, para 23.

⁴²⁰ *Ibid*, para 25.

condition during a visit of the Human Rights and Equality Commission in 2018.⁴²¹ However, ventilation and hot water supply have been noticed as inadequate.⁴²²

The facility has a prayer room, a library, a gym and a computer room.⁴²³

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.⁴²⁴ Due to the rapid turnover of persons, the centre has not exceeded its capacity.⁴²⁵ If there are no available places in the centre, people are transferred to other Removal Centres such as **Kırıkkale** or **Çankırı**.⁴²⁶

In **Izmir** (Harmandalı) and **Erzurum** people receive three meals a day in the cafeteria.⁴²⁷ In 2018, however, media raised concerns about food safety in Removal Centres after 100 people were poisoned from food provided in **Kayseri**.⁴²⁸ The Human Rights and Equality Commission noted later in the year that meals menus are not shared with detainees in advance.⁴²⁹

As regards border premises, the holding facility at **Istanbul Atatürk Airport** has 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.⁴³⁰ The former unit has systematically been the subject of critique by international bodies,⁴³¹ and continues to fall short of standards. The room has no beds, only couches under fluorescent lighting. Detainees can only buy food from duty free shops, which are usually expensive.⁴³²

The latter unit was inaugurated on 20 April 2016 and has two dormitories – one for men and one for women – and a room for families and vulnerable persons, as well as a cafeteria. However, neither unit has no access to natural light or outdoor space.⁴³³ It should be noted that neither lawyers in Istanbul nor UNHCR were aware of the existence of a second facility at the airport to date.

Another facility exists in **Esenboğa Airport** in Ankara. The facility's conditions are limited but better than conditions of Atatürk Airport. People have access to internet and phone, water and food during their stay in the airport.⁴³⁴

⁴²¹ *Ibid*, paras 32-34.

⁴²² *Ibid*, para 52.

⁴²³ *Ibid*, para 51.

⁴²⁴ *Ibid*, paras 14-15.

⁴²⁵ *Ibid*, para 24.

⁴²⁶ Information provided by a lawyer of the Kayseri Bar Association, February 2019.

⁴²⁷ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 27; *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 33.

⁴²⁸ Deniz Postası, ‘ŞOK! ŞOK! ŞOK! Geri Gönderim Merkezi’nde yüzlerce yabancı şahıs zehirlendi!’, 21 February 2018, available in Turkish at: <https://bit.ly/2l7p6r1>.

⁴²⁹ Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, para 41.

⁴³⁰ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).

⁴³¹ See e.g. CPT, *Report of the visit to Turkey from 16 to 23 June 2015*, 17 October 2017, paras 36-39.

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

⁴³³ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).

⁴³⁴ Information provided by SGDD-ASAM, March 2018.

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.⁴³⁵ However, most detainees reported being unaware of the presence of the psychologist.⁴³⁶ The Commission also expressed concerns about the lack of emergency response kits in the infirmary of the centre during its visit.⁴³⁷

Kayseri has one social worker, four teachers and one doctor.⁴³⁸ **Aydın**, according to a 2017 visit of the Grand National Assembly, only has one staff member responsible for health care.⁴³⁹ In **Erzurum**, a doctor is available from 08:00 to 17:00 and nurses work in shifts.⁴⁴⁰

Activities in Removal Centres vary across the country. In **Erzurum**, for example, detained Afghan children were able to access education in 2018.⁴⁴¹ The same was reported in **Izmir** (Harmandalı), although a standard training programme is applied to children regardless of age or nationality.⁴⁴² In **Antalya**, detained children cannot access education but psycho-social support is available in the Removal Centre.⁴⁴³

There have been allegations of ill-treatment against detainees by staff such as security guards in **Izmir** (Harmandalı).⁴⁴⁴ 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.⁴⁴⁵ Incidents of violence, handcuffing and pressure to apply for “voluntary return” from guards have also been reported in **Hatay**.⁴⁴⁶ 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.⁴⁴⁷ 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”.⁴⁴⁸ Also, access to psycho-social support service is possible.⁴⁴⁹ In relation to the

⁴³⁵ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 18.

⁴³⁶ *Ibid.*, para 37.

⁴³⁷ *Ibid.*, para 44.

⁴³⁸ Turkish Human Rights and Equality Commission, *Kayseri Geri Gönderme Merkezi Ziyareti*, 2018/14, November 2018, para 19.

⁴³⁹ Grand National Assembly, *İzmir-Aydın Geri Gönderme Merkezleri İnceleme Raporu*, November 2017, available in Turkish at: <https://bit.ly/2n38uZJ>.

⁴⁴⁰ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 52.

⁴⁴¹ Information provided by an NGO, February 2019.

⁴⁴² Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 53.

⁴⁴³ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁴⁴⁴ Turkish Human Rights and Equality Commission, *İzmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, paras 32-33.

⁴⁴⁵ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁴⁴⁶ See e.g. Dev Haber, ‘Antep Geri Gönderme Merkezin’de mülteciler ters kelepçeleniyor’, 25 December 2017, available in Turkish at: <http://bit.ly/2ETCOWC>.

⁴⁴⁷ Information provided by a lawyer of the Gaziantep Bar Association, March 2018.

⁴⁴⁸ Article 14(1) Removal Centres Regulation.

⁴⁴⁹ Article 14(2) Removal Centres Regulation.

identification of vulnerabilities, DGMM and SGDD-ASAM have signed a protocol on the identification of persons with special needs.⁴⁵⁰

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to:

❖ Lawyers:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
❖ NGOs:	<input type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input checked="" type="checkbox"/> No
❖ UNHCR:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
❖ Family members:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> 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 on territory 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 extremely vague formulation raises concerns that arbitrary restrictions may be imposed on visitors' access to the centres.

Detention authorities shall determine the duration of the approved meetings and visits. On the other hand, they are required to take measures to ensure confidentiality of the encounters.

3.1. Access of lawyers to Removal Centres

According to an unpublished DGMM Circular of 17 December 2015, lawyers are only granted access to Removal Centres on the basis of written requests,⁴⁵¹ and can only request a copy of documents deemed not to be confidential, provided they have a power of attorney.⁴⁵² In practice, lawyers continue to report difficult and arbitrary access to Removal Centres, which can vary depending on relations between the management of the centre and the individual lawyer.

Lawyers' access to detainees in **Izmir** (Harmandalı), previously described by stakeholders as very problematic, have improved in 2018.⁴⁵³ Persons in detention have no access to a phone.⁴⁵⁴ According to the Commission on Migration and Refugees of the Izmir Bar Association, lawyers also have to correctly state the exact details of the detainee they are representing, as any error thereon leads to refusal of access to the Removal Centre.⁴⁵⁵ Lawyers have been also subjected to long delays and security checks

⁴⁵⁰ Information provided by SGDD-ASAM, February 2018.

⁴⁵¹ 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.

⁴⁵² DGMM Circular No 31386081-000-36499 of 17 December 2015 "Avukatların Ggm'lerdeki Yabancılarla Görüşme Talebi".

⁴⁵³ Information provided by a lawyer of the Izmir Bar Association, February 2019.

⁴⁵⁴ Information provided by UNHCR, February 2018.

⁴⁵⁵ Izmir Bar Association, *Izmir Geri Gönderme Merkezlerinde Adalete Erişim Hakkı Çerçevesinde Yaşanan Sorunlar Raporu*, July 2017, available in Turkish at: <http://bit.ly/2Dyc87X>, 8-9.

including X-ray bodily searches before being able to interview clients.⁴⁵⁶ They have also been systematically asked whether their clients have a “G89” code, in which case checks are more thorough, although this practice has changed in recent months.⁴⁵⁷ 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.⁴⁵⁸ Complaints against security guards have also been filed by lawyers.⁴⁵⁹

Istanbul, Izmir, Gaziantep, Kirikkale and other Removal Centres have introduced a further requirement for lawyers seeking to access the Removal Centre in 2018, as they now require the presence of interpreters under oath for meetings with clients.⁴⁶⁰ 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.⁴⁶¹ The requirement of a sworn interpreter is not imposed in other centres such as **Antalya, Hatay** or **Kayseri**. Arabic-speaking staff of the centre provide interpretation assistance to lawyers when needed.⁴⁶²

Serious barriers to access to Removal Centres are also reported in **Hatay, Adana** and **Mersin**. Lawyers are required to provide the full details of their client in the written request form, together with the power of attorney. The waiting period for obtaining access may range from one week to one month.⁴⁶³ Access of lawyers to the **Istanbul** Removal Centres is also restricted as the management of the centres does not accept legal aid appointment documents to allow representatives to meet with their clients.⁴⁶⁴ Lawyers are asked for a power of attorney even after multiple visits to see the same client.⁴⁶⁵ Access is also severely restricted in **Erzurum**,⁴⁶⁶ and difficulties relating to access have also been reported in **Van** as of late 2018.⁴⁶⁷

On the other hand, in **Çanakkale** which mainly accommodates Iraqi Turkmens, lawyers do not undergo special security checks and clients have the right to one phone call per day.⁴⁶⁸ In **Kayseri**, lawyers have also 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.⁴⁶⁹ In **Antalya**, a security guard is present during lawyer / client meetings if the person has been issued a YTS code.⁴⁷⁰ In **Gaziantep**, lawyers’ access to the centre has improved in 2018 as waiting times for entering the facility have been reduced.⁴⁷¹

⁴⁵⁶ Information provided by a lawyer of the Izmir Bar Association, March 2019. See also Human Rights Association, ‘Izmir Harmandalı Geri Gönderme Merkezi Hakkında Gözlem Raporu’, 9 July 2017, available in Turkish at: <http://bit.ly/2G7ZGtq>.

⁴⁵⁷ Information provided by a lawyer of the Izmir Bar Association, January and March 2018.

⁴⁵⁸ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IV.2.

⁴⁵⁹ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁴⁶⁰ Information provided by NGOs, February 2019; a lawyer of the Istanbul Bar Association, March 2019; a lawyer of the Gaziantep Bar Association, February 2019.

⁴⁶¹ Information provided by an NGO, February 2019.

⁴⁶² Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁴⁶³ 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. See also Grand National Assembly, *Izmir-Aydın Geri Gönderme Merkezleri İnceleme Raporu*, November 2017.

⁴⁶⁴ Information provided by an NGO, February 2019.

⁴⁶⁵ Information provided by a lawyer of the Istanbul Bar Association, February 2019.

⁴⁶⁶ Information provided by the International Refugee Rights Association, February 2018.

⁴⁶⁷ Information provided by an NGO, February 2019.

⁴⁶⁸ Information provided by a lawyer of the Ankara Bar Association, February 2018; UNHCR, February 2018.

⁴⁶⁹ Information provided by a lawyer of the Kayseri Bar Association, February 2019.

⁴⁷⁰ Information provided by a lawyer of the Antalya Bar Association, March 2019.

⁴⁷¹ Information provided by a lawyer of the Gaziantep Bar Association, February 2019.

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.⁴⁷² In **Gaziantep**, a room for meetings with lawyers is currently under construction.⁴⁷³ In some centres the meeting room doors are open, thereby not guaranteeing confidentiality.

Finally, lawyers' access to detained clients is often hindered by transfers of detainees between Removal Centres without notifying their legal representative or the family members.⁴⁷⁴ In 2018, lawyers are aware of persons pressured to sign voluntary return documents to avoid transfer to a Removal Centre located far away from their family members.⁴⁷⁵

Lawyers' access to airports has been further restricted in recent years.⁴⁷⁶ In **Istanbul Atatürk Airport**, access to the holding facility is subject to permission from the Atatürk Airport Governorate (*Atatürk Havaalanı Mülki İdare Amirliği*). Police authorities are present during lawyer / client meetings as these are held in a public area near passport control. They are also present when lawyers and clients exchange documents or money.⁴⁷⁷ Difficulties relating to access have also been reported in **Istanbul Sabiha Gökçen Airport**.⁴⁷⁸

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. Under this practice, UNHCR submits requests to visit Removal Centres on a periodic basis. UNHCR visits the premises, observes procedures and provides recommendations. Such visits are determined based on operational needs.⁴⁷⁹

The same system is also in place for access to the **Istanbul Atatürk Airport** transit zone. Other than such regular visits, UNHCR communicates DGMM its requests for interviewing international protection applicants if the person has an application pending with UNHCR.⁴⁸⁰

NGOs have no established protocols with DGMM for access to Removal Centres.⁴⁸¹ 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 have such a possibility every day. Family visits are more restricted in Gaziantep.⁴⁸²

⁴⁷² Grand National Assembly, *İzmir-Aydın Geri Gönderme Merkezleri İnceleme Raporu*, November 2017, 20.

