

Country Report: Türkiye



2022
Update

Acknowledgements & Methodology

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

The 2022 update of the report draws on desk research and information collected from civil society organisations, academia, and legal practitioners from cities across Türkiye through Zoom interviews due to the earthquake physically and mentally affecting Turkish people. Access to official information on the situation of persons under international or temporary protection in Türkiye remains limited to date. The details of the stakeholders consulted remain anonymous in the report due to the possibility to receive confidential or sensitive information during the interviews with the stakeholders who closely work with the refugee population, including the most vulnerable groups.

The information in this report is up-to-date as of 31 December 2022, unless otherwise stated.

The Asylum Information Database (AIDA)

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



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Glossary & List of Abbreviations

AFAD	Disaster and Emergency Management Authority Afet ve Acil Durum Yönetimi Başkanlığı
CCTE	Conditional Cash Transfer for Education Sartli Eğitim Yardimi
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 Avrupa İnsan Hakları Sözleşmesi
ECtHR	European Court of Human Rights Avrupa İnsan Hakları Mahkemesi
ESSN	Emergency Social Safety Net Acil Durum Sosyal Güvenlik Ağı
EUAA	European Union Agency for Asylum
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 Kaynağını 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
PMM	Presidency of Migration Management Göç İdaresi Başkanlığı
PDMM	Provincial Directorate for Migration Management Valilik İl Göç İdaresi Müdürlüğü
RFIP	Regulation on Foreigners and International Protection Yabancılar ve Uluslararası Koruma Kanunu'nun Uygulanmasına Dair Yönetmelik
SGDD-ASAM	Association for Solidarity with Asylum-Seekers and Migrants Sığınmacılar ve Göçmenlerle Dayanışma Derneği
SIHHAT	Improving the Health Status of the Syrian Population under Temporary Protection and Related Services Provided by <i>Turkish</i> Authorities Geçici Koruma Altındaki Suriyelilerin Sağlık Statüsünün ve Türkiye Cumhuriyeti Tarafından Sunulan İlgili Hizmetlerin Geliştirilmesi
ŞÖNİM	Centre for the Elimination of Violence Şiddet Önleme ve İzleme Merkezi
SUT	Health Implementation Directive Sağlık Uygulama Tebliği
TPR	Temporary Protection Regulation Geçici Koruma Yönetmeliği
UNHCR	United Nations High Commissioner for Refugees Birleşmiş Milletler Mülteciler Yüksek Komiserliği
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 PMM restriction codes and forms

Restriction codes are issued by PMM 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 Türkiye) 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
G-47	Smuggling Kacakçılık
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 Kapsamındaki Yabancı
V92	Subsequent registered foreigner Mükerrer kaydı olan yabancı
Y26	Illegal terrorist activity Yasadışı örgüt faaliyeti

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

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

Statistics

Overview of statistical practice

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

International protection applicants: December 2022

Total	33,246
Afghanistan	19,400
Ukraine	7,131
Iraq	4,083
Others	2,632

Source: PPM Website, available at: <https://bit.ly/3Da9Jg4>.

Registered temporary protection beneficiaries: 25 May 2023

	Beneficiaries	Percentage
Total number	3,373,967	100%
Outside Temporary Accommodation Centres	3,312,024	99.5%
In Temporary Accommodation Centres	61,943	0.5%

Breakdown per fifteen main provinces:

Province	Registered Syrian refugees	Total population in Province	Share of total
İstanbul	531,227	16,439,178	3.23%
Hatay	319,454	2,005,497	15.93%
Şanlıurfa	339,429	2,509,539	13.53%
Gaziantep	444,087	2,538,198	17.09%
Adana	242,596	2,516,702	9.64%
Mersin	236,522	2,152,954	10.99%
Bursa	179,122	3,373,843	5.31%
İzmir	139,339	4,601,495	3.03%
Konya	118,488	2,414,835	4.91%
Kilis	74,824	222,743	33.59%
Ankara	90,779	5,873,064	1.55%
Kahramanmaraş	90,778	1,268,214	7.16%
Mardin	85,578	955,952	8.95%
Kayseri	81,169	1,522,692	5.33%
Kocaeli	52,708	2,131,780	2.47%

Source: PPM Website, available at: <https://bit.ly/3Da9Jg4>.

Main legislative acts relevant to international protection and temporary protection

Title (EN)	Original Title (TR)	Abbreviation	Web Link
<p>Law No 6458 on Foreigners and International Protection, 11 April 2013</p> <p><i>Amended by:</i> Emergency Decree No 676, 29 October 2016</p> <p><i>Amended by:</i> Law No 7070, 1 February 2018 on the regulation of emergency provisions</p> <p><i>Amended by:</i> Decree No 703 on the harmonisation of laws, 9 July 2018</p> <p><i>Amended by:</i> Law No 7148 amending several acts, 26 October 2018</p> <p><i>Amended by:</i> Law No 7196 amending several acts, 6 December 2019</p>	<p>6458 Yabancılar ve Uluslararası Koruma Kanunu, 11 Nisan 2013</p> <p>676 Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararname, 29 Ekim 2016</p> <p>7070 Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabul Edilmesine Dair Kanun, 1 Şubat 2018</p> <p>703 Anayasada yapılan değişikliklere uyum sağlanması amacıyla bazı kanun ve kanun hükmünde kararname, 9 Temmuz 2018</p> <p>7148 Bazı Kanunlarda Değişiklik Yapılması Hakkında Kanun, 26 Ekim 2018</p> <p>7196 Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun, 6 Aralık 2019</p>	<p>LFIP</p>	<p>http://bit.ly/1fATdsC (EN)</p> <p>https://bit.ly/2ISX0RA (TR)</p> <p>http://bit.ly/2z0t3wh (TR)</p> <p>http://bit.ly/2S5DZzL (TR)</p> <p>https://bit.ly/2WAu8nx (TR)</p> <p>http://bit.ly/2EqekOa (TR)</p> <p>http://bit.ly/2Tsm0zU (TR)</p>
Law No 6735 on International Workforce, 13 August 2016	6735 Uluslararası İşgücü Kanunu, 13 Ağustos 2016		http://bit.ly/2jtRexU (TR)
Regulation on the Implementation of Law on International Workforce, 2 February 2022	Uluslararası İşgücü Uygulama Yönetmeliği, 2 Şubat 2022		https://bit.ly/3rp0gz7 (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 Kanununun Uygulanmasına Dair Yönetmelik, 17 Mart 2016	RFIP	http://bit.ly/1U90PVq (TR) http://bit.ly/2ANlhVE (EN)
Temporary Protection Regulation 2014/6883, 22 October 2014 <i>Amended by:</i> Regulation 2016/8722, 5 April 2016 <i>Amended by:</i> Regulation 2018/11208, 16 March 2018 <i>Amended by:</i> Regulation 2019/1851, 25 December 2019	Geçici Koruma Yönetmeliği 2014/6883, 22 Ekim 2014 Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 Nisan 2016 Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 Mart 2018 Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2019/1851, 25 Aralık 2019	TPR	http://bit.ly/1He6wvl (TR) http://bit.ly/1JiGVSI (EN) http://bit.ly/209ErLI (TR) https://bit.ly/2GynE4b (TR) https://bit.ly/2WPeM1w (TR)
Prime Ministry 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 Hakkında Genelge, 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 Kişilerin Çalışmasına Dair Yönetmelik, 26 Nisan 2016	Work Permit Regulation	http://bit.ly/2z08v74 (TR) http://bit.ly/2ApyMKf (EN)
Regulation No 29594 on Work Permit of Foreigners under Temporary Protection, 15 January 2016	Geçici Koruma Sağlanan Yabancıların Çalışma İznine Dair Yönetmelik, 15 Ocak 2016	TPR Work Permit Regulation	http://bit.ly/2Aso4H0 (TR) http://bit.ly/2AYqdqH (EN)