⁴⁷³ Information provided by a lawyer of the Gaziantep Bar Association, February 2019; an NGO, February 2019.

⁴⁷⁴ Information provided by NGOs, February 2019; a lawyer of the Antakya Bar Association, March 2019.

⁴⁷⁵ Information provided by a lawyer of the Antakya Bar Association, March 2019.

⁴⁷⁶ Information provided by an NGO, February 2019; International Refugee Rights Association, February 2019.

⁴⁷⁷ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

⁴⁷⁸ Information provided by a lawyer of the Antakya Bar Association, March 2019.

⁴⁷⁹ Information provided by UNHCR, February 2019.

⁴⁸⁰ Information provided by UNHCR, February 2018.

⁴⁸¹ Information provided by SGDD-ASAM, February 2018.

⁴⁸² 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	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ Pre-removal detention	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.⁴⁸³ 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,⁴⁸⁴ 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 those documents is only possible after an appeal has been filed and the PDMM has been requested to submit the documents before the court.⁴⁸⁵ 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.⁴⁸⁶

UNHCR has also reported that access to information, including written information, and to interpretation services are among the areas where they are providing support to DGMM.⁴⁸⁷

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,⁴⁸⁸ pre-removal detention must be reviewed by the governorate on a monthly basis.⁴⁸⁹

The decision to detain can be challenged at the competent Magistrates' Court through a non-suspensive appeal.⁴⁹⁰ The law does not set out a time limit for appealing detention, whereas the deadline to appeal a removal decision is 15 days.⁴⁹¹ In practice, Magistrates' Courts in **Hatay** and **Adana** do not interpret these requirements strictly and have accepted appeals lodged after the lapse of the 15-day time limit.⁴⁹²

⁴⁸³ Article 68(4) LFIP.

⁴⁸⁴ 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.

⁴⁸⁵ Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018.

⁴⁸⁶ Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 47.

⁴⁸⁷ Information provided by UNHCR, February 2018.

⁴⁸⁸ Article 68(6) LFIP only states that detention may be lifted at any point.

⁴⁸⁹ Article 57(3) LFIP.

⁴⁹⁰ 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.

⁴⁹¹ Article 53(3) LFIP.

⁴⁹² Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018.

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.⁴⁹³

According to lawyers' observations, the poor quality of detention review by Magistrates' Courts persists as a problem. In the **Izmir, Istanbul, Aydın, Hatay, Gaziantep, Adana, Kayseri** and **Erzurum** Removal Centres,⁴⁹⁴ appeals against detention are rejected as a general rule.⁴⁹⁵ Out of 702 appeals against detention and deportation filed until May 2018 in **Izmir**, only 61 have been accepted.⁴⁹⁶ In **Hatay**, about 200 appeals against detention are filed per year.⁴⁹⁷

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."⁴⁹⁸ 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.⁴⁹⁹

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,⁵⁰⁰ but following a separate appeal the **Çanakkale** Magistrates' Court ordered his release and imposed reporting obligations.⁵⁰¹

One crucial gap in the LFIP provisions on detention concerns remedies against detention conditions.⁵⁰² 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.⁵⁰³ The Court has reiterated this position in several cases in 2016,⁵⁰⁴ which – similar to *K.A.* – concerned detention conditions in the former Removal Centre of **Istanbul** (Kumkapı).

⁴⁹³ Article 68(7) LFIP; Article 96(6) RFIP.

⁴⁹⁴ 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.

⁴⁹⁵ 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.

⁴⁹⁶ Turkish Human Rights and Equality Commission, *Izmir Harmandalı Geri Gönderme Merkezi Ziyareti*, 2018/18, December 2018, para 35.

⁴⁹⁷ Information provided by a lawyer, February 2019.

⁴⁹⁸ Magistrates' Court of Kirklareli, Decision 2016/2732, 24 October 2016.

⁴⁹⁹ 2nd Magistrates' Court of Edirne, Decision 2018/2746, 3 July 2018.

⁵⁰⁰ Information provided by a lawyer of the Ankara Bar Association, January 2019.

⁵⁰¹ Magistrates' Court of Çanakkale, Decision 2018/3777, 12 October 2018.

⁵⁰² 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>.

⁵⁰³ 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.

⁵⁰⁴ 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.⁵⁰⁵

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.⁵⁰⁶ 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.⁵⁰⁷

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.⁵⁰⁸ 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.⁵⁰⁹

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.⁵¹⁰ 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 are 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.⁵¹¹

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.⁵¹²

⁵⁰⁵ Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017.

⁵⁰⁶ Article 68(8) LFIP.

⁵⁰⁷ Article 81(2) LFIP.

⁵⁰⁸ 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.

⁵⁰⁹ 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.

⁵¹⁰ Izmir Bar Association, *Izmir Geri Gönderme Merkezlerinde Adalet Erişim Hakkı Çerçevesinde Yaşanan Sorunlar Raporu*, July 2017, 18-19. See also Refugee Rights Turkey, *Barriers to the right to an effective legal remedy: The problem faced by refugees in Turkey in granting power of attorney*, February 2016, available at: <http://bit.ly/1PLX9SH>.

⁵¹¹ 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.

⁵¹² Evrensel, ‘Yargı: Mülteciler vekaletnamesiz avukat hizmeti alabilir’, 20 January 2018, available in Turkish at: <http://bit.ly/2CG9RCI>.

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 court in **Izmir** accepts representation of detained applicants under a legal aid appointment document without a power of attorney.⁵¹³

E. Differential treatment of specific nationalities 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),⁵¹⁴ **Kayseri**,⁵¹⁵ and **Hatay** detain mixed populations, including irregular migrants and foreign fighters, **Gaziantep** mostly holds Syrians classified as YTS, and **Çanakkale** mainly holds Iraqi Turkmens. In Removal Centres such as **Gaziantep**, people are distributed across different floors according to nationality, though subject to the same detention conditions.⁵¹⁶

In the course of 2018, nationals of Afghanistan have been particularly targeted by arbitrary arrest and detention practice, with a view to removal.⁵¹⁷ The main Removal Centre used for the detention of Afghan nationals is **Erzurum**, although other nationalities have been detained there as well.⁵¹⁸

At the end of 2018, lawyers observed a trend of release of Iraqi Turkmens from Removal Centres after the expiry of the six-month period without further justification.⁵¹⁹

⁵¹³ Information provided by Mülteci-Der, December 2017; a lawyer of the Izmir Bar Association, February 2019. See also District Court of Ankara, 10th Chamber, Decision 2017/1267, 20 December 2017.

⁵¹⁴ 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.

⁵¹⁵ 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.

⁵¹⁶ Information provided by an NGO, February 2019.

⁵¹⁷ See e.g. Osservatorio balcani e caucaso, 'Afghan immigrants in Turkey, a challenging life', 28 February 2019, available at: <https://bit.ly/2CyRSRb>; Evrensel, 'Muhammed gibi binlerce mülteci ölüme gönderiliyor', 28 February 2019, available in Turkish at: <https://bit.ly/2CtMnmF>; 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>.

⁵¹⁸ During the Human Rights and Equality Commission's visit in 2018, the centre held nationals of Afghanistan, Pakistan, Iraq, Palestine, Iran, Egypt, Myanmar, Russia, Syria, Turkmenistan, Bangladesh: Turkish Human Rights and Equality Commission, *Erzurum Geri Gönderme Merkezi Ziyareti*, 2018/16, December 2018, para 24.

⁵¹⁹ Information provided by a lawyer of the Ankara Bar Association, January 2019.

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"⁵²⁰ 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 2018,⁵²¹ although a March 2018 report of the Grand National Assembly referred to 70 persons with refugee status.⁵²²
2. Persons who fall within the refugee definition in Article of the 1951 Convention but come from a so-called 'non-European country of origin', are instead offered **conditional refugee status** under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from 'non-European' states and those originating from 'European' states. The status of conditional refugee affords to beneficiaries a set of rights and entitlements lesser to that granted to refugee status holders and to subsidiary protection holders in some respects. Most importantly, conditional refugees are not offered the prospect of long-term legal integration in Turkey and are excluded from [Family Reunification](#) rights.
3. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at "individualised risk of indiscriminate violence" due to situations or war or internal armed conflict, qualify for **subsidiary protection** status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive. Similar to the conditional refugee status holders, subsidiary protection beneficiaries receive a lesser set of rights and entitlements as compared to refugee status holders and are barred from long-term legal integration in Turkey. Notably however, unlike conditional refugees, subsidiary protection beneficiaries are granted family reunification rights in Turkey.

⁵²⁰ 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'.

⁵²¹ T24, 'Türkiye'de 4.3 milyon göçmen yaşıyor; mülteci statüsünde 3 kişi var', 17 January 2018, available in Turkish at: <http://bit.ly/2D4ByFa>.

⁵²² Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

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

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.⁵²³ 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 of the residence permit requirement” that apply to other categories of foreign nationals.⁵²⁴ 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.⁵²⁵

However, there are differences in the documents granted according to the protection status received by a beneficiary. Whereas **refugees** are granted an International Protection Status Holder Identification Document with a validity period of 3 years,⁵²⁶ **conditional refugees** and beneficiaries of **subsidiary protection** are issued a document valid for 1 year.⁵²⁷

That being said, the RFIP seems to disregard the rules set out in Article 83 LFIP insofar as it provides that persons granted international protection will be issued an International Protection Status Holder Identification Document with open-ended validity which remains valid as long as it is not terminated by DGMM.⁵²⁸

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 Documents 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

⁵²³ Article 30(1) LFIP.

⁵²⁴ Article 20(1)(g) LFIP, citing Article 83; Article 93(2) RFIP.

⁵²⁵ Article 83(3) LFIP.

⁵²⁶ Article 83(1) LFIP.

⁵²⁷ Article 83(2) LFIP.

⁵²⁸ Article 93(1) RFIP.

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 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.⁵²⁹

2.2. Civil registration of marriage

Turkish law is applied for all marriage procedures of international protection beneficiaries and applicants. Under Turkish law, a Turkish national and an applicant or beneficiary or two applicants or beneficiaries 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.

⁵²⁹ Information provided by an NGO, February 2019.

Marriages are conducted by marriage officers at the Marriage Departments of municipalities. Couples intending to marry therefore need to submit the relevant documents to municipalities. Relevant documents are:

- Petition of the marriage: the couple must file a petition of marriage (*evlenme beyannamesi*), signed by both individuals applying to marry;
- Celibacy document certifying that the applicants are not already married;
- Medical report confirming that the applicants are free from diseases that would prevent them from getting married;
- International protection applicant registration document; international protection applicant identity document or international protection status holder identity document;
- Four photographs.

Non-official marriages are not recognised in Turkey. Only after the official marriage is a religious marriage (carried out by imams) permitted.

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 2018:	Not available	

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

- a. **Normal procedure:** According to the normal procedure, the foreigner must have a valid residence permit in Turkey for 5 years. The foreigner with a valid residence permit must not leave Turkey more than 180 days during the 5-year residence period. If this period is exceeded, the 5-year period is restarted.

After the completion of 5 years, it is not possible to directly acquire citizenship. First, the Citizenship Committee makes an assessment of the economic status and social cohesion of the applicant. Afterwards, security checks are conducted by the local police and the National Intelligence Organisation and the collected information is sent to the General Directorate of Citizenship of the Ministry of Interior. If no issues are raised at the end of the security investigation, the applicant acquires the Turkish citizenship under a proposal of the General Directorate of Citizenship of the Ministry of Interior through the approval of the Minister of Interior.

- b. **Marriage to a Turkish citizen:** If the marriage of the applicant lasts 3 years and is effective, the applicant can acquire the citizenship. However, the applicant again needs to be ‘cleared’ by a security investigation.

- c. **Exceptional circumstances:** Citizenship based on exceptional circumstances is mostly granted to foreigners who bring industrial skills or contributing to the scientific, economic, cultural, social and sportive progress of Turkey, without any residence or temporal conditions. In this way, it is aimed at granting qualified people the 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:⁵³⁰

- 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.⁵³¹

Subsidiary protection may also be ceased where circumstances have changed to such an extent that protection is no longer needed.⁵³²

Cessation is to be decided on an individual basis.⁵³³ 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.⁵³⁴ 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.⁵³⁵

⁵³⁰ Article 85(1) LFIP.

⁵³¹ Article 85(2) LFIP.

⁵³² Article 85(3) LFIP.

⁵³³ Article 97(3) RFIP.

⁵³⁴ Article 85(4) LFIP.

⁵³⁵ Article 97(1) RFIP.

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.⁵³⁶

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.⁵³⁷

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,⁵³⁸ the possibility to submit oral or written observations “within a reasonable period” is provided in the RFIP.⁵³⁹ 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.⁵⁴⁰

⁵³⁶ Article 80(1)(a) LFIP.

⁵³⁷ Article 86(1) LFIP.

⁵³⁸ Article 86(2) LFIP.

⁵³⁹ Article 98(1) RFIP.

⁵⁴⁰ 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 by family members,⁵⁴¹ under preferential conditions compared to other foreigners, **conditional refugees** are excluded from family reunification altogether. That is also implied 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.⁵⁴² Refugees and subsidiary protection holders are expressly exempt from this condition, but conditional refugees are not.⁵⁴³

A refugee or beneficiary of subsidiary protection may reunite with the following family members:⁵⁴⁴

- Spouse, whereby only one spouse may benefit from family reunification in the case of polygamous marriages;⁵⁴⁵
- Minor children or minor children of the spouse;
- Dependent children or dependent children of the spouse.

In 2017, the right to family reunification was almost entirely suspended in Turkey. According to the observations of lawyers, PDMM did not allow international protection beneficiaries to apply for family reunification, unless the sponsor had been accepted for resettlement in another country and the family was to join him or her before departure.⁵⁴⁶ The situation seems to have been resolved in 2018, as family reunification procedures have resumed. Türk Kızılay has received 540 requests for family reunification in 2018, including from Syrians under temporary protection, and will be expanding its team in the course of 2019.⁵⁴⁷

The procedure takes up to 6 months or one year until the arrival of family members in Turkey.⁵⁴⁸

⁵⁴¹ Article 34(1) LFIP; Article 30(1)(d) RFIP.

⁵⁴² Article 35(1)(ç) LFIP.

⁵⁴³ Article 35(4) LFIP.

⁵⁴⁴ Article 34(1) LFIP; Article 30(2) RFIP.

⁵⁴⁵ Article 34(2) LFIP; Article 30(3) RFIP.

⁵⁴⁶ 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; SGDD-ASAM, March 2018.

⁵⁴⁷ Information provided by Türk Kızılay, February 2019.

⁵⁴⁸ *Ibid.*

2. Status and rights of family members

Upon arrival in Turkey, family members receive a “family residence permit” of a maximum duration of validity of 2 years.⁵⁴⁹ Holders of this permit have access primary and secondary education institutions without obtaining a student residence permit.⁵⁵⁰

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.⁵⁵¹ However, this condition may be waived in cases where the spouse has been a victim of domestic violence,⁵⁵² or in the event of death of the sponsor.⁵⁵³

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.⁵⁵⁴ 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.”⁵⁵⁵

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.⁵⁵⁶

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.⁵⁵⁷ 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.⁵⁵⁸ Article 18 of the Passports Law governs the issuing of special travel documents that may be issued to

⁵⁴⁹ Article 34(1) LFIP.

⁵⁵⁰ Article 34(4) LFIP.

⁵⁵¹ Article 34(5) LFIP.

⁵⁵² Article 34(6) LFIP.

⁵⁵³ Article 34(7) LFIP.

⁵⁵⁴ Article 82(1) LFIP; Article 110(4) RFIP.

⁵⁵⁵ Article 110(5) RFIP.

⁵⁵⁶ Article 110(1) RFIP.

⁵⁵⁷ Article 104 RFIP.

⁵⁵⁸ Article 84(2) LFIP; Article 104(2) RFIP.

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.

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 “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](#)).

The final decisions on resettlement are taken by the receiving countries. In 2018, UNHCR submitted 16,402 cases for resettlement, the majority concerning Syrian refugees.

Conditional refugees face severe delays in accessing resettlement opportunities,⁵⁵⁹ often depending on the nationality of the beneficiary. For Iranian nationals registering their international protection application in 2017, the earliest date for a resettlement interview with UNHCR was 2020, while Iraqis nationals were given appointments dates for 2024. However, Afghans face much longer waiting periods for resettlement.⁵⁶⁰

The reduction in resettlement pledges in 2017 and 2018 is highlighted as a serious challenge by UNHCR as further responsibility-sharing measures are needed to support Turkey.⁵⁶¹ ICMC and the International Organisation for Migration (IOM) deal with the resettlement procedures to the United States of America which is the leading country of resettlement from Turkey. However, the resettlement procedure to the United States has been stopped at the moment. Since 2016, no migration officer has come to Turkey to conduct personal interviews with international protection holders who are on the list of UNHCR. ICMC and IOM are only intermediary organisations managing organisational and operational issues but they receive many requests from beneficiaries to accelerate the process.

⁵⁵⁹ Information provided by an NGO, February 2019.

⁵⁶⁰ Information provided by NGOs, February 2019.

⁵⁶¹ Information provided by UNHCR, February 2018.

D. Housing

Similar to the situation of applicants (see [Reception Conditions: Housing](#)), beneficiaries of international protection are expected to secure accommodation through their own means in Turkey.

E. Employment and education

1. Access to the labour market

With regard to the right to employment, the law draws a distinction between the different categories of international protection beneficiaries. **Refugees** and **subsidiary protection** holders have access to employment or self-employment after being granted status, on the basis of their International Protection Holder Identity Document without satisfying additional requirements.⁵⁶²

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.⁵⁶³

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.⁵⁶⁴ 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.⁵⁶⁵

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](#)).

⁵⁶² Article 89(4)(b) LFIP; Article 4 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁵⁶³ Article 18 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁵⁶⁴ Article 89(4)(a) LFIP; Articles 6 and 9 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁵⁶⁵ 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.

G. Health care

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to health care (see [Reception Conditions: Health Care](#)).

Temporary Protection

Temporary Protection Procedure

The legal basis of the 2014 Temporary Protection Regulation (TPR) is Article 91 LFIP. Therefore, technically as a piece of secondary legislation, the provisions and implementation of the TPR must be compliant and consistent with the general normative framework laid down by the LFIP itself.

Under the new presidential system in place since 2018, all references to the “Council of Ministers” in the LFIP have been replaced by the term “Presidency”, since the Council of Ministers was abolished.⁵⁶⁶ 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 TPR.⁵⁶⁷ Following a reform in March 2018, responsibility for accommodation and other services also lies with DGMM.⁵⁶⁸ 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).⁵⁶⁹

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.⁵⁷⁰ 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.

Temporary protection regime is to be declared by a decision of the Presidency.⁵⁷¹ The declaration decision shall elaborate the scope of beneficiaries, the start date of the temporary protection regime and its duration, where necessary.⁵⁷² 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.⁵⁷³

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”.⁵⁷⁴ 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

⁵⁶⁶ Article 71 Decree 703 of 9 July 2018.

⁵⁶⁷ Article 10 TPR.

⁵⁶⁸ Regulation 2018/11208 amending the Temporary Protection Regulation.

⁵⁶⁹ Presidential Decree No 4 of 15 July 2018 also amended the duties and tasks of AFAD.

⁵⁷⁰ Articles 1 and 3 TPR.

⁵⁷¹ Article 9 TPR.

⁵⁷² Article 10 TPR.

⁵⁷³ Article 11 TPR.

⁵⁷⁴ 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 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.⁵⁷⁵

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 in 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 in 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

⁵⁷⁵ Information provided by a lawyer of the Antakya Bar Association, March 2019.

regime Syrians who arrive directly from Syria.⁵⁷⁶ Those arriving through a third country are excluded from the temporary protection regime. Although they should be allowed 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.⁵⁷⁷

In some cases, PDMM have referred these persons for a short-term visa and then a short-term residence permit.⁵⁷⁸ 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.⁵⁷⁹

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 wish 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.⁵⁸⁰

1.4. Syrian nationals with regular residence permits

Similarly, any Syrian nationals who have been 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 have been continuing 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 is

⁵⁷⁶ Zeynep Kivilcim, 'Lesbian, gay, bisexual and transsexual (LGBT) Syrian refugees in Turkey', 2016, 29.

⁵⁷⁷ Information provided by NGOs, March 2019.

⁵⁷⁸ *Ibid.*

⁵⁷⁹ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁵⁸⁰ 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.

reported that there are some Syrians who are able to extend their passports at the Syrian Consulate in **Istanbul**.⁵⁸¹

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:⁵⁸²

- 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 has become a prominent issue in the temporary protection system in 2018. The Minister of Justice recently stated that 315,000 Syrian nationals have left Turkey to return to their country of origin and that more are expected to return as safe zones are being established in the country.⁵⁸³ This statement, however, should be read with caution vis-à-vis the voluntariness of returns to Syria, and re-entries 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 practice, 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.⁵⁸⁴

DGMM reportedly started asking temporary protection beneficiaries in June 2018 in **Istanbul** whether they would be willing to return to Afrin with financial support from DGMM. This practice stopped in September 2018.⁵⁸⁵

UNHCR continued to monitor voluntary returns in 2018 and observed the voluntary repatriation interviews of 10,395 families in the PDMM of **Gaziantep, Hatay, Şanlıurfa, Kilis, Kahramanmaraş, Osmaniye, Ankara, and İzmir** throughout the year.⁵⁸⁶

⁵⁸¹ Information provided by SGDD-ASAM, February 2018.

⁵⁸² Article 12(1) TPR.

⁵⁸³ Hürriyet, 'Adalet Bakanı Gül: 315 bin Suriyeli memleketine döndü', 2 March 2019, available in Turkish at: <https://bit.ly/2Ybg71a>. See also Hürriyet, 'Cumhurbaşkanı Başdanışmanı Aybet: Doğu illerindeki Suriyeliler dönmek istiyor', 24 February 2019, available in Turkish at: <https://bit.ly/2JrTphH>, stating that Syrians in border provinces are willing to repatriate.

⁵⁸⁴ Information provided by an NGO, February 2019.

⁵⁸⁵ Information provided by an NGO, February 2019.

⁵⁸⁶ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

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.⁵⁸⁷ 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.⁵⁸⁸

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.⁵⁸⁹

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.⁵⁹⁰ 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.⁵⁹¹ 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. The Circular also requires PDMM to provide detailed information to temporary protection beneficiaries on the legal implications of signing a “voluntary return document”.

The question of cessation has also arisen in the context of 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.⁵⁹² DGMM statistics refer to 351 Syrian “irregular migrants” readmitted by Turkey from 4 April 2016 to 18 March 2019.⁵⁹³

⁵⁸⁷ Information provided by an NGO, February 2019.

⁵⁸⁸ Information provided by an NGO, February 2019.

⁵⁸⁹ Information provided by Kirkayak Cultural Centre, February 2019.

⁵⁹⁰ Article 13 TPR.

⁵⁹¹ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁵⁹² Provisional Article 1(6) TPR, as inserted by Article 1 Regulation 2016/8722 of 5 April 2016.

⁵⁹³ 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:⁵⁹⁴

- 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.⁵⁹⁵ In some cases, DGMM has also ordered cancellation on the basis of Article 8(1)(e) TPR.⁵⁹⁶ 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.⁵⁹⁷

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.⁵⁹⁸

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](#)).

⁵⁹⁴ Article 8(1) TPR.

⁵⁹⁵ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁵⁹⁶ 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.

⁵⁹⁷ Information provided by the International Refugee Rights Association, February 2019.

⁵⁹⁸ 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.⁵⁹⁹

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".⁶⁰⁰ 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.⁶⁰¹ The wall stretches along the border provinces of **Gaziantep, Kilis, Hatay, Mardin** and **Şırnak**. Human Rights Watch reports the Turkish-Syrian border to be "effectively closed to new asylum seekers" at the moment.⁶⁰² In March 2019, however, Turkey announced the opening of a border-crossing point in the Afrin region, named "Olive Branch".⁶⁰³

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,⁶⁰⁴ or to bribe border guards to enter Turkey.⁶⁰⁵ According to available statistics, the Armed Forces have apprehended at least 224,358 individuals trying to irregularly cross the Syrian border in 2018 alone.⁶⁰⁶

These figures seem to point to a much larger number of Syrians apprehended at the border last year than that indicated in official statistics on apprehensions of irregular migrants. DGMM figures for 2018 refer to

⁵⁹⁹ Article 17(2) TPR.

⁶⁰⁰ Article 15 TPR.