Regulation No 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres, 22 April 2014	Kabul ve Barınma Merkezleri ile Geri Gönderme Merkezlerinin Kurulması, Yönetimi, İşletilmesi, İşlettirilmesi ve Denetimi Hakkında Yönetmelik, 22 Nisan 2014	Removal Centres Regulation	http://bit.ly/1Ln6Ojz (TR)
Regulation No 25418 on Legal Aid of the Union of Bar Associations, 30 March 2004	Türkiye Barolar Birliği Adli Yardım Yönetmeliği, 30 Mart 2004	Legal Aid Regulation	http://bit.ly/1dg9Nwd (TR)
Union of Bar Associations Circular 2013/59 on the Legal Aid Service Provided to Syrians under Temporary Protection, 22 July 2013	Türkiye Barolar Birliği'nin Geçici Koruma Altındakilere Verilecek Adli Yardım Hizmetiyle İlgili 2013/59 sayılı ve 22 Temmuz 2013 tarihli duyurusu	Legal Aid Circular 2013/59	https://bit.ly/2IY5JC7 (TR)
Regulation on the Implementation of Law on Notaries, 13 July 1976	Noterlik Kanunu Yönetmeliği, 13 Temmuz 1976	Notaries Regulation	http://bit.ly/1dgakOF (TR)
Union of Notaries Circular 2016/3 on the Documents and Identification Cards issued on the basis of LFIP, 2 March 2016	YUKK Uyarınca Verilen Belge ve Kimlikler Hakkında tarihli 3 numaralı Noterler Birliği Genel Yazısı, 2 Mart 2016	Notaries Circular 2016/3	https://bit.ly/2Yd9GdV (TR)
Ministry of Health Circular No 9468 on Health Benefits for Temporary Protection Beneficiaries, 4 November 2015	Geçici Koruma Altına Alınanlara Verilecek Sağlık Hizmetlerine Dair Esaslar Yönergesi, 4 Kasım 2015		http://bit.ly/1NLbaz5 (TR)
Regulation on Marriage Procedures, 10 July 1985 <i>Amended by:</i> Regulation amending the Regulation on Marriage Procedures, 8 December 2016	Evlendirme Yönetmeliği, 10 Temmuz 1985 Evlendirme Yönetmeliğinde Değişiklik Yapılması Hakkında Yönetmelik, 08 Aralık 2016		http://bit.ly/1KabY1f (TR) http://bit.ly/2AP9I3d (TR)
Ministry of Interior Circular No 40004962-010.07.01-E.88237 on the Marriage and the Registration of Children of Refugees and Temporary Protection Beneficiaries, 13 October 2015	Mülteciler ve Geçici Koruma Altına Alınanların Evlenme ve Çocuklarının Tanınması Konulu Yazı, 13 Ekim 2015		https://bit.ly/2IVMskR (TR)
Regulation on the Implemetation of Law on Turkish Citizenship Procedures, 11 February 2010 <i>Amended by:</i> Regulation amending the Implemeting of Law on Turkish Citizenship Procedures, 12 May 2022	Türk Vatandaşlığı Kanunun Uygulanmasına Dair Yönetmelikte Değişiklik Yapılmasına Dair Yönetmelik, 12 Mayıs 2022		https://bit.ly/44E6k4V (TR)
Ministry of Interior Regulation No 29656 on the Fight against Human Trafficking and Protection of Victims, 17 March 2016	İnsan Ticaretiyle Mücadele ve Mağdurların Korunması Hakkında Yönetmelik, 17 Mart 2016	Anti-Trafficking Regulation	https://bit.ly/1VeEO5 (TR)

Ministry of Family and Social Services Regulation No 29656 on Centres for the Prevention and Elimination of Violence	Şiddet Önleme ve İzleme Merkezleri Hakkında Yönetmelik, 17 Mart 2016	ŞÖNİM Regulation	https://bit.ly/1ppy1L1 (TR)
Regulation No 28519 on Women Shelters, 5 January 2019	Kadın Konukevlerinin Açılması ve İşletilmesi Hakkında Yönetmelik, 5 Ocak 2013	Women Shelters Regulation	https://bit.ly/2Uj8IO0 (TR)
Ministry of Family and Social Services Directive No 152065 on Unaccompanied Children, 20 October 2015	Refakatsiz Çocuklar Yönergesi, 20 Ekim 2015		https://bit.ly/2pKR7xh (TR)
Regulation No 28741 on University Education Scholarship of Directorate General of Foundations, 20 August 2013	Vakıflar Genel Müdürlüğü Yükseköğrenim Burs Yönetmeliği, 20 Ağustos 2013		https://bit.ly/3cjU2qm (TR)
Ministry of Family, Labor and Social Services Circular on the organization and functions of the General Directorate of Disabled and Elderly Services, 27 March 2020	Aile, Çalışma ve Sosyal Hizmetler Bakanlığı, Engelli ve Yaşlı Hizmetleri Genel Müdürlüğü Teşkilat ve Görevlerine İlişkin Yönerge, 27 Mart 2020		https://bit.ly/3pju0X (TR)
Regulation No 2324 on Penal Execution Institutions and Execution of Penalties and Security Measures, 29 March 2020	Ceza İnfaz Kurumlarının Yönetimi ile Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Yönetmelik, 29 Mart 2020		https://bit.ly/3pnKMp1 (TR)
Regulation on Alternatives to Administrative Detention, 14 September 2022	İdari Gözetime Alternatif Yükümlülüklerle Dair Yönetmelik. 14 Eylül 2022		https://bit.ly/44jRMYy (TR)

Overview of main changes since the previous report update

In 2022, a significant concern related to migration and asylum was the number of arrivals from Ukraine as a result of the conflict with Russia. Despite the fact that the number of Ukrainian refugees has consistently ranged between 15,000 and 20,000, reportedly around 145,000 Ukrainians reached Türkiye since the war's declaration in February 2022.¹ However, the number of Ukrainians present in the country by January 2023 was 95,000 according to UNHCR.² 58,000 Ukrainians had arrived in Türkiye as of March 2022, with at least 30,000 entering by land and 900 arriving by air via third nations. The first convoys carrying Ukrainians to Türkiye consisted of women and children.³ 7,131 Ukrainians applied for international protection as of February 2023.⁴ However, this number declined to 4,955 by June 2023, according to UNHCR.⁵ These refugees had different characteristics than those fleeing Syria or other countries, and Türkiye did not treat most of them as refugees, but rather as "foreigners" who intend to remain in Türkiye until the war is over. Around 14,000 Russians who opposed the conflict were said to have left the Russian Federation for Türkiye as of March 2022. Bloggers, professors, activists, and entrepreneurs opposing the war were among them.⁶

Russian single young men who do not want to enlist in the military appeared to be particularly likely to migrate to Türkiye. It is estimated that around 200,000 Russians moved abroad due to the political and economic consequences of the war and that around 3,000 Russians had already moved to Türkiye before the start of war at the beginning of February 2022.⁷ Russians present in the country are mostly anti-war activists and political opponents of President Vladimir Putin who are worried about Moscow's crackdown on the opposition, young men who are afraid of being drafted into the army to fight in Ukraine, or middle-class professionals pessimistic about their economic prospects at home in the aftermath of Western sanctions and Russia's own implementation of capital controls.⁸ The Ark is one of several small-scale NGOs in Türkiye that assist Russians seeking refuge in Türkiye.⁹ Since the beginning of the war, the Ark has assisted 250 Russians fleeing to Türkiye. Russians can stay in Türkiye for up to three months without a visa, but those who want to stay longer must apply for resident permits. Russians ranked first in long-term residency permits with 146,063 and third in family permits with 7,732 as of 25 May 2023.¹⁰ One of the primary challenges that this group envisions is obtaining a bank account. After Visa and MasterCard removed Russian banks from their networks, they were left without a credit card. Russians in Türkiye have claimed that opening a bank account in Türkiye has been difficult due to banks "creating problems." Russian migrants aim to acquire financial freedom by opening a bank account in Türkiye and so gain access to international banking and payment networks. The bank only grants customers Turkish lira accounts, but

¹ Euronews, BM: Ukrayna'da savaştan kaçan mültecilerin sayısı 10 milyonu geçti, 2 August 2022, available at: <https://bit.ly/3pJMAhA>.