⁶⁰¹ Daily Sabah, 'Turkey finishes construction of 764-km security wall on Syria border', 9 June 2018, available at: <https://bit.ly/2I2bOD0>; Hürriyet, 'Turkey improves border security with smart system', 6 January 2019, available at: <https://bit.ly/2EqALRx>.

⁶⁰² Human Rights Watch, *World Report 2019: Turkey*, available at: <https://bit.ly/2W2P1bl>.

⁶⁰³ Middle East Monitor, 'Turkey to open border gate with Syria's Afrin next week – minister', 5 March 2019, available at: <https://bit.ly/2ukw1s9>.

⁶⁰⁴ Hürriyet, 'Footage shows Syrians scaling Turkish border wall with ladders', 7 September 2018, available at: <https://bit.ly/2EEp0bl>.

⁶⁰⁵ International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Turkey's Şanlıurfa*, February 2019, available at: <https://bit.ly/2tSkVdX>, 5-6.

⁶⁰⁶ *Ibid*, fn. 21.

a total of 268,003 apprehended irregular migrants countrywide, of whom only 34,053 were Syrian nationals.⁶⁰⁷

Allegations of push backs and violence at the Turkish-Syrian border have 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. Nine people described 10 incidents between September 2017 and March 2018 where border guards shot at them as they tried to cross, killing 14 people and injuring 18. Syrians have been held in facilities at border-crossing points and security posts in **Hatay** and the “Friendship Bridge” on the Orontes River, before being pushed back by border guards in hundreds, at times thousands, according to the report.⁶⁰⁸ The Ministry of Interior has denied the allegations.⁶⁰⁹

The particular situation of a group of 2,000 people who have entered Turkey but have no access to temporary protection is worth noting. These people live in makeshift camps in Derecik, **Hakkâri** under dire conditions without protection from cold weather or access to services or the authorities.⁶¹⁰

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** have *de facto* stopped registering and granting documents to newly arriving Syrian refugees, with the exception of vulnerable cases.⁶¹¹ Others such as **Şanlıurfa** continue to register temporary protection beneficiaries, although they have stopped registering international protection applicants.⁶¹²

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”. The Göç-Net database is an internal portal only available to DGMM staff purported to facilitate registration procedures.⁶¹³

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

⁶⁰⁷ DGMM, *Irregular migration statistics*, available at: <https://bit.ly/2BO8chL>.

⁶⁰⁸ Human Rights Watch, ‘Turkey: Mass Deportations of Syrians’, 22 March 2018, available at: <https://bit.ly/2lFZjr8>.

⁶⁰⁹ Ministry of Interior, Reply to Human Rights Watch, 21 March 2018, available at: <https://bit.ly/2unxG2Y>.

⁶¹⁰ Evrensel, ‘2 bin mülteci bu kışı da çadırlarda karşıladı’, 25 November 2017, available in Turkish at: <https://bit.ly/2l4Wqip>.

⁶¹¹ Information provided by an NGO, 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>.

⁶¹² Information provided by a lawyer of the Şanlıurfa Bar Association, February 2019.

⁶¹³ Information provided by Izmir PDMM, December 2017.

readmitted to Turkey from Greece under the EU-Turkey statement are also channelled under pre-registration.⁶¹⁴

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.⁶¹⁵ Applicants also face other practical impediments to registration such as errors on the part of DGMM officials, which may only be corrected following time-consuming legal intervention.⁶¹⁶

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.⁶¹⁷

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.⁶¹⁸ 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.⁶¹⁹

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 15 days. Appeals against deportation decisions have automatic suspensive effect, with the exception of appeals against deportation decisions 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

⁶¹⁴ 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>.

⁶¹⁵ 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.

⁶¹⁶ Information provided by Adana Bar Association, February 2018.

⁶¹⁷ 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.

⁶¹⁸ DGMM Circular 2017/10 of 29 November 2017 on principles and procedures for foreigners under temporary protection.

⁶¹⁹ *Ibid.*

by international institutions and organisations.⁶²⁰ The competent Administrative Court is required to finalise the appeal within 15 days. Administrative Court decisions on deportation appeals are final, may not be appealed onward in a higher court.

All other scenarios of possible unfavourable decisions and practices are subject to general rules of accountability derived from Turkish administrative law. Under Article 125 of the Turkish Constitution, all acts and actions of the administration are subject to judicial review. According to Article 7 of the Law on Administrative Court Procedures, acts and actions of the administration must be challenged within 60 days at competent administrative courts. Applications with the Administrative Court generally do not carry automatic suspensive effect, but applicants may file an associated halt of execution request, which may or may not be granted. There is no general time limit on Administrative Courts for the finalisation of the appeal. Unfavourable judgments of administrative courts can be challenged in the higher administrative court.

4. Legal assistance

Article 53 TPR guarantees the right to be represented by a lawyer in relation to matters of law and procedure vis-a-vis authorities. It also makes a reference to the provisions of state-funded legal aid (*Adli Yardım*) enshrined in the Law on Attorneys, which provides for state-funded legal assistance to persons who cannot afford to pay a lawyer.

In Turkey, 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

⁶²⁰ Article 53(3) LFIP, as amended by Article 35 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP.

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 manages 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.⁶²¹ This was done ahead of the general transfer of responsibility for camp management and service provision from AFAD to DGMM, following an amendment to the TPR in March 2018.⁶²² Currently, Düziçi is classified as a temporary Removal Centre (see [Place of Detention](#)).

Under a Circular of 25 July 2014, this provision is relevant to beneficiaries who threaten public order or security *inter alia* by begging or living on the street.⁶²³ On the basis of this Circular, cases of Syrians confined within camps and not being allowed to leave after being arrested for homelessness or begging have been reported in previous years.⁶²⁴ This practice was also applied to groups such as Dom who are arrested for begging or for living in tents. Dom families were forcibly transferred to the camp based in the Düziçi district of **Osmaniye** and could not leave unless they sign voluntary return documents.⁶²⁵ This practice has stopped in 2018.⁶²⁶

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.⁶²⁷

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](#)).

⁶²¹ 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).

⁶²² Article 37(3) TPR, as amended by Regulation 2018/11208.

⁶²³ Ministry of Interior Circular 2014/429 of 25 July 2014.

⁶²⁴ Zeynep Kivilcim, 'Legal violence against Syrian female refugees in Turkey', *Female Legal Studies*, 2016, citing Amnesty International, *Europe's gatekeeper*, 2015.

⁶²⁵ Information provided by the Kirkayak Cultural Centre, February 2018.

⁶²⁶ Information provided by the Kirkayak Cultural Centre, February 2019.

⁶²⁷ Information provided by SGDD-ASAM, 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;⁶²⁸ protection from punishment for illegal entry or presence⁶²⁹ and protection from *refoulement*.⁶³⁰

The evolution of discourse on and integration policy for Syrian refugees has been summarised as follows:

“The first 4 years can be referred to as the first period in which both authorities and the Syrians themselves regarded the crisis as a rather short-term problem, an assumption because of which steps such as meeting such temporary needs as accommodation, nutrition, and health were taken rather than planning new lives.

The second period includes the years 5,6,7, and 8, the current one. In this period, due to the anticipation that the crisis is not going to be resolved in a short time, there has been a mobility in Turkey with 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.”⁶³¹

The transfer of responsibility for temporary protection beneficiaries from AFAD to DGMM has brought about changes in the provision of services in 2018, with DGMM taking over activities. Several actors remain active in the provision of services and activities aiming at promoting the integration of temporary protection beneficiaries in Turkey, against the backdrop of increasing recognition of their long-term settlement prospects in the country.⁶³² Türk Kızılay runs 15 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. Despite these welcome measures, the lack of a national integration plan leads to fragmentation and lack of coordination in the area of integration.

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.⁶³³ 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.

⁶²⁸ Article 25 TPR.

⁶²⁹ Article 5 TPR.

⁶³⁰ Article 6 TPR.

⁶³¹ 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.

⁶³² Turkish National Police Academy, *Mass immigration and Syrians in Turkey*, November 2017, 21.

⁶³³ For a list of active organisations, see Ministry of Interior, *Foreign CSOs permitted to operate in Turkey*, available at: <https://bit.ly/2TZyYgU>.

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.⁶³⁴ The reform was consolidated by Law No 7070 on 1 February 2018.

Deportation decisions have been increasingly issued to Syrians on the basis of the abovementioned provisions in 2018,⁶³⁵ 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.⁶³⁶ 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.⁶³⁷ In another case, the Court refused to terminate detention,⁶³⁸ despite the existence of an interim measure from the Constitutional Court.⁶³⁹

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.⁶⁴⁰ 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

⁶³⁴ 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.

⁶³⁵ Information provided by a lawyer of the Izmir Bar Association, March 2019.

⁶³⁶ 1st Administrative Court of Izmir, Decision 2017/1608, 28 February 2018.

⁶³⁷ 2nd Magistrates’ Court of Hatay, Decision 2019/476, 31 January 2019. See also 1st Administrative Court of Hatay, Decision 2018/887, 18 January 2019.

⁶³⁸ 2nd Magistrates’ Court of Hatay, Decision 2018/4287, 27 November 2018.

⁶³⁹ The Constitutional Court had granted interim measures on 16 November 2018, and ordered interim measures again: Constitutional Court, Decision 2018/33177, 21 December 2018.

⁶⁴⁰ Article 2 TPR.

given such YKN. Currently, YKN assigned to all categories of legally resident foreign nationals, including temporary protection beneficiaries, categorically start with the digits of 99.

Previously, due to technical issues with YKN starting with digits other than 99, some temporary protection beneficiaries were unable to access rights such as health care.⁶⁴¹ These difficulties have been resolved at the time of writing.⁶⁴²

A verification and update process of data of Syrians under temporary protection was completed at the end of 2018, in close cooperation with UNHCR.⁶⁴³ UNHCR reported that 96% of the verification target across Turkey was met through this exercise.⁶⁴⁴ 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**.⁶⁴⁵

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 into 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 2011.⁶⁴⁶ This figure rose to 79,894 as of March 2019.⁶⁴⁷

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.⁶⁴⁸

The government has also initiated a preliminary study to offer Turkish citizenship to qualified Syrians. In this context, the situation of about 10,000 families has been examined in collaboration with DGMM. This total corresponds to 20,000 persons. Collected information on the families has started being discussed in the Citizenship Commission. The processing of these cases is a long process, since a significant part of the information on Syrians is based on their own statements.⁶⁴⁹

⁶⁴¹ For details, see AIDA, Country Report Turkey, 2017 Update, March 2018, 123-124.

⁶⁴² Information provided by an NGO, March 2019.

⁶⁴³ DGMM, 'Türkiye'de Geçici Koruma Kapsamında Bulunan Yabancıların Kişisel Verilerinin Doğrulanması', 22 March 2018, available in Turkish at: <https://bit.ly/2plttBt>.

⁶⁴⁴ UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

⁶⁴⁵ Information provided by an NGO, February 2019.

⁶⁴⁶ 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>.

⁶⁴⁷ Mülteciler Derneği, 'Türkiyedeki Suriyeli Sayısı Mart 2019', 28 March 2019, available in Turkish at: <https://bit.ly/2FycEVd>.

⁶⁴⁸ Information provided by the International Refugee Rights Association, February 2019; Istanbul Bar Association, February 2019.

⁶⁴⁹ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

A process in the framework of citizenship under exceptional circumstances is underway to grant Turkish citizenship to foreign investors and thus ensuring capital flow to Turkey. According to this planned arrangement, in exchange for purchasing property of at least \$1 million or investing in fixed capital of at least \$2 million, or creating new employment for at least 100 people or depositing in Turkey at least \$3 million with a reservation of not withdrawing it for three years or of buying governmental bonds of \$3 million with a reservation of not selling them for three years, or acquiring investment fund of \$1.5 million.⁶⁵⁰

Despite these initiatives, the majority of Syrians remain ineligible for naturalisation under the aforementioned exceptional circumstances.⁶⁵¹ The criteria for naturalisation are not consistently applied,⁶⁵² while the duration of the process also varies. In **Hatay** the process takes 7 months, while in **Gaziantep** it may take years.⁶⁵³

Unaccompanied children accommodated in child protection shelters are granted citizenship if it is established that they have no relatives in Turkey.⁶⁵⁴ The legal status of children born in Turkey was discussed by a 2018 report of the Refugee Rights Commission of the Grand National Assembly.⁶⁵⁵ 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.⁶⁵⁶

The number of Syrian babies born in Turkey in the past eight years was 405,521 as of November 2018.⁶⁵⁷

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 border regions. According to their statistics, Türk Kızılay has received 540 family reunification requests to date, most of which from Syrian families.⁶⁵⁸ Up until now, Türk Kızılay has realised 16 reunifications in Turkey through information verifications and checks in the country of origin. They also provide accompaniment in case of child reunification in Turkey.

⁶⁵⁰ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁶⁵¹ Information provided by a lawyer of the Ankara Bar Association, January 2019.

⁶⁵² Information provided by an NGO, February 2019.

⁶⁵³ Information provided by an NGO, February 2019.

⁶⁵⁴ Information provided by an NGO, February 2019.

⁶⁵⁵ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁶⁵⁶ *Hürriyet*, ‘Meclis’e rapor: Türkiye’nin haymatlosları*’, 19 January 2018, available in Turkish at: <http://bit.ly/2DGdCJr>.

⁶⁵⁷ Mülteciler Derneği, ‘Türkiyedeki Suriyeli Sayısı Mart 2019’, 28 March 2019, available in Turkish at: <https://bit.ly/2FycEVd>.

⁶⁵⁸ Information provided by Türk Kızılay, February 2019.

In 2017, the right to family reunification was almost entirely suspended in Turkey. According to the observations of lawyers, PDMM did not allow temporary protection beneficiaries to apply for family reunification, unless the sponsor had been accepted for resettlement in another country and the family is to join him or her before departure.⁶⁵⁹ This issue seems to have been resolved in 2018 (see also [International Protection: Family Reunification](#)).

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.⁶⁶⁰ 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”.⁶⁶¹

Article 33 TPR also provides that temporary protection beneficiaries are “obliged to comply with administrative requirements, failure of which will result in administrative sanctions”. Among other requirements, they may be “obliged to reside in the assigned province, temporary accommodation centre or other location” and comply with “reporting requirements as determined by provincial Governorates”. This provision clearly authorises DGMM to limit freedom of movement of temporary protection beneficiaries to a particular province, a particular camp or another location.

However, it was not until August 2015 that Turkish Government authorities imposed a dedicated instruction to introduce controls and limitations on the movement of Syrians within Turkey. On 29 August 2015, an unpublished DGMM Circular ordered the institution of a range of measures by provincial authorities to control and prevent the movement of Syrians inside Turkey.⁶⁶² 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.⁶⁶³

⁶⁵⁹ 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; SGDD-ASAM, March 2018.

⁶⁶⁰ Article 10(1)(ç) TPR.

⁶⁶¹ Article 15(1) TPR.

⁶⁶² DGMM Circular No 55327416-000-22771 of 29 August 2015 on “The Population Movements of Syrians within the Scope of Temporary Protection”.

⁶⁶³ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IV.5.

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 2018, Syrians accounted for 34,053 of the total number of 268,003 apprehensions across the country.⁶⁶⁴ More specifically, the Coast Guard has reported a total of 26,678 persons apprehended for irregular migration at sea in 2018, compared to 21,937 in 2017 and 37,130 in 2016.⁶⁶⁵ Coast Guard statistics are not disaggregated by nationality.

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.

⁶⁶⁴ DGMM, *Irregular migration statistics*, available at: <http://bit.ly/2BO8chL>.

⁶⁶⁵ Coast Guard, *Irregular migration statistics*, available at: <https://bit.ly/2UbudA9>.

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, where in fact 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.⁶⁶⁶ 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 process to depart from Turkey for the purpose of family reunification with family members in third countries. Syrians seeking a family reunification departure from Turkey must first register with DGMM as a temporary protection beneficiary before they can subsequently request and obtain an “exit permission” to leave Turkey to a third country.⁶⁶⁷ IOM also supports the process for family reunification departures to Germany.⁶⁶⁸

In practice, however, certain profiles of temporary protection beneficiaries are issued a “V91” code referring to “temporary protection holders in need of exit permission” (*Ülkemizden Çıkışı İzne Tabi Geçici Koruma Kapasamındaki Yabancı*) and which prevent them from exiting Turkey. “V91” codes are usually issued to highly qualified Syrians.

According to DGMM statistics, a total 15,046 refugees have been transferred to third countries from 2014 to 14 March 2019, mainly to Canada, the US, the UK and Norway.

⁶⁶⁶ Article 44 TPR.

⁶⁶⁷ Information provided by the International Refugee Rights Association, February 2019.

⁶⁶⁸ IOM, *Göç ve Entegrasyon*, available in Turkish at: <https://bit.ly/2uwAnfM>.

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.⁶⁶⁹

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**.

Between 4 April 2016 and 14 March 2019, the following numbers of refugees had been resettled to the EU under the 1:1 scheme:

Resettlement of Syrian refugees under 1:1 scheme: 14 March 2019	
Country of destination	Number of resettled persons
Germany	7,230
France	3,636
Netherlands	3,547
Finland	1,510
Belgium	1,230
Sweden	1,159
Spain	602
Italy	382
Austria	213
Luxembourg	206
Croatia	152
Portugal	142
Lithuania	102
Estonia	59
Latvia	46
Slovenia	34
Malta	17
Total	20,267

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

Germany has committed to resettling a maximum of 500 Syrian refugees from Turkey in 2019.⁶⁷⁰

⁶⁶⁹ Council of the European Union, *EU-Turkey statement*, 18 March 2016, para 2.

⁶⁷⁰ Deutsche Welle, ‘Almanya Türkiye’den 6 bin Suriyeli sığınmacı alacak’, 7 February 2019, available in Turkish at: <https://bit.ly/2Tgc3Ja>.

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 10 January 2019	143,558

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.⁶⁷¹ These camps are officially referred to as Temporary Accommodation Centres.⁶⁷² A further amendment to the LFIP in 2018 sets out provisions on the financing of camps set up by DGMM.⁶⁷³

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 DGMM. Article 24 TPR authorises DGMM to allow temporary protection beneficiaries to reside outside the camp in provinces to be determined by DGMM. It also commits that out of temporary protection beneficiaries living outside the camps, those who are in financial need may be accommodated in other facilities identified by the Governorate.

As of 10 January 2019, there were 13 such large-scale camps accommodating a total of 143,558 temporary protection beneficiaries, spread across 8 provinces in Southern Turkey in the larger Syria border region.⁶⁷⁴ The cost of operation of the camps and service provision therein is significant.⁶⁷⁵

The number of temporary accommodation centres has been steadily reducing. Six camps were closed down in 2018, of which three in **Gaziantep**, one in **Mardin**, one in **Adıyaman** and one in **Şanlıurfa**, mainly due to financial constraints.⁶⁷⁶ Of the 132,990 refugees hosted in the six camps, about 101,000 received cash assistance and rented apartments in urban areas, while the remainder were relocated to other temporary accommodation centres.⁶⁷⁷ That said, the authorities are reportedly in the process of setting up a large camp in Cilvegözü, **Hatay** near the Syrian border.⁶⁷⁸

Given that the closure of camps has been a relatively recent development, the results thereof are expected to become more visible in the near future. According to stakeholders, refugees leaving camps are likely to face difficulties in securing education and housing in urban areas.⁶⁷⁹

Conditions in the temporary accommodation centres are assessed as good overall, although a recent survey conducted by SGDD-ASAM and UN Women found a significant number of women leaving camps

⁶⁷¹ Article 37(3) TPR, as amended by Regulation 2018/11208.

⁶⁷² Article 3 TPR.

⁶⁷³ Article 121A LFIP, inserted by Article 71(e) Decree 703 of 9 July 2018.

⁶⁷⁴ DGMM, *Temporary protection*, available at: <http://bit.ly/1Np6Zdd>.

⁶⁷⁵ Turkish National Police Academy, *Mass immigration and Syrians in Turkey*, November 2017, 20-21; Information provided by an NGO, February 2019.

⁶⁷⁶ Cumhuriyet, '3.5 milyonu aştı', 22 November 2018, available in Turkish at: <https://bit.ly/2FiRR4n>.

⁶⁷⁷ *Ibid.* UNHCR assisted 69,175 refugees with relocation grants to move out camps: UNHCR, *Turkey: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

⁶⁷⁸ Information provided by a lawyer of the Şanlıurfa Bar Association, February 2019.

⁶⁷⁹ 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.

and relocating to urban settings due to poor living conditions. However, beyond Türk Kızılay and NGOs with formal cooperation agreements, other organisations have access to the camps only upon request.

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 10 January 2019, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,628,180, of which 4% were accommodated in the Temporary Accommodation Centres, whereas 3,484,562 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**). Another 300,000 to 400,000 unregistered Syrians are estimated to be living in urban centres.⁶⁸⁰

While **Istanbul** hosts the largest number of registered temporary protection beneficiaries, this only corresponds to 3.7% of its population. Conversely, temporary protection beneficiaries correspond to 21.4% of the population in **Gaziantep**, 22.2% in **Şanlıurfa**, 27.3% in **Hatay** and 82.2% in **Kilis**.⁶⁸¹

According to a report of the National Police Academy:

“While a substantial part of the refugees who do not stay in the centers 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.”⁶⁸²

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.”⁶⁸³

Many Syrians in **Adana** and **Mersin** live under squalid conditions in tents set up in agricultural areas.⁶⁸⁴ Hundreds of Syrians unable to afford increasing rent prices in **Ankara** live in nylon tents in the Dikmen

⁶⁸⁰ International Crisis Group, *Turkey's Syrian refugees: Defusing metropolitan tensions*, January 2018, available at: <http://bit.ly/2BCrMto>, 17.

⁶⁸¹ DGMM, *Temporary protection*, available at: <http://bit.ly/1Np6Zdd>.

⁶⁸² Turkish National Police Academy, *Mass immigration and Syrians in Turkey*, November 2017, 20-21.

⁶⁸³ 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.

⁶⁸⁴ Information provided by the Antakya Bar Association, February 2018; Adana Bar Association, February 2018; Mersin Bar Association, February 2018.

and Karakusunlar areas.⁶⁸⁵ Tents are also used by some refugees in **Hatay**.⁶⁸⁶ 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 **Istanbul**, due to the halt of the construction project since 2009.⁶⁸⁷

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.⁶⁸⁸ Similar findings have been 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.⁶⁸⁹

Incidents of tension and violence 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.⁶⁹⁰ In **Elazığ**, refugees were subject to racist violence in September 2018 and were told to leave the Artuklu neighbourhood after their shops were attacked.⁶⁹¹ Two serious incidents were reported in **Bursa** in July and September 2018.⁶⁹² 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.⁶⁹³ 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.⁶⁹⁴ 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.⁶⁹⁵ 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.⁶⁹⁶

In previous years, one incident of attempted mass lynching had occurred on 16 July 2016 in Sıtel (‘‘Little Aleppo’’), located Altındağ, **Ankara**, where approximately 40,000 refugees are residing.⁶⁹⁷ In 2017, as many as 181 social tension and criminal incidents recorded throughout the year, while many more are

⁶⁸⁵ Bir & Bir, ‘Görünmemeye mücadelesi ve ötesi’, 26 November 2018, available in Turkish at: <https://bit.ly/2XXXOwb>.

⁶⁸⁶ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 22.

⁶⁸⁷ Milliyet, ‘İstanbul’daki lüks siteyi işgal ettiler! Her şey bir aile ile başladı...’, 16 March 2018, available in Turkish at: <https://bit.ly/2FpCNTZ>.

⁶⁸⁸ Diken, ‘Her iki Suriyeli göçmenden biri ülkesine dönmek istiyor; yüzde 60’ı çalışmıyor’, 19 October 2018, available in Turkish at: <https://bit.ly/2TZoYn5>.

⁶⁸⁹ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 26.

⁶⁹⁰ Evrensel, ‘Mardin’de mülteci ailelere mermili tehdit mektubu’, 24 February 2019, available in Turkish at: <https://bit.ly/2WfFJrS>.

⁶⁹¹ Gazete Duvar, ‘Belediye başkanı: Suriyelilere gitmeleri için üç gün verdik’, 7 September 2018, available in Turkish at: <https://bit.ly/2TCvQaW>.

⁶⁹² 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>.

⁶⁹³ 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>.

⁶⁹⁴ 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>.

⁶⁹⁵ Information provided by an NGO, February 2019.

⁶⁹⁶ Cumhuriyet, ‘Vali’den 31 Mart ricası: Suriyeliler dışarı çıkmasın’, 4 February 2019, available in Turkish at: <https://bit.ly/2YbB5N7>.