² UNHCR, Operational Data Portal – Ukraine Refugee Situation, available at: <https://bit.ly/3YbUFHl>.

³ Al Jazeera, Ukrainian refugees, Russian exiles seek shelter in Turkey, 21 March 2022, available at: <https://bit.ly/46D9wQl>.

⁴ UNHCR, Türkiye Fact Sheet, February 2023, available at: <https://bit.ly/46FqNYV>; Turkish Government, Uluslararası Koruma, available at: <https://bit.ly/3Da9Jg4>.

⁵ UNHCR, Operational Data Portal – Ukraine Refugee Situation, available at: <https://bit.ly/3YbUFHl>.

⁶ Ece Çelik-Istanbul, 'Some 14,000 Russians flee to Turkey after Ukraine war', 21 March 2022, *Daily News*, available at: <https://bit.ly/46HG1g1>.

⁷ Burcu Karakas, 'Istanbul: Popular destination for Russian dissidents', *DW*, 07 February 2022, available at: <https://bit.ly/3D8rMDF>.

⁸ Sebnem Turhan, 'In Istanbul, fleeing Russians mull next step of self-exile', *Al-Monitor*, 16 March 2022, available at: <https://bit.ly/44KWDBX>.

⁹ Euronews, Türkiye'ye göç eden savaş karşıtı Ruslar yeni bir hayat kurma peşinde, 5 July 2022, available at: <https://bit.ly/3NKAkWc>.

¹⁰ PMM, 'RESIDENCE PERMITS', 15 June 2023, available at: <https://bit.ly/3XP3EX>.

online tools allow them to later open hard-currency accounts.¹¹ Russian migrants aim to acquire financial freedom by opening a bank account in Türkiye and so gain access to international banking and payment networks. The bank only grants customers Turkish lira accounts, but online tools allow them to later open hard-currency accounts.

One of the significant changes in 2022 was the overall policy change against Syrians. As of 6 June 2022, newly arrived Syrians began to be referred to temporary accommodation centres. Türkiye gradually reactivated temporary accommodation centres as a result of this policy shift. In addition, stakeholders pointed out “sweeping” (*süpürme*) operations¹² take place in some of the country's main cities, in addition to the application of the “deconcentration” policy; these often which result in mass arrests and deportations of Syrians. In 2022, the number of Syrians arrested almost equalled that of Afghans, for the first time in recent years.¹³

Pushbacks on the Greek-Turkish border and “blocking” on the Turkish-Iranian border made it often deadly to enter and exit the region.¹⁴ The irregular border crossings along the Iranian border continued to spark public outcries. The severe economic crisis additionally influenced discussions on migration throughout the year.

Although a slight increase has been observed (from 29,250 to 33,246) in the number of international protection beneficiaries and a significant decrease in the number of registered temporary protection beneficiaries (from 3,535,898 to 3,373,967) in 2022, stakeholders reported that for both international and temporary protection seekers access to registration opportunities were extremely limited in 2022. Therefore, many people were not able to access essential services. The number of Syrians and non-Syrians becoming undocumented in Türkiye also increased following the earthquakes, which led them to face increasing difficulties in accessing social services and exercising their rights, and exposes them to a higher risk of deportation.

According to a national survey conducted in March 2022, 81% of Turkish citizens support the repatriation of Syrian refugees.¹⁵ In another survey conducted by Kadir Has University in 26 Turkish cities, respondents ranked “refugees” as the second most pressing issue in their lives.¹⁶ These elevated anti-refugee sentiments were exacerbated by the political discourse surrounding the general elections in May 2023. Specifically, a newly established party, Victory Party, has based its rhetoric on anti-refugee propaganda

¹¹ Sebnem Turhan, ‘In Istanbul, fleeing Russians mull next step of self-exile’, *Al-Monitor*, 16 March 2022, available at: <https://bit.ly/44KWDBX>; Al Jazeera, Ukrainian refugees, Russian exiles seek shelter in Turkey, 21 March 2022, available at: <https://bit.ly/46D9wQl>.

¹² “Sweeping” operations might be based on a pending criminal case investigated by public prosecutor offices and conducted simultaneously in multiple cities, or they might be operated by the Directorate General of the Police on the basis of protecting public safety and security in big cities such as Istanbul and Ankara; however, there is no transparency on the matter. If irregular migrants are apprehended during these operations, they are immediately transferred to detention facilities and deported.

¹³ Information provided by a stakeholder, June 2023.

¹⁴ The Guardian, Turkey reinforces Iran border to block Afghan refugees, 23 August 2021, available at: <https://bit.ly/3pMXPG4>; Reuters, Turkey reinforces border to block any Afghan migrant wave, 23 August 2021, available at: <https://bit.ly/3PQBkdW>; Politico, Turkey puts its migrant security system on display for Europe, 3 January 2022, available at: <https://bit.ly/44HwHH7>.

¹⁵ Karar, ‘Son anket, ‘Suriyeliler gitsin’ diyenlerin oranını ortaya koydu’, 17 March 2022, available in Turkish at: <https://bit.ly/43ryeAa>.

¹⁶ Fundanur Öztürk, ‘Türkiye Eğilimleri Araştırması: ‘2021’de ekonomik durumum kötüleşti diyenlerin oranı yüzde 55,4’ *BBC News*, 5 October 2022, available in Turkish at: <https://bit.ly/44nkaJf>.

and received public support.¹⁷ As a reaction to rising anti-refugee sentiment stroked by opposition parties and the society calling for the return of Syrians to war-torn Syria, President Erdoğan has promised to relocate at least 1 million Syrians in Turkish-controlled regions of northern Syria.¹⁸ Hundreds of Syrian men and boys were forcibly imprisoned and forced to sign voluntary return forms before being forcibly deported to northern Syria.¹⁹ The temporary protection scheme came under scrutiny as anti-refugee rhetoric increased. Türkiye announced in August 2022 that 517,000 Syrians had safely and voluntarily returned to Syria and at least 70% of the temporary protection beneficiaries is ready to return.²⁰ However, UNHCR stated that mass returns to Syria are unlikely to happen in the near future.²¹

With the help of ICMPD and funding from the national budget, PMM established its own voluntary returns programme in 2021. This process is less transparent, and it is unknown how many people are returning. After Kabul, returns to Afghanistan were halted for a short while, but as of the beginning of 2022, Türkiye started to send huge numbers of Afghans back to Afghanistan under the guise of "voluntary return".²² 44,786 Afghans²³ returned to Afghanistan with 186 charter flights in 2022.²⁴ Before the elections, in 2022, approximately 320 Afghans were sent back to Afghanistan from Agri and charter flights were numerous. Some charter flights went to Afghanistan through Ankara. All of these returnees signed a return form voluntarily.²⁵ From March 2021 to May 2022, Amnesty International documented 155 cases of illegal deportation and 23 pushbacks of Afghans involving gunshots at the border.²⁶

In the context of the implementation of the EU-Türkiye readmissions to Türkiye continued to be frozen throughout 2022. As of May 2023, 37,743 Syrians had been resettled (since 2016) to the EU under the 1:1 scheme.²⁷

In 2022, there was little discussion of integration projects, possibly as a result of the economy's uncertainty and the impending election in May 2023. Such project continue, but often less visibility due to the above-mentioned anti-refugee rhetoric that became predominant in the country.

This update of the country report does not cover the devastating effects of the earthquake that hit 11 cities of Türkiye on 6 February 2023 and the severe consequences it had on the migrant and refugee population present in the country.²⁸ A more detailed depiction will be provided in the next year's update.

¹⁷ Pinar Tremblay, 'Is this Turkish anti-immigrant party helping Erdogan?', *Al Monitor*, 23 June 2022, available at: <https://bit.ly/3JYVSNx>; Merve Tahiroğlu, 'Göç Politikaları: Türkiye'deki Mülteciler ve 2023 Seçimleri', *Heinrich-Böll-Stiftung*, 20 September 2022, available in Turkish at: <https://bit.ly/44IgEsy>.

¹⁸ İlgili Konular, 'Erdoğan, 1 milyon Suriyelinin gönüllü geri dönüşü için hazırlık yaptıklarını söyledi', *BBC News*, 3 May 2022, available at: <https://bit.ly/3PRFkuE>.

¹⁹ [Questions and Answers: Turkey's Threatened Incursion into Northern Syria | Human Rights Watch \(hrw.org\)](https://www.hrw.org/question-answers/turkey-threatened-incursion-northern-syria)

²⁰ Son Güncelleme, 'İçişleri Bakanı Süleyman Soylu NTV'de: Sığınmacıların yüzde 70'i dönmek istiyor', *NTV*, 19 August 2022, available in Turkish at: <https://bit.ly/44kf8gx>.

²¹ DW, 'BM: Türkiye'den haftada 800 Suriyeli ülkesine dönüyor, 21 June 2022', available in Turkish at: <https://bit.ly/3Obxc6X>.

²² Information provided by a stakeholder, May 2022.

²³ PMM, 'Yılbaşından Bugüne 72.578 Kaçak Göçmen Sınır Dışı Edildi', 23 August 2022, available in Turkish at: <https://bit.ly/3D8ynxA>.

²⁴ PMM, 'Türkiye Sınır Dışı Sayılarında Avrupa'yı Geride Bıraktı', 3 September 2022, available in Turkish at: <https://bit.ly/44HpYgt>.

²⁵ Information provided by a stakeholder, May 2023.

²⁶ Amnesty International, 'İran/Türkiye: Ülkelerinden kaçan Afganlar sınırlarda ateş altında kaldı ve hukuka aykırı olarak geri gönderildi', 31 August 2022, available in Turkish at: <https://bit.ly/3pJoMu6>.

²⁷ See PMM, Temporary protection: <https://bit.ly/3wm3j97>.

²⁸ For more information see, *inter alia*, D. Daniş, K. Biehl., E. Kablan Deprem ve Göç 3 (gocarastirmalaridernegi.org), 2023, available at: <https://bit.ly/3Db5mS4>; D. Sert, D. Daniş, E. Sevinin, Bu rapor,

International protection

International protection procedure

- ❖ **Access to the territory:** Türkiye's Eastern region's border was closed, but this did not prevent irregular crossings of Afghans and Iranians due to well-connected smuggling networks crossing borders. Pushbacks were prevalent in 2022, and because of increased anti-refugee sentiment in society, some officials explicitly supported pushbacks and referred to them as "blocking at the border." Access to the air border has become more restricted than in past years, particularly at the Istanbul Airport.
- ❖ **Registration:** The registration of applications remained one of the most significant barriers to people seeking international protection in Türkiye in 2022. PDMMs in numerous large cities, along the coast, and near borders did not accept new applications during the year. Although registrations did not cease entirely, they were reported as 'almost impossible' in numerous places, notably for vulnerable persons. Inconsistencies in PDMM practise also caused difficulties.
- ❖ **Deconcentration:** From 20 May 2022, it will be illegal for any region or area in Türkiye to have a foreign national population that exceeds one-quarter of the total population. This covers both individuals who have made Türkiye their permanent home and those who are just passing through. This guideline is known as the 25 percent limit or the 25 percent rule. With the exception of new-borns and cases of family reunification, neighbourhoods in various provinces are now closed to foreign nationals seeking address registrations for temporary protection, international protection, and residence permits, as well as changes to their city of residence if they are foreign nationals with residence permits or are under temporary or international protection. As of 1 July 2022, 781 neighbourhoods and then 1,169 neighbourhoods were blocked to protection seekers registrations.²⁹
- ❖ **Quality of the first-instance procedure:** Similar to previous years, practice on the decision-making at first instance was not consistent across provinces in 2022. Throughout the year, specific issues were raised about the quality of interviews, the appraisal of evidence, the failure to identify vulnerable groups, and the lack of training for migration experts. There were no specific concerns raised regarding translators, which can be interpreted as a positive improvement. A lack of standard execution of procedural regulations at PDMMs, as well as no transparent information concerning the "opening" and "closing" of satellite cities, are structural issues in international protection application procedures.
- ❖ **Protection from refoulement:** Some stakeholders stated that the Constitutional Court had become desensitised to their appeals against deportation orders, forcing them to apply to the European Court of Human Rights for an interim measure to prevent deportations.³⁰
- ❖ **Legal assistance:** In cooperation with UNHCR, the Union of Turkish Bar Associations continues to offer free legal services in 2022 to those seeking refuge at all phases of the international

Göç Araştırmaları Derneği (GAR) tarafından, yaşadığımız büyük deprem felaketi sonrasında çoğu zaman görmezden gelinen ya da ayrımcı söylem ve pratiklere maruz kalan mülteci ve göçmenlerin durumunu tespit etmek üzere hazırlandı. GAR olarak (gocarastirmalaridernegi.org), March 2023, available at: <https://bit.ly/43qz4NH>.

²⁹

³⁰

For the full list of provinces and blocked neighbourhoods see: <https://bit.ly/3rn3RNY>.
Information provided by several stakeholders, May 2023.

protection system, while they are in custody within administrative proceedings, and for civil law and women's rights issues. The project restricts who can access its services since it does not provide service to those who were imposed a security code. However, it was generally praised as a much-needed service, especially in smaller cities.

- ❖ **Access to information:** Despite several attempts from NGOs,³¹ in practice, access to information on the international protection procedure and applicable rights and obligations remains a severe challenge in 2022. A significant source of concern was again the lack of knowledge about which PDMM offices were open for registration.

Reception conditions

- ❖ **The Cohesion Strategy and National Action Plan:** There is no convincing evidence that Cohesion Strategy and National Action Plan has been implemented in 2022. According to a recent survey, 62% of the host community believes that social cohesion initiatives are effective.³²
- ❖ **Access to housing:** One of the most visible weaknesses in Türkiye's asylum legal framework is the country's refusal to commit to providing state-funded lodging to asylum seekers. As a result, they face significant challenges such as homelessness or substandard housing conditions, putting them at danger of discrimination and major violations. The material situations of refugees have deteriorated significantly as a result of post-COVID 19 conditions and the current economic crisis. The rental crisis, which began in 2022, has had a significant impact on asylum seekers, with many having to cope with lawsuits filed by homeowners, leading up deportation in some circumstances.³³
- ❖ **Access to the labour market:** Due to the nature of their work, post-COVID-19 conditions and the severe economic crisis, many refugees, asylum seekers and beneficiaries of temporary protection struggled to find work and to cover their basic needs.