⁶⁹⁷ For more information, see Ankara Bar Association, Press Release, available in Turkish at: <http://bit.ly/2FoQYFQ>; Mazlumder, *Sıtel bölgesinde yaşayan Suriyeli sığınmacıların*, 16 July 2016, available in Turkish at: <http://bit.ly/2FqdzCb>.

likely to be unreported.⁶⁹⁸ In **Mersin**, tensions in the neighbourhood of Adanalıoğlu in April 2017 led to the evacuation of Syrian refugees.⁶⁹⁹ 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."⁷⁰⁰

In 2018, the Ombudsman received 37 complaints against racial discrimination and found violations in two cases.⁷⁰¹

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? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6 months |
| 2. Does the law allow access to employment only following a labour market test? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does the law only allow asylum seekers to work in specific sectors?
❖ If yes, specify which sectors: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Does the law limit beneficiaries' employment to a maximum working time?
❖ If yes, specify the number of days per year | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Are there restrictions to accessing employment in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.⁷⁰² 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.⁷⁰³ An application for a work permit may be lodged following 6 months from the granting of temporary protection status,⁷⁰⁴ by the employer through an online system (*E-Devlet Kapisi*) or by the beneficiary him or herself in the case of self-employment.⁷⁰⁵

The Regulation foresees an exemption from the obligation to obtain a work permit for seasonal agriculture or livestock works.⁷⁰⁶ In that case, however, beneficiaries must apply to the relevant provincial

⁶⁹⁸ International Crisis Group, *Turkey's Syrian refugees: Defusing metropolitan tensions*, January 2018, 3-4.

⁶⁹⁹ CNN, 'Mersin'de mahalleli ve Suriyeliler arasında gerginlik', 18 April 2017, available in Turkish at: <http://bit.ly/2EGNXEZ>.

⁷⁰⁰ T24, 'Konya'da Suriyelilerin evi taşlandı!', 12 July 2016, available in Turkish at: <https://bit.ly/2J1E0R2>.

⁷⁰¹ Information provided by the Ombudsman, 21 January 2019.

⁷⁰² Article 29 TPR.

⁷⁰³ Article 4(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷⁰⁴ Article 5(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷⁰⁵ Article 5(2)-(3) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷⁰⁶ Article 5(4) Regulation on Work Permit for Foreigners under Temporary Protection.

governorate to obtain a work permit exemption.⁷⁰⁷ 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.⁷⁰⁸ 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.⁷⁰⁹

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.⁷¹⁰ 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.⁷¹¹

The Ministry may also set a quota on temporary protection beneficiaries based on the needs of the sectors and provinces.⁷¹² 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 537 TL / 119 €. ⁷¹³ Under the Regulation, temporary beneficiaries may not be paid less than the minimum wage.⁷¹⁴

The number of work permits issued to temporary protection beneficiaries has slowly increased following the adoption of the Regulation on 15 January 2016. By the end of 2017, between 6,000 and 8,000 businesses were owned by Syrian nationals,⁷¹⁵ In 2018, 1,595 new Syrian-owned companies were set up.⁷¹⁶ 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.⁷¹⁷

Nevertheless, 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 are as follows:

Work permits to temporary protection beneficiaries by province: 1 Jan 2016 – 30 Sep 2018	
Province	Number of permits
Istanbul	7,857

⁷⁰⁷ *Ibid.*

⁷⁰⁸ Article 5(5) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷⁰⁹ Article 6(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷¹⁰ Article 7(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷¹¹ Article 7(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁷¹² Article 8 Regulation on Work Permit for Foreigners under Temporary Protection.

⁷¹³ 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.

⁷¹⁴ Article 10 Regulation on Work Permit for Foreigners under Temporary Protection.

⁷¹⁵ Refugees International, *Legal employment still inaccessible for refugees in Turkey*, December 2017, 2, 5; International Crisis Group, *Turkey's Syrian refugees: Defusing metropolitan tensions*, January 2018, 17.

⁷¹⁶ Economic Policy Research Foundation of Turkey (TEPAV), *Suriye Sermayeli Şirketler Bülteni - Aralık 2018*, 25 February 2019, available in Turkish at: <https://bit.ly/2WbJhLw>.

⁷¹⁷ Hürriyet, 'Suriyeli iş adamlarından Türkiye'ye yatırım', 7 October 2018, available in Turkish at: <https://bit.ly/2OfIAy9>.

Gaziantep	3,369
Bursa	3,240
Kahramanmaraş	2,313
Mersin	1,617
Ankara	1,002
Konya	945
Hatay	900
Kocaeli	804
Adana	641
Others	5,242
Total	27,930

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

The main occupations for which Syrian temporary protection beneficiaries received work permits are as follows:

Work permits to temporary protection beneficiaries by profession: 1 Jan 2016 – 30 Sep 2018	
Profession	Number of permits
Manual labourer	2,411
Textile worker	1,117
Errands runner	653
Physician	554
Nurse	543
Administrative manager	521
Office clerk	460
Support staff	452
Cleaner	433
Others	20,786
Total	27,930

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

The total number of work permits issued to temporary protection beneficiaries rose to 32,199 as of 15 November 2018.⁷¹⁸

These figures show that the number of work permits issued still represents less than 1% of the temporary protection beneficiaries between the age of 19 and 64 in Turkey.⁷¹⁹

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

⁷¹⁸ Mülteciler Derneği, 'Türkiyedeki Suriyeli Sayısı Mart 2019', 28 March 2019, available in Turkish at: <https://bit.ly/2FycEVd>.

⁷¹⁹ DGMM, *Temporary protection statistics*, 21 December 2017.

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.⁷²⁰

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; 15 centres operated by Türk Kızılay in 14 provinces as of October 2018.⁷²¹

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.⁷²² Undeclared employment flourishes in the agricultural sector, particularly in provinces such as **Adana**.⁷²³ Despite initiatives such as a recent UNHCR-funded agricultural skills training in southeastern Turkey,⁷²⁴ 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.⁷²⁵ In other provinces such as **Muğla**, undeclared employment frequently occurs in the construction sector,⁷²⁶ 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.⁷²⁷ According to the report, the wages of 46% of Syrian and of 20% of Turkish workers are below the minimum wage level. It can be said that the minimum wage is not applicable in textile ateliers operating without licence (*Merdivenaltı atölyeleri*). In terms stratification of wages in the labour market, Turkish men are at the top, followed by Turkish women, while Syrian men close to the bottom and Syrian women at the bottom.

Unacceptable labour conditions in urban centres have often led to large-scale movements such as a November 2017 strike of shoemakers (*saya iscileri*) in major cities including **Istanbul**, **Izmir**, **Adana**, **Gaziantep**, **Konya** and **Manisa**, demanding lawful employment and better working conditions in workshops.⁷²⁸

Poor health and safety conditions at work are also a matter of concern. According to figures from the Worker Health and Safety Council (*İsçi Sağlığı ve İş Güvenliği Meclisi*), 108 refugees lost their lives in

⁷²⁰ 1st Magistrates' Court of Hatay, Decision 2016/180, 31 March 2016.

⁷²¹ For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, October 2018, available at: <https://bit.ly/2UUS3h0>.

⁷²² 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>.

⁷²³ Information provided by a lawyer of the Adana Bar Association, February 2018.

⁷²⁴ Food and Agricultural Organisation, 'Syrian refugees acquire agricultural job skills and work opportunities in Turkey', 29 November 2017, available at: <http://bit.ly/2z44zPs>.

⁷²⁵ 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>.

⁷²⁶ Information provided by Bodrum Women's Solidarity Association, December 2017.

⁷²⁷ 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>.

⁷²⁸ Göçmen Dayanışma Ağı, 'About saya (shoe-upper) workers' resistance', 1 December 2017, available at: <http://bit.ly/2B8UCSo>.

work-related accidents in 2018. Deaths in the workplace have mostly occurred in the agricultural and construction sectors,⁷²⁹ but also factories during fire incidents.⁷³⁰

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.⁷³¹ 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.⁷³² In addition, where they do take jobs outside their homes, women in the textile sector often face discrimination and ill-treatment. This is namely the case for ateliers operating without licence (*Merdivenaltı atölyeleri*) in **İstanbul**, where women and girls work in the rear of basements and in windowless rooms for long hours.⁷³³

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,⁷³⁴ textile factories,⁷³⁵ 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.⁷³⁶ The Worker Health and Safety Council documented the case of a 5-year-old Syrian child forced to work in **Gaziantep** in 2017.⁷³⁷ According to the Turkish Medical Association, children in textile industries work 12-hour shifts for 300 TL a month.⁷³⁸

2018 has been 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

⁷²⁹ Worker Health and Safety Council, 'Savaşta kaçıp geldiler iş cinayetinde can verdiler', 12 September 2017, available in Turkish at: <http://bit.ly/2DWzIQy>.

⁷³⁰ See e.g. Anayurt, 'Önlem için daha kaç Suriyeli ölecek?', 17 January 2019, available in Turkish at: <https://bit.ly/2Y5QqyZ>, concerning five Syrian undeclared workers who died in a fire in a factory.

⁷³¹ Refugees International, *Legal employment still inaccessible for refugees in Turkey*, December 2017, 5, 11-12.

⁷³² 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>.

⁷³³ Papatya Bostancı, '"Çalışanı Meşgul Etmeyin": Merdivenaltı Tekstil Atölyelerinde Mülteci Kadın Olmak', 30 September 2017, available in Turkish at: <http://bit.ly/2CLBLNF>.

⁷³⁴ 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>.

⁷³⁵ 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>.

⁷³⁶ 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>.

⁷³⁷ Worker Health and Safety Council, 'Göçmen çocuk sömürüsü: 5 yaşında çocuklar çalıştırılıyor', 28 March 2017, available in Turkish at: <http://bit.ly/2FoFzpu>.

⁷³⁸ Birgün, 'Günde 12 saat çalıştırılıp ayda 300 TL kazanıyorlar', 20 August 2018, available in Turkish at: <https://bit.ly/2HG2KzY>.

in 10 pilot cities during this period.⁷³⁹ Dedicated monitoring bodies have been recently set up for the purpose of preventing child labour in six cities under that National Action Plan.⁷⁴⁰

2. Access to education

Indicators: Access to Education

- | | |
|---|---|
| 1. Does the law provide for access to education for children beneficiaries? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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.

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.⁷⁴¹

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 in 9 pilot provinces.⁷⁴² The programme had reached 6,600 children by the end of 2018.⁷⁴³

The Ministry of National Education is planning the construction of 220 new schools in 19 provinces with EU funding under the Facility for Refugees in Turkey, to increase the enrolment rate.⁷⁴⁴ Another 57 schools are planned to be built by 2021 in 12 provinces with World Bank funding.⁷⁴⁵

⁷³⁹ National Action Plan for the Fight against Child Labour, 29 March 2017, available in Turkish at: <https://bit.ly/2GhE6q0>.

⁷⁴⁰ Information provided by Development Workshop, February 2019.

⁷⁴¹ Bianet, ‘Suriyeli Olmayan Mülteci Çocukların Eğitime Erişimleri Yok’, 31 May 2017, available in Turkish at: <https://bit.ly/2pG75JK>.

⁷⁴² Information provided by an NGO, February 2019.

⁷⁴³ Inter-Agency Coordination Turkey, *Turkey Education Sector: Q4 2018*, available at: <https://bit.ly/2uoBxtT>.

⁷⁴⁴ Hürriyet, ‘Suriyeli göçmenlerin yoğun olduğu 19 ile 220 yeni okul yapılıyor’, 17 January 2019, available in Turkish at: <https://bit.ly/2UL84WJ>.

⁷⁴⁵ World Bank, ‘Resilient schools, resilient communities: Improving education infrastructure for Syrian refugees and host communities in Turkey’, 20 November 2018, available at: <https://bit.ly/2uhTbiK>.

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 80,000.⁷⁴⁶

As of the end of 2018, a total of 590,114 children under temporary protection were enrolled in public schools and Temporary Education Centres (*Geçici Eğitim Merkezi*, GEM).⁷⁴⁷ Schooling rates are 96.3% for elementary school, 58.1% for middle school and 26.4% for high school.⁷⁴⁸

Despite these measures, UNICEF estimates as many as 400,000 children out of school.⁷⁴⁹ Drop-out rates, particularly at high school level, are linked to factors such as the high level of child labour in the job market,⁷⁵⁰ as well as early marriages.⁷⁵¹ Fear of deportation also has an impact on access to school, affecting around 8,500 children in **Bursa**, for example.⁷⁵² 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.

In 2016, it launched a two-year project called “Promoting Integration of Syrian Children into the Turkish Education System” (PICTES) in the framework of the Facility for Refugees in Turkey.⁷⁵³ The project aims to support the activities of the Ministry of National Education for the integration of refugee children into the public education system. The project has funded approximately 6,000 Turkish teachers for language training and counselling to Syrian children in public schools, and has delivered positive results.⁷⁵⁴ Support classes in areas such as chemistry, mathematic etc. are also funded under a project entitled “My Teacher”.⁷⁵⁵

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.⁷⁵⁶ 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;

⁷⁴⁶ Hürriyet, ‘Anadolu lisesi öğrencilerine atölyelerde eğitim’, 19 March 2019, available in Turkish at: <https://bit.ly/2Y9Ljh7>.

⁷⁴⁷ UNICEF, *Turkey: 2018 Humanitarian results*, December 2018, 3.

⁷⁴⁸ European University Association, ‘Syrian women’s access to higher education in Turkey’, 5 March 2019, available at: <https://bit.ly/2UTsNra>.

⁷⁴⁹ UNICEF, *Turkey: 2018 Humanitarian results*, December 2018, 3.

⁷⁵⁰ Children in the agricultural sector are not enrolled at school, for example: Information provided by Development Workshop, February 2019.

⁷⁵¹ Information provided by Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁷⁵² Posta, ‘Sınır dışı oluruz’ korkusuyla 8 bin 500 Suriyeli çocuk okula gönderilmiyor’, 3 May 2018, available in Turkish at: <https://bit.ly/2UNKXLc>.

⁷⁵³ EU Delegation to Turkey, ‘EU and Turkish Ministry of National Education launch €300 million project to improve Syrian children’s access to education’, 6 October 2017, available at: <https://bit.ly/2Tw7kmZ>.

⁷⁵⁴ Information provided by Türk Kızılay, February 2019; Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁷⁵⁵ Information provided by Türk Kızılay, February 2019.

⁷⁵⁶ 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>.

child labour, child marriage, peer bullying are the most common factors.⁷⁵⁷ According to observations from practice, CCTE has been more effective at elementary school level.⁷⁵⁸

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.⁷⁵⁹

2.2. Temporary Education Centres (GEM)

The Ministry of National Education Circular 2014/21 on “Education Services for Foreign Nationals” of 23 September 2014 introduced the concept of Temporary Education Centre (*Geçici Eğitim Merkezi*, GEM) and provided a legal framework for the supervision and monitoring of the aforementioned private schools run by Syrian charities – which had hitherto existed outside the regulatory framework of the Ministry of National Education and were therefore unlawful but tolerated by the provincial authorities. GEM are specifically defined as schools established and run for the purpose of providing educational services to persons arriving in Turkey for temporary period as part of a mass influx.

By and large, the children accommodated in the camps have unimpeded and virtually full access to basic education mainly at GEM administered inside the camps. On the other hand, children of school age outside the camps, had the option of either attending a public school in the locality, which teach the Turkish school curriculum and instruct in Turkish, or a GEM.

There are 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.⁷⁶⁰

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.⁷⁶¹

The Ministry of National Education has planned a gradual-phase out of the GEM.⁷⁶² 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.

⁷⁵⁷ Information provided by Türk Kızılay, February 2019.

⁷⁵⁸ Information provided by Dr Ali Zafer Sarıoğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁷⁵⁹ Hâlâ Gazeteciyiz, ‘50 Percent of Syrians in Turkey Never Enrolled in a School’, 10 October 2018, available at: <https://bit.ly/2u6t91Q>.

⁷⁶⁰ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁷⁶¹ Information provided by a lawyer of the Adana Bar Association, February 2018; Information provided by an NGO, February 2019.

⁷⁶² 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.

The number of GEM is gradually reducing.⁷⁶³ As of September 2017, a total 404 GEM were operating across 20 provinces in Turkey, offering courses in Arabic and intensive Turkish language courses.⁷⁶⁴ 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.⁷⁶⁵

2.3. Higher education

Temporary protection beneficiaries also have the right to higher education in Turkey. In order to apply and register with an institution of higher education, students are required to have completed either the 12 years of Turkish basic education or equivalent experience. Children who have attended a certified GEM can also be approved to have fulfilled that requirement on the basis of the equivalence determination carried out by the competent Provincial Directorate of National Education.

In Turkey, admission to universities is subject to the requirement of taking a standardised university entrance examination and additional requirements by each university. Students who started their university studies in Syria but were not able to complete them, may ask universities to recognise the credits (courses) that they have passed. The decision whether to recognise courses passed in Syria is made by each university and may differ from one department to another.⁷⁶⁶

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;⁷⁶⁷ 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.⁷⁶⁸

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 year to 20,701 in the 2017-2018 academic year, and is currently 27,606. Of those, 61% are men and 39% are women.⁷⁶⁹

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. This is the case in the community centres run by Türk Kızılay, for example, which have provided vocational training to 24,869

⁷⁶³ Information provided by Dr Ali Zafer Sarioğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.

⁷⁶⁴ Hürriyet, 'Gov't directs Syrian refugee children to Turkish schools', 3 September 2017, available at: <http://bit.ly/2FqqVhs>.

⁷⁶⁵ Information provided by Bosphorus Migration Studies, January 2019.

⁷⁶⁶ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁷⁶⁷ Regulation 2018/12007 of 27 June 2018, available in Turkish at: <https://bit.ly/2OthDXK>.

⁷⁶⁸ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁷⁶⁹ European University Association, 'Syrian women's access to higher education in Turkey', 5 March 2019, available at: <https://bit.ly/2UTsNra>.

people so far.⁷⁷⁰ Türk Kızılay has 15 community centres and will be establishing a new centre in **Kocaeli**.⁷⁷¹

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.⁷⁷² Families under international or temporary protection and excluded from registered employment are eligible for assistance under ESSN, which extends a monthly allowance of 120 TL / 24 € per family member through the *Kızılaykart*.⁷⁷³ Applicants for international protection fall within the scope of this programme.

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.⁷⁷⁴ 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 is disbursed to 1,545,674 beneficiaries as of February 2019, of which 1,361,402 (88.1%) are Syrian. The majority of beneficiaries are located in **Gaziantep** (213,602), followed by **Istanbul** (213,602), **Şanlıurfa** (153,090), **Hatay** (137,290) and **Ankara** (94,049) and **Adana** (86,281).⁷⁷⁵

- **In-Camp Programme:** This programme provides cash assistance to refugees residing in the 6 Temporary Accommodation Centres. The number of beneficiaries was 90,659 in February 2019.⁷⁷⁶
- **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

⁷⁷⁰ Türk Kızılay, *Suriye insani yardım operasyonu*, February 2019, available in Turkish at: <https://bit.ly/2Ycy9jo>. See also Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

⁷⁷¹ Information provided by Türk Kızılay, February 2019.

⁷⁷² European Commission, '1 million refugees in Turkey reached by EU's Emergency Social Safety Net', 17 October 2017, available at: <http://bit.ly/2ztLNSN>.

⁷⁷³ World Food Programme, *FAQ on Emergency Social Safety Net*, December 2016, available at: <http://bit.ly/2o41iPQ>.

⁷⁷⁴ 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>.

⁷⁷⁵ Türk Kızılay, *Suriye insani yardım operasyonu*, February 2019, available in Turkish at: <https://bit.ly/2Ycy9jo>.

⁷⁷⁶ *Ibid.*

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 disbursed to 487,089 beneficiaries as of February 2019, of which 416,347 (8.8%) are Syrian. The majority of beneficiaries are located in Istanbul (69,183), **Gaziantep** (61,991), **Hatay** (52,935) and **Şanlıurfa** (42,732).⁷⁷⁷

CCTE has mainly focused on primary school children, covering 430,657 beneficiaries. 37,757 beneficiaries attend high school and 14,314 kindergarten. Another 1,078 attend the Accelerated Learning Programme (HEP).⁷⁷⁸

ECHO contributed €34 million for the ongoing school year and an additional €50 million for the 2018-2019 school year for the extension of the programme to refugee children in Turkey. With €84 million total funding this is EU's largest ever contribution to education in emergencies. The programme is also supported by the governments of Norway and the United States of America, with additional partners expected to join in the future.⁷⁷⁹

G. Health care

1. Conditions for free 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 free of charge health care services provided by public health care service providers.⁷⁸⁰ The requirement of prior issuance of a YKN may be an obstacle to accessing health care in practice, although improvements have been marked in this regard (see [Temporary Protection Identification Document](#)).⁷⁸¹

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.⁷⁸²

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.⁷⁸³

⁷⁷⁷ *Ibid.*

⁷⁷⁸ *Ibid.*

⁷⁷⁹ European Commission, 'In Turkey, the Conditional Cash Transfer for Education programme increases school attendance of Syrian and other refugee children', 13 February 2018.

⁷⁸⁰ Article 27 TPR.

⁷⁸¹ Information provided by Mülteci-Der, December 2017.

⁷⁸² Basak Bilecen and Dilara Yurtseven, 'Temporarily protected Syrians' access to the healthcare system' (2018) 15:1 Migration Letters 133, 118.

⁷⁸³ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

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.⁷⁸⁴ 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. As of August 2018, private hospitals in **Gaziantep, Hatay** and **Şanlıurfa** had reportedly not received coverage for medical costs for temporary protection beneficiaries in ten months.⁷⁸⁵

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 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 however exceed the maximum financial compensation amounts allowed by the SUT, beneficiaries may be required to make an additional payment. For example, prosthetic surgery is not covered by health care services in **Adana**, thereby posing an important obstacle.⁷⁸⁶

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.⁷⁸⁷

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

⁷⁸⁴ *Ibid.*

⁷⁸⁵ Sözcü, ‘Özel hastaneler savaş mağduru’, 21 August 2018, available in Turkish at: <https://bit.ly/2ujKi8B>.

⁷⁸⁶ Information provided by a lawyer of the Adana Bar Association, February 2018.

⁷⁸⁷ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

Centres employ 790 mainly Syrian doctors, 790 nurses, 300 support staff, 84 technicians and 960 patient guides.⁷⁸⁸

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. Following an amendment to the TPR in March 2018,⁷⁸⁹ medication costs invoiced after 16 March 2018 are reimbursed DGMM, while AFAD remains responsible for the reimbursement of costs invoiced prior to that date.⁷⁹⁰

In addition, beneficiaries are expected to pay 3 TL / 0.66 € per medication item up to three items, and 1 TL / 0.22 € for each item in more than three items were prescribed.

That said, in terms of access to medication, complications and inconsistent implementation are observed across the country. The Ministry of Health Directive on “Healthcare Services to be provided to Temporary Protection Beneficiaries” dated November 2015 was expected to resolve the ongoing implementation problems and inconsistencies going forward. The Union of Pharmacies has complained to AFAD about the lack of coordination as regards the responsible body before which beneficiaries can claim the coverage of medication costs.⁷⁹¹ In practice, the number of Syrians facing difficulties with regard to this issue is not insignificant.

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.⁷⁹² The language barrier also hinders access to mental health treatment.⁷⁹³ 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.⁷⁹⁴ A major practical obstacle for refugees is that hospitals in Turkey give appointments to patients over 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.

⁷⁸⁸ SIHHAT, *Proje Faaliyetleri*, available in Turkish at: <https://bit.ly/2UUEZbi>.

⁷⁸⁹ Article 27 TPR, as amended by Regulation 2018/11208.

⁷⁹⁰ Union of Pharmacists, ‘Geçici Koruma Altındaki Yabancılar Ait Reçeteler Hakkında’, 19 March 2018, available in Turkish at: <https://bit.ly/2uxeBvq>.

⁷⁹¹ Union of Pharmacists, Letter to AFAD, 23 January 2016, available in Turkish at: <https://bit.ly/2E5sQXE>.

⁷⁹² Basak Bilecen and Dilara Yurtseven, ‘Temporarily protected Syrians’ access to the healthcare system’ (2018) 15:1 Migration Letters 133, 118.

⁷⁹³ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

⁷⁹⁴ Information provided by an NGO, February 2019.

Türk Kızılay also runs community centres providing services on health and protection. 15 centres are currently operational and a new centre is planned in **Kocaeli**.⁷⁹⁵ These centres identify the needs of temporary protection beneficiaries e.g. accessing health care, and also offer psycho-social support.⁷⁹⁶

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.⁷⁹⁷ 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.⁷⁹⁸

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.”⁷⁹⁹

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 after entry into Turkey, provided that he or she did not subsequently come under the active care of a responsible adult”.