Detention of asylum seekers

- ❖ **Place of detention:** The number of Removal Centres is 30 as of May 2023 and two of them, Igdir and Malatya removal centres are listed as temporary removal centres by PMM.³⁴
- ❖ **Forced or mandatory returns to Afghanistan:** Forced returns were widely applied in 2022. PDMM requested the deportation of 227 Afghans to Afghanistan in January 2022, for example. Charter flights were arranged each week from Van to Afghanistan. 44,786 Afghans³⁵ returned to Afghanistan with 186 charter flights in 2022.
- ❖ **Voluntary returns to Afghanistan:** PMM founded an assisted voluntary returns mechanism in 2021 (with the assistance of ICMPD and financed by the national budget), so if an Afghan wants to return to Afghanistan voluntarily this can happen through PMM's voluntary return mechanism. Accordingly, official figures in the PMM's website claim that 101,574 people were deported in the first 11 months of 2022. Of these, the number of Afghans increased by 212 per cent compared to

³¹ PMM, 'Announcement', February 2023, available at: <https://bit.ly/46IYNL>.

³² Dr. Öğr. Üyesi Asuman Özgür Keysan, Doç. Dr. Doğa Elçin, Doç. Dr. Ilgar Seyidov, Doç. Dr. Ceyhan Çiğdemoğlu, GÖÇ VE SOSYAL UYUM SÜRECİ: HATAY İLİ ÖRNEĞİ, Araştırma Raporu, 2022.

³³ Information provided by several stakeholders, May 2023.

³⁴ PMM, available at: <https://bit.ly/3rtxtte>.

³⁵ PMM, 'Yılbaşından Bugüne 72.578 Kaçak Göçmen Sınır Dışı Edildi', 23 August 2022, available in Turkish at: <https://bit.ly/3D8ynxA>.

the same period of 2021.³⁶ This mechanism lacks transparency; and the actual number of returnees is unclear. There are ongoing legislative works for enactment of a Regulation on assisted voluntary return which could potentially address transparency issues.³⁷

- ❖ **Alternatives to detention:** On 4 September 2022, the long-awaited implementing regulation to alternatives to pre-removal detention, including, among other things, residence at a specific address, voluntary work for the public good, reporting duties, family-based return, return counselling, financial guarantees, and electronic tagging, went into effect. These measures may not be implemented for longer than 24 months, and non-compliance may result in pre-removal detention. It is unclear whether the regulation and practice are consistent.³⁸
- ❖ **Appeals against deportation orders:** Although the seven-day time limit was consistently enforced across Türkiye, it occasionally made it difficult for lawyers to file an appeal for their clients in time. When their application was denied by the administrative courts, attorneys sought an interim restraining order from the Constitutional Court, but they complained about the Court's lack of interest in the matter.

Content of international protection

- ❖ **Residence permits and other administrative procedures:** PDMMs ran address verification procedures for both international and temporary protection holders. Where they were not found at the correct place of registration, deportation orders were issued. The Ministry of Interior Affairs announced that 122,000 Syrians were not found in their addresses.³⁹
- ❖ **Resettlement:** Due to the significant demands, UNHCR expanded its resettlement team, creating two new interview sites in Istanbul and Gaziantep, and is exploring additional complementary options for refugees through labour mobility and educational opportunities. 11,803 refugees were submitted for resettlement consideration to 13 countries in 2022 as of 30 September and 5,927 refugees departed to 12 countries. UNHCR Türkiye has invested in upscaling resettlement activities resulting in a submission of over 50 per cent of total quota in the first half of 2022. According to PMM statistics, 19,189 Syrians had been transferred to third countries between 2014 and June 2022, mainly to Canada, the US, the United Kingdom and Norway.⁴⁰
- ❖ **Response to the conflict in Ukraine:** Citizens of Ukraine can enter Türkiye with a passport or their national ID and stay in the country legally with a visa exemption for up to 90 days.⁴¹ For Ukrainian citizens who entered Türkiye legally but have not been able to leave due to the conflict, as of March 2022, governorships were instructed to provide support with residence permit applications for both short and long-term.⁴² Later in March, Interior Minister Süleyman Soylu reported that 58,000 Ukrainians had come to Türkiye since the beginning of the conflict, with at least 30,000 arriving by land and 900 by air via third countries.⁴³ The number of Ukrainians arrived

³⁶ (Non-)deport to Discipline: The Daily Life of Afghans in Turkey | Journal of Refugee Studies | Oxford Academic (oup.com)

³⁷ Information provided by a stakeholder, June 2023.

³⁸ Resmî Gazete, 14 September 2022, available in Turkish at: <https://bit.ly/3Oapom1>.

³⁹ The Independent, 'İçişleri Bakan Yardımcısı Çataklı: Suriyeli mültecilerden 122 bini kayıp', 21 June 2022, available in Turkish at: <https://bit.ly/43psmHy>

⁴⁰ PMM, *Temporary protection*, available at: <https://bit.ly/3wKyP0K>.

⁴¹ See Ministry of Foreign Affairs website: <https://bit.ly/3EaBRzl>.

⁴² Anadolu Ajansı, 'Humanitarian Aid sent from Türkiye to Ukraine', 7 March 2022: <https://bit.ly/3MjiVSb>.

⁴³ Anadolu Ajansı, 'Minister Soylu: 58 thousand Ukrainians came to Türkiye since the war started', 22 March 2022: <https://bit.ly/3rpHTaq>.

Türkiye was updated as 85,000 by President Erodgan in 25 April 2022.⁴⁴ UNHCR announced that 95,000 Ukrainians arrived Türkiye as of January 2023.⁴⁵ Some support programmes had already started including in **Kuşadası** Municipality where they have started an initiative for Ukrainian women who left their country to work online and earn income.⁴⁶ In March 2023, 159 unaccompanied Ukrainian children and 26 caring social workers who had been evacuated to Poland right after the start of the war were transferred to **Antalya** for safety and security reasons.⁴⁷ NGOs such as SGDD-ASAM provided online counselling in Russian and Ukrainians.⁴⁸ There were 551 Crimean Tatars and Meskhetian Turks among the Ukrainian citizens who came to Türkiye, who were placed in dormitories in **Edirne** and **Kırklareli**, with support from AFAD.⁴⁹ On 3 June 2022, a Presidential Decree was entered into force granting 1000 households of Meskhetian Turks in the utmost need for protection permanent residency (*iskanli gocmen*) in 2022.⁵⁰ Russian nationals can also travel to Türkiye visa-free for 90 days. As of March 2022, it was reported that around 14,000 Russians who opposed the war had fled the Russian Federation to Türkiye. These included anti-war bloggers, academics, activists and business people.⁵¹

⁴⁴ Sözcü, 'Türkiye'ye kaç Ukraynalı sığınmacı geldi? Erdoğan açıkladı', 25 April 2023, available in Turkish at: <https://bit.ly/43nQs5F>.

⁴⁵ UNHCR, 'Ukraine Refugee Situation', last updated July 2023, available at: <https://bit.ly/3kxJP02>.

⁴⁶ Milliyet, 'Ukrainian Asylum Seekers Return to Work,' 11 March 2022: <https://bit.ly/3jxmojB>.

⁴⁷ Semih ERSÖZ/ANTALYA, 'Ukrayna'dan tahliye edilen yetim çocuklar Antalya'ya geldi', *Milliyet*, 27 March 2022, available at: <https://bit.ly/3pJ9e9T>.

⁴⁸ SGDD, ASAM, 'Türkiye'deki Hassas Durumdaki Göçmenlere Hukuki Destek ve Hizmet Sağlanması Projesi', last accessed 13 July 2023, available at: <https://bit.ly/3NSAdYs>.

⁴⁹ Anadolu Ajansı, 'Humanitarian Aid sent from Türkiye to Ukraine', 7 March 2022: <https://bit.ly/3MjiVSb>.

⁵⁰ Resmî Gazete, CUMHURBAŞKANI KARARI, 3 June 2022, Available in Turkish at: <https://bit.ly/44nuwJc>.

⁵¹ Hurriyet Daily News, 'Some 14,000 Russians flee to Türkiye after Ukraine war', 21 March 2022. Available in English at: <https://bit.ly/3zKGVub>; Medyascope, 'War is now a crime say Russian journalists fleeing Putin's wrath,' 22 March 2022, available in Turkish at: <https://bit.ly/3b7jwZO>.

Temporary protection

Temporary protection procedure

- ❖ **Registration:** Access to temporary protection was almost impossible for applicants in 2022. The issues mentioned above on the registration of applicants for international protection also apply to the registration of individuals falling under the temporary protection procedure (i.e. unclarity as to which cities are open/closed for registration, lack of ID documents resulting in irregular migrants being at risk of deportation and administrative detention). The registration procedure of Syrians changed in 2022 and they have been referred to temporary accommodation centres as of 6 June 2022.
- ❖ **Temporary accommodation centres:** As a result of a shift in registration strategy, Türkiye changed its stance on gradually closing down temporary accommodation centres in 2022. In 2022, nine temporary accommodation facilities were opened and re-activated.
- ❖ **Voluntary return:** Serious concerns continued to be expressed by stakeholders on the enforced signing of voluntary return forms in 2022. Conditions in removal centres were also mentioned as a factor that could push people to return. Türkiye started a housebuilding programme in 9 regions including Idlib and by May 2022 said 400-500 Syrians were returning to Syria voluntarily per week.

Content of temporary protection

- ❖ **Address Verification:** An address verification exercise launched in 2021 to validate the authenticity of address information and to tighten monitoring of Syrians under temporary protection's residence landed in the deactivation of status for around 600,000 Syrians under temporary protection in 2022. While over 160,000 people have had their status reinstated, many have forced to relocate to their initial province of registration or risk continuing without the legal status that allows them to access public services and formal work.⁵²
- ❖ **Housing:** The number of people in temporary accommodation centres increased from 49,349 to 61,943 between June 2022 to May 2023.⁵³

⁵² 3RP Syria, Türkiye Country Chapter 2023-2025, available at: <https://bit.ly/3JVKEcJ>.

⁵³ PMM, 'GEÇİCİ KORUMA', 22 June 2023, available in Turkish at: <https://bit.ly/3NSpvkG>.

Introduction to the asylum context in Türkiye

Türkiye currently hosts both a population of over 3.5 million refugees from neighbouring **Syria** and several hundred thousand asylum seekers and beneficiaries of protection of other nationalities, most principally originating from **Iraq, Afghanistan, and Iran**, among others. These two populations of protection seekers are subject to two different sets of asylum rules and procedures. As such, the Turkish asylum system has a dual structure.

Türkiye maintains a geographical limitation to the 1951 Refugee Convention and only applies it to refugees originating from European countries. That said, in April 2013 Türkiye adopted a comprehensive, EU-inspired Law on Foreigners and International Protection (LFIP), which establishes a dedicated legal framework for asylum in Türkiye and affirms Türkiye's obligations towards all persons in need of international protection, regardless of country of origin. According to the UNHCR, the European acquis in the field of asylum and migration is clearly visible in Turkish asylum legislation thanks to this reform.⁵⁴ The law also created the Directorate General of Migration Management (DGMM) as the agency responsible for migration and asylum, which conducts the status determination procedure. Toward the end of 2018 DGMM took over all tasks relating to international protection, while UNHCR and its implementing partner, the Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM), phased out of registration of international protection applicants. UNHCR maintains contact with the authorities and has a Host Country Agreement with Türkiye, which was signed in 2016 and entered into force on 1 July 2018.⁵⁵ As of 29 October 2021, DGMM became the Presidency of Migration Management (PMM).⁵⁶

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

1. Persons who fall within the refugee definition of the 1951 Convention and come from a "European country of origin"⁵⁷ qualify for **refugee status** under LFIP, in full acknowledgment of Türkiye's obligations under the 1951 Convention.
2. Persons who fall within the refugee definition of the 1951 Convention but come from a so-called 'non-European country of origin' are instead offered **conditional refugee status** under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from 'non-European' states and those originating from 'European' states.
3. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at "individualised risk of indiscriminate violence" due to situations or war or internal armed conflict, qualify for **subsidiary protection** status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive.

For refugees from Syria, Türkiye implements a temporary protection regime, which grants beneficiaries a right of legal stay as well as some level of access to basic rights and services. The temporary protection

⁵⁴ 11.Report, 'Long Road to Return II Durable Solutions for the Syrian Refugees in Türkiye,' December 2019, available at: <https://bit.ly/3zM1Tcl>, p. 13. The information was obtained through an interview with UNHCR that took place in September 2019.

⁵⁵ UNHCR, 'Türkiye: Operational Update 2018 Highlights', available at: <https://bit.ly/2Cr3tBB>.

⁵⁶ Presidential Decree No 85 amending several presidential decrees, 29 October 2021, available in Turkish at: <https://bit.ly/3Qp4PBp>.

⁵⁷ For the purpose of "geographical limitation" with regards to the interpretation of the 1951 Convention, Government of Türkiye considers Council of Europe member states as 'European countries of origin'.

status is acquired on a *prima facie*, group basis, to Syrian nationals and stateless Palestinians originating from Syria. PMM 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.