⁷⁹⁵ Information provided by Türk Kızılay, February 2019.

⁷⁹⁶ For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, September 2017, available at: <http://bit.ly/2Fsj2YZ>.

⁷⁹⁷ 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.

⁷⁹⁸ *Ibid*, 67-68.

⁷⁹⁹ Article 48 TPR.

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.⁸⁰⁰

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.⁸⁰¹ 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.⁸⁰²

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, soon to be followed by Arabic language courses.⁸⁰³ The centre has supported 36,163 children so far.⁸⁰⁴

⁸⁰⁰ Information provided by a lawyer of the Ankara Bar Association, March 2019.

⁸⁰¹ Article 30(3) TPR, as inserted by Regulation 2018/11208. The previous provision in Article 23(4) TPR has been repealed by the amendment.

⁸⁰² Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁸⁰³ For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, September 2017, available at: <http://bit.ly/2Fsj2YZ>.

⁸⁰⁴ Türk Kızılay, *Suriye insani yardım operasyonu*, February 2019, available in Turkish at: <https://bit.ly/2Ycy9jo>.

In accordance with the cooperation protocol signed between the Ministry and İnsani Yardım Vakfı in 2015, a “Children Life Centre” is being established in Reyhanlı, **Hatay**. The centre has child care homes where basic education, housing, health and rehabilitation services will be provided. It is planned that 990 orphan children will be cared for in 55 places, of which 20 for girls and 35 for boys. 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.⁸⁰⁵

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.⁸⁰⁶ The University of Marmara notes that 6 out of 10 Syrian refugee children suffer from mental health conditions such as PTSD and depression.⁸⁰⁷

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.⁸⁰⁸ 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.”⁸⁰⁹ Incidents of such violence in 2017 include the rape of a pregnant Syrian woman, who was subsequently murdered with her 10-month-old baby in the province of **Sakarya**.⁸¹⁰ In 2018, a Syrian woman was killed by her uncle in **Bursa**.⁸¹¹

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.

⁸⁰⁵ Grand National Assembly, *Göç ve Uyum Raporu*, March 2018.

⁸⁰⁶ 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.

⁸⁰⁷ Diken, ‘Araştırma: Türkiye’deki Suriyeli her 10 çocuktan altısında psikiyatrik hastalık var’, 1 May 2018, available in Turkish at: <https://bit.ly/2HF5BJH>.

⁸⁰⁸ 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/2IYHgC6>. 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.

⁸⁰⁹ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Turkey*, June 2018, 26.

⁸¹⁰ 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>.

⁸¹¹ Cumhuriyet, ‘Bursa’da vahşet: 18 yaşındaki Dima’nın cesedi bulunduğu kucağında bebeği vardı’, 20 June 2018, available in Turkish at: <https://bit.ly/2Fohm4e>.

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 the women shelters in Turkey falls very much short of the need (see [International Protection: Special Reception Needs](#)). Turkey has a total of 144 shelters spread across 79 municipalities, with an overall capacity of 3,454 places.⁸¹² According to experts, the number of centres should be around 8,000 to cater for existing needs.⁸¹³ Since women shelters are meant to accommodate both Turkish and foreign nationals in the locality, temporary protection and international protection beneficiary women shall also be affected by the capacity problems.⁸¹⁴ The need for women shelters in regions such as **Gaziantep, Adana, Şanlıurfa** is pressing.⁸¹⁵

In urgent cases, women who are not accommodated in women 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.

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.⁸¹⁶

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](#)).⁸¹⁷

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.

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.⁸¹⁸ 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.⁸¹⁹

⁸¹² 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>.

⁸¹³ Gazete Duvar, ‘Türkiye’de 137 sığınma evi var, en az 8 bin olmalı’, 29 November 2017, available in Turkish at: <https://bit.ly/2GgWH5D>.

⁸¹⁴ Information provided by SGDD-ASAM, February 2018.

⁸¹⁵ Information provided by an NGO, February 2019.

⁸¹⁶ Information provided by an NGO, February 2019.

⁸¹⁷ Information provided by the Women’s Solidarity Foundation, February 2019.

⁸¹⁸ Information provided by Bodrum Women’s Solidarity Association, December 2017. The organisation has accompanied several pregnant girls aged 15 to give birth at hospitals.

⁸¹⁹ *Ibid.*

Finally, refugee women sheltered in shelters can face risks of violence from other women.⁸²⁰

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,⁸²¹ exacerbated with the increase in arrivals of Syrian refugees,⁸²² and persisted in 2018.⁸²³ 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 18,⁸²⁴ as well as a rising number of children abandoned by their mothers due to marriage to Turkish men.⁸²⁵

Despite criminalisation in Turkish law, in practice temporary protection beneficiaries have limited opportunities to claim the relevant legal safeguards and protection measures for lack of sufficient public information and crucially very short supply of counselling and legal assistance services available to refugee women. In addition, public authorities such as health care institutions often refrain from discharging their legal obligation to inform the police of child marriage cases when treating child brides and mothers.⁸²⁶ Where they do inform the authorities, police officers refrain from investigating the cases.⁸²⁷

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 2017.⁸²⁸

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.⁸²⁹ Bodrum Women’s Solidarity Association provides trainings and workshops on sexual health, hygiene along with legal counselling and social cohesion activities.⁸³⁰

⁸²⁰ Information provided by an NGO, February 2019.

⁸²¹ 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.

⁸²² Zeynep Kivilcim, ‘Legal violence against Syrian female refugees in Turkey’, *Female Legal Studies*, 2016.

⁸²³ Information provided by Bodrum Women’s Solidarity Association, March 2019.

⁸²⁴ Information provided by an NGO, February 2019.

⁸²⁵ Information provided by a lawyer of the Istanbul Bar Association, March 2019.

⁸²⁶ Information provided by Bodrum Women’s Solidarity Association, December 2017. The organisation has accompanied several pregnant girls aged 15 to give birth at hospitals in **Muğla**. See also 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 **İstanbul**; Heinrich Böll Foundation, ‘High underage pregnancy rates among refugee children rattle Turkey’, 29 January 2018, available at: <http://bit.ly/2BM185I>, referring to at least 5 Syrians among the 115 underage pregnant girls treated by Kanuni Sultan Süleyman Training and Research Hospital in **İstanbul**; Hürriyet, ‘Suriyeli 14 yaşındaki çocuğun hamile olduğu ortaya çıktı’, 29 December 2017, available in Turkish at: <http://bit.ly/2seuu91>, on a 14-year-old pregnant girl in Düziçi, **Osmaniye**.

⁸²⁷ Information provided by Mülteci-Der, December 2017.

⁸²⁸ Demokrathaber, ‘Edirne’de 186 çocuğun hamile bırakıldığı tespit edildi’, 9 March 2018, available in Turkish at: <https://bit.ly/2ufHgCl>.

⁸²⁹ Information provided by SGDD-ASAM, February 2018.

⁸³⁰ Information provided by Bodrum Women’s Solidarity Association, March 2019.

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.⁸³¹

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.⁸³²

Finally, the issue of arranged marriages is not confined to women in Turkey. Reports have also documented cases of refugee men sold into marriage.⁸³³

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.⁸³⁴

In particular, the amendment of the LFIP by Emergency Decree No 676, excluding from *non-refoulement* guarantees those persons who *inter alia* pose a threat to public order or public health, could have a targeting effect on sex workers who benefit from temporary protection. In this regard, it is noted that sex workers were among the 376 people detained in the **Aydın** Removal Centre at the time of the Commission on Human Rights of the Grand National Assembly visit on 25 October 2017, for instance.⁸³⁵

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.⁸³⁶ In practice, despite the fact that their access to **Resettlement** is usually prioritised, they still face severe delays of approximately two years before having the possibility to be resettled.⁸³⁷

⁸³¹ Information provided by CARE Turkey, February 2019.

⁸³² Information provided by an NGO, February 2019.

⁸³³ News Deeply, "I Was Something She Bought": Syrian Men Marry To Survive', 21 February 2018, available at: <http://bit.ly/2sPp58E>.

⁸³⁴ 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.

⁸³⁵ Grand National Assembly, *Izmir-Aydın Geri Gönderme Merkezleri İnceleme Raporu*, November 2017.

⁸³⁶ Zeynep Kivilcim, 'LGBT Syrian refugees in Turkey', 2016, 31.

⁸³⁷ *Ibid.*

LGBT refugees feel unsafe and vulnerable due to a climate of widespread discrimination, although they generally perceive Turkish host communities as more tolerant than Syrian communities.⁸³⁸ 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.⁸³⁹ A case against the perpetrators is currently pending before the Criminal Court.⁸⁴⁰

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.⁸⁴¹ 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.⁸⁴²

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.⁸⁴³ In other cases, discrimination coming from family members or local communities pushes trans persons to move to larger cities in Turkey.⁸⁴⁴ 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.⁸⁴⁵ Their access to health care, including in Migrant Health Centres (see [Health Care](#)) is hindered by high levels of discrimination.⁸⁴⁶

The **Hatay** Bar Association recently supported the case of a trans woman living in a Temporary Accommodation Centre who sought gender reassignment surgery and change of gender. The court has granted the necessary permission for surgery to take place at a state hospital.⁸⁴⁷

5. Ethnic minorities under temporary protection

The number of members of ethnic minorities, such as Roma, Dom and Lom groups from Syria cannot be ascertained but is likely to be around 20,000 in the provinces of **Gaziantep** and **Şanlıurfa**.⁸⁴⁸

These population groups prefer not to reside in temporary accommodation centres due to their preference to move across the country, but also due to discrimination by officials and other ethnic groups residing in those camps.⁸⁴⁹ Stakeholders have not witnessed cases of Dom refugees forcibly transferred to temporary accommodation centres in 2018.⁸⁵⁰ In **Gaziantep**, these groups generally live in rural areas,

⁸³⁸ *Ibid*, 32-33.

⁸³⁹ Kaos GL, 'İstanbul'da Suriyeli eşcinsel mülteci öldürüldü', 3 August 2016, available in Turkish at: <http://bit.ly/2BiCwKf>.

⁸⁴⁰ Kaos GL, 'Wisam Sankari davası ertelendi', 19 September 2017, available in Turkish at: <http://bit.ly/2AV7s7Q>.

⁸⁴¹ Red Umbrella Sexual Health and Human Rights Association, *Syrians under "temporary protection" in Turkey and sex work*, 2017, 88-89, 97.

⁸⁴² Kaos GL, 'Suriyeli trans kadın İstanbul'da öldürüldü', 20 December 2016, available in Turkish at: <http://bit.ly/2CdWsCq>.

⁸⁴³ Zeynep Kivilcim, 'LGBT Syrian refugees in Turkey', 2016, 34.

⁸⁴⁴ *Ibid*, 95-96. See also RFI, 'Life as a transgender refugee in Turkey', 10 June 2016, available at: <http://bit.ly/2j1jh4c>.

⁸⁴⁵ Zeynep Kivilcim, 'LGBT Syrian refugees in Turkey', 2016, 34.

⁸⁴⁶ Information provided by an NGO, February 2019.

⁸⁴⁷ Information provided by the Antakya Bar Association, February 2018.

⁸⁴⁸ Information provided by Kirkayak Cultural Centre, February 2019.

⁸⁴⁹ Development Workshop, *Dom migrants from Syria: Living at the bottom*, November 2016, available at: <http://bit.ly/2j2BwpQ>.

⁸⁵⁰ Information provided by Kirkayak Cultural Centre, February 2019.

work in seasonal agricultural work and refrain from registering out of fear of being discriminated by the public authorities.⁸⁵¹

According to the findings of the Kirkayak Cultural Centre, the closure of GEM has led to an increase in the quality of education. However, these groups face increasing discrimination vis-à-vis access to health care at public hospitals and Migrant Health Centres.⁸⁵²

These groups mostly work under worse conditions than non-Roma Syrian refugees in seasonal agricultural work. In rural areas, families generally live together. However, in big cities, they prefer not to be visible and live separated from each other. In general, they work in big farms in Central Anatolian provinces such as **Konya**, **Eskişehir** or **Aksaray** but face substantial abuse and financial exploitation, reaching levels as low as half of the daily fees given to non-Roma Syrians.

They 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 major fear of being discriminated in PDMM. They do not comply with their duties of reporting that is why they have major difficulties in accessing to basic services.

⁸⁵¹ Information provided by Kirkayak Cultural Centre, February 2018.

⁸⁵² Information provided by Kirkayak Cultural Centre, February 2019.