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

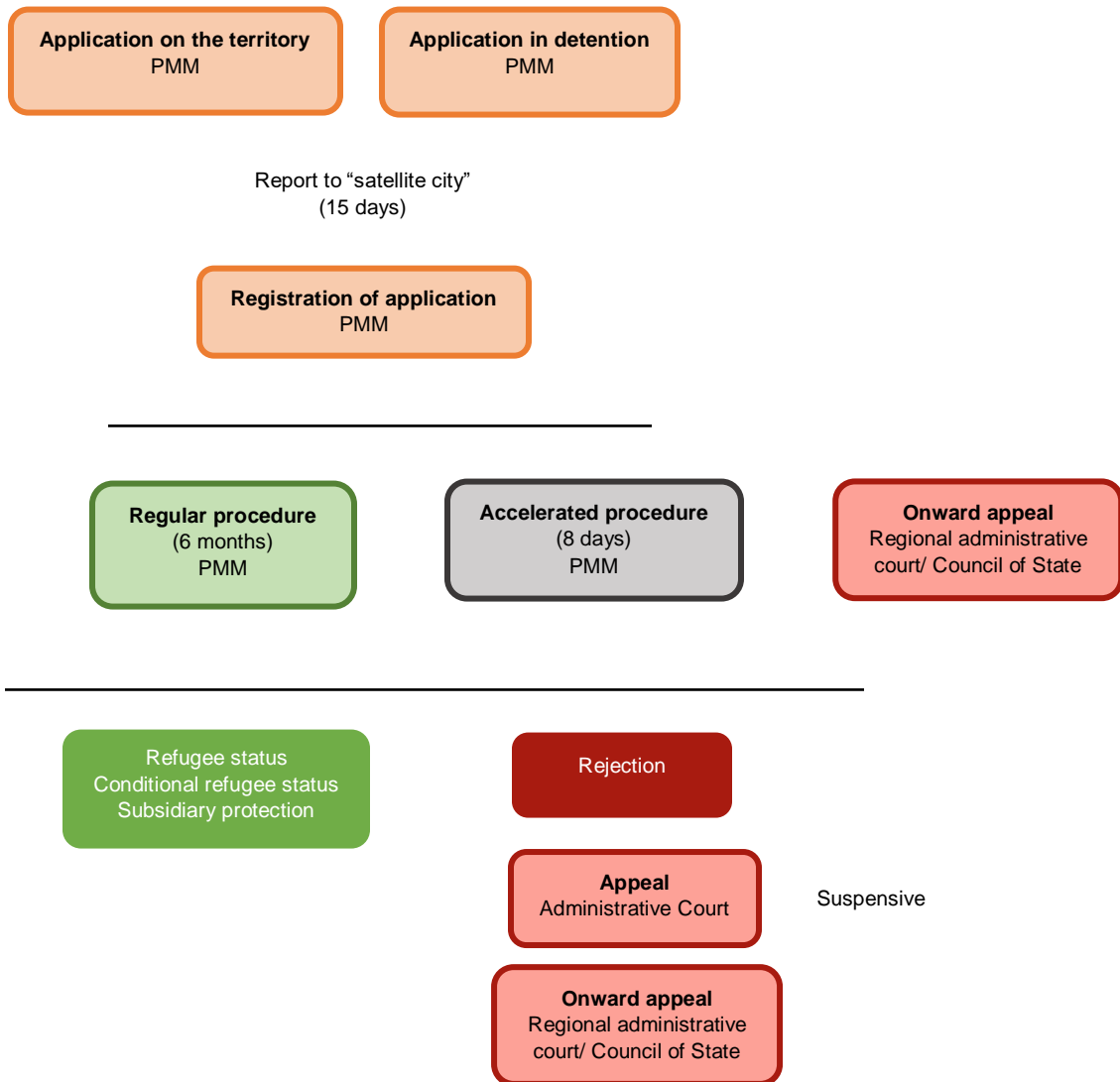


International Protection

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|--|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ⁵⁸ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ⁵⁹ | <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: ⁶⁰ | <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	Presidency of Migration Management (PMM)	Göç İdaresi Başkanlığı (GİB)
Refugee status determination	Presidency of Migration Management (PMM)	Göç İdaresi Başkanlığı (GİB)
Appeal	International Protection Evaluation Commission Administrative Court	Uluslararası Koruma Değerlendirme Komisyonu İdare Mahkemesi
Onward appeal	Presidency of Migration Management (PMM)	Bölge İdare Mahkemesi/ Danıştay
Subsequent application	Presidency of Migration Management (PMM)	Göç İdaresi Başkanlığı (GİB)

⁵⁸ For applications likely to be well-founded or made by vulnerable applicants.

⁵⁹ Accelerating the processing of specific caseloads as part of the regular procedure.

⁶⁰ Labelled as “accelerated procedure” in national law.

4. Number of staff and nature of the determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Presidency of Migration Management (PMM)	11,545 ⁶¹	Ministry of Interior	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PMM is structured as a civilian agency. It has Provincial Departments for Migration Management (PDMM) across the 81 provinces of Türkiye. A Council of Ministers Decision issued in February 2018 established 36 District Directorates for Migration Management (*İlçe Göç İdaresi Müdürlüğü*) in 16 provinces, under the responsibility of the respective PDMM.⁶²

UNHCR continues to assist PMM in building capacity in refugee law and provided training to staff. Similarly, the European Union Agency for Asylum (EUAA) provides support to PMM and PDMMs. EUAA implemented its fourth roadmap for cooperation 2022-2023 in January 2022 and this new roadmap ‘facilitates exchanges of best practices on asylum related- legislation, effective asylum procedures and reception system.’⁶³ In addition, ICMPD, IOM and the Council of Europe have been carried out a technical cooperation project with PMM as of 2022.⁶⁴

In 2022, PMM published its performance programme based on the 2019-2023 Strategy Plan, providing for the first time details regarding its human resources, organizational structure, resources and performance indicators.⁶⁵

5. Short overview of the asylum procedure

To register an international protection application, potential applicants have to approach a PDMM to register their application. If the PDMM cannot register the application itself, it instructs the applicant to report to a different province (“satellite city”) within 15 days, where he or she is required to reside and to register the application. Transportation costs are not covered but PMM refers people in need to NGOs such as SGDD-ASAM for assistance. Practice is not standardised and persons are often refused registration by the PDMM without being referred to another PDMM.

An international protection applicant has the right to remain on the territory throughout the asylum procedure, although a derogation applies on grounds of “public safety”, “public health” and “membership of a terrorist or criminal organisation”. The Constitutional Court issued a pilot judgment in the case of *Y.T.* in 2018, launching the pilot procedure to examine whether requests for interim measures it has received stem from a structural problem to protection from *refoulement* and, if so, what measures can be taken. The Court published its decision in July 2019.⁶⁶ In its decision, the Court states that the application of Articles 53(3) and 54 of LFIP should be revised and that appeals against deportation should have suspensive effect

⁶¹ PMM, Göç İdaresi Başkanlığı 2022 Performans Programı, 2022, available in Turkish at: <https://bit.ly/3O9Nc9F>.

⁶² 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>.

⁶³ EUAA & PMM, ‘Roadmap for Cooperation between the EUAA–PMM (2022-2023), 2002, available at: <https://bit.ly/43kWbsR>.

⁶⁴ PMM, ‘Göç İdaresi Genel Müdürlüğünün Biten Projeleri (50 Adet)’, last accessed 13 July 2023, available in Turkish at: <https://bit.ly/3XP5xvL>.

⁶⁵ PMM, Göç İdaresi Başkanlığı 2022 Performans Programı, 2022, available in Turkish at: <https://bit.ly/3O9Nc9F>.

⁶⁶ Constitutional Court, Decision 2016/22418, 30 May 2019, in Turkish at: <http://bit.ly/33ieKk8>.

especially where deportation could create severe human rights violations. The Court gave the governmental authorities one year to make the necessary legal changes or it would examine all applications filed requesting an interim measure to stop deportations in substance. The authorities adopted the legal amendment in December 2019.⁶⁷ The authorities obey the ruling and now appeals often stop deportations, so rights to prevent refoulement have been strengthened. However, there have been concerns that this had a knock-on effect of increasing ‘voluntary returns’ (see section on [Removal and refoulement](#)). In 2021, an increase was reported in the Court’s decisions to reject objections to deportation decisions. Stakeholders noted more cases where the Court did not give an injunction, but the ECtHR did. The Court reportedly gives more importance to concrete documents that prove that the applicant is in danger with the applicant’s story considered less as evidence.⁶⁸

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

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

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

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

1.1. Access at the land border

Irregular arrivals are often reported in **Van**, **Ağrı** and **Erzurum** in the east, and **Muğla**, **Aydın**, **İzmir**, **Çanakkale**, **Edirne** and **İstanbul** in the west.

Türkiye constructed a wall on its Iranian border in 2018-2019.⁶⁹ The wall was extended along the southern and eastern borders and in 2021 trenches and wire fences were added. The number of watchtowers and

⁶⁷ Articles 53(3) and 54 of LFIP that were amended by Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>

⁶⁸ Information provided by a stakeholder, May 2022.

⁶⁹ TRT, ‘Wall set to improve security along Türkiye-Iranian border’, 8 November 2018, available at: <https://bit.ly/2C0ppDB>.

police stations also increased, and the border was controlled with technological devices, including surveillance by unmanned aerial vehicles (UAVs). President Erdogan reported the wall was 1040 km long by August 2021, with plans to extend it further including a wall on the border with Iran.⁷⁰ PMM reported in May 2023 that 284 UAV monitoring units were installed on the border, and that these measures reduced the rate of irregular crossings by 39%.⁷¹ Although some stakeholders have continued to question the wall's efficacy in 2022.⁷² In September 2022, Greece announced that they planned to extend the 40-kilometer fence by 140 kilometers along the northern border with Türkiye to prevent migrants from entering the country.⁷³ Nevertheless, the wall(s) continued to be an important feature of government rhetoric on migration in the media.⁷⁴

Increasing numbers of arrivals through the Iranian border has led to restrictive measures and arbitrary detention and deportation practices (see [Place of Detention](#)), with mainly single Afghan men being issued deportation ("T1") forms.⁷⁵ The "T1" forms are usually issued following administrative detention in a Removal Centre or a police station, and are stored in the PMM electronic file management system named "Göç-Net". If a "T1" deportation decision has been issued, the person cannot apply for international protection and the decision can only be challenged by a judicial appeal.⁷⁶

According to PMM statistics, Afghanistan was the top nationality of persons apprehended for irregular migration in 2022, with 115,775 Afghan nationals out of a total of 285,027 apprehended persons. This represents a rise in the total number of irregular migrants apprehended from 2021 (122,302), although it is still far from 2019 (454,662) which had seen the highest number since records began.⁷⁷

There were several official acknowledgements of pushbacks in 2022. A report claimed that gendarmerie had confirmed the national police had told them to push migrants back on the Türkiye-Iran border due to the high cost of feeding, housing and legally processing their claims.⁷⁸ In December 2021, Governor Bilmez from Van admitted to pushbacks against migrants on the Iranian-Turkish border, stating that nearly 120,000 migrants had been blocked from entering via the Van border that year.⁷⁹ The same governor admitted to 1,137 irregular migrants being blocked in January 2022.⁸⁰

For the majority of migrants and refugees, it is important not to be apprehended by Turkish law enforcement due to fears of refoulement. As a result, immigrants and smugglers favour steep and risky paths with no gendarmerie or police oversight. Migrant smugglers who do not want to be caught often use a route through Lake Van, which caused an increase in the number of boats sinking in the lake and in the numbers of deaths on this route. Migrants also travel via mountains and high cliffs to avoid checks, especially during

⁷⁰ CNN Türkiye, 'President Erdogan also mentioned: Exactly 1040 kilometers of migration wall,' 14 August 2021. Available in Turkish, at: <https://bit.ly/3GSeMTz>.

⁷¹ TV 100, 'Düzensiz Göçle Mücadele Genel Müdürü Ramazan Seçilmiş tv100'ün sorularını yanıtladı! Göçle mücadele için nasıl bir önlem alınıyor?', 19 May 2023, available in Turkish at: <https://bit.ly/43mhPNy>.

⁷² Information from a stakeholder, May 2023.

⁷³ Euronews, 'Yunanistan, göçmen akınına karşı Türkiye sınırındaki çitleri 140 km daha uzatma kararı aldı', 6 June 2022, available in Turkish at: <https://bit.ly/44F6edm>.

⁷⁴ For example, see DW, 'Erdogan: We will block the entrances and exits with the walls we have built on the borders', 15 August 2021. Available in Turkish, at: <https://bit.ly/3mcSemX>.

⁷⁵ See e.g. Afghanistan Analysts Network, 'Mass Deportations of Afghans from Türkiye: Thousands of migrants sent back in a deportation drive', 21 June 2018, available at: <https://bit.ly/2IMx4Ni>.

⁷⁶ Information provided by a stakeholder in March 2019.

⁷⁷ PMM, *Irregular migration statistics*, available at: <https://bit.ly/3NGJD9s>.

⁷⁸ Open Democracy, 'Afghans fleeing the Taliban face death, deportation and pushbacks in Türkiye', 15 July 2021. Available at: <https://bit.ly/3mkdl6W>.

⁷⁹ Milliyet, 'Bilmez: Nearly 120,000 immigrants were blocked at the Van border in 2021', 31 December 2021. Available in Turkish at: <https://bit.ly/3aHH3QO>.

⁸⁰ Yenicag, 'Statement of illegal immigrants from Van Governorate', 13 January 2022, available in Turkish at: <https://bit.ly/38TMwn2>.

the winter. People die as a result of harsh cold, blizzards, and avalanches. Similar incidents were reported from Agri; additionally, it was reported that wolves attacked irregular migrants in the winter.⁸¹ The Human Rights Association Van Branch estimated that 160 refugees died in the area between 2020 and 2023. 49 of them were frozen, 68 drowned in Lake Van, 42 died in smuggler-caused car accidents, and one was shot to death.⁸²

In 2022, those who are forced back into Iran risk becoming stuck in the mountains separating Iran from Türkiye and suffering brutal treatment from Iranian state authorities, including shooting and injuries. Iranian military continued to injure people physically and carried out their own "pushback" to prevent Afghans from going back to Iran. Undocumented migrants who escaped detection frequently went into hiding in Van and were reluctant to request international protection for fear of being pushed back. Despite being driven back from the border four or five times, people continued to attempt to enter Türkiye. Many of them attempted to migrate to the western cities of Türkiye once they had arrived.⁸³

There have also been reports of pushbacks from **Greece** to Türkiye for several years.

In the Aegean Sea, 988 pushback incidents were recorded in 2022, a 57.1% increase from 2021. There were reportedly 988 pushback incidents in the Aegean Sea in 2022, involving 26,133 men, women, and children attempting to reach refuge in Europe. In 2022, the number of individuals who were sent back increased by 65.4% compared to the previous year. Almost 60 percent of all boats picked up by the Turkish coast guard in 2022 had been pushed back by Greek authorities. While 15,225 people were driven back at sea in 583 rubber boats with engines or fuel removed and left drifting, and in some cases even towed back to Turkish waters, 9,656 people were forced into a total of 575 life rafts and left to drift in the Aegean Sea in 384 registered cases.⁸⁴

The Ombudsman Institution in Ankara has monitored the pushbacks in İzmir, Aydın, and Van and penned a report launched in June 2022.⁸⁵ On 2 February 2022, it was reported that 19 refugees and migrants who were forced back in the winter cold after being stripped of their clothing and subjected to violence froze to death while returning to Türkiye. The Ombudsman had examined thousands of cases, statements, official documents and records, medical reports, and video recordings related to pushbacks. 50 distinct cases of pushback practices by Greek officials against refugees such as "extortion through confiscation of cash, phones, ID cards, passports and belongings", "not meeting basic nutritional needs such as food and water", "not allowing refugees to use the toilet", "disposing or burning their clothes and shoes" and "intimidation with guns" and migrants had been identified, including systematic intimidation to ensure that migrants will not return. According to the Coast Guard Command's statistics, as of 31 May 2022, 7,579 pushbacks at sea and 202 pushbacks on land took place, and 15,254 refugees and migrants were caught/rescued by the Turkish Coastal Guards. Approximately 41,523 refugees and migrants were pushed back between the beginning of 2020 and the end of May 2022, according to the statistics.⁸⁶

In 2022, however, presenting applications for international protection remained problematic for pushed-back irregular migrants. In the case of a pushed-back woman from Sierra Leone, she was transferred to the Harmandali Removal Centre but was released after her lawyers made multiple requests to the PDMM to receive and evaluate her application for international protection. After being released, the woman

⁸¹ Information provided by a stakeholder, May 2023.

⁸² Rûdaw, 'Van'da son 3 yılda 160 mülteci yaşamını yitirdi', 25 January, 2022, <https://bit.ly/46LJs5q>.

⁸³ Information from a stakeholder, May 2023.

⁸⁴ Turkish Minute, 'Pushback cases in Aegean Sea increased by 57 percent in 2022: report', 11 January 2023 available at: <https://bit.ly/3PU2VL6>.

⁸⁵ Republic Of Türkiye The Ombudsman Institution, "Pushbacks" on Human Rights", June 2022, available at: <https://bit.ly/3DbyFnz>.

⁸⁶ Republic Of Türkiye The Ombudsman Institution, "Pushbacks" on Human Rights", June 2022, available at: <https://bit.ly/3DbyFnz>.

attempted to cross the Aegean Sea a second time, but failed and was transferred to the Aydın Removal Centre. After being released once more, she was able to cross the sea and apply for asylum in Greece.⁸⁷ Perhaps because of the difficulties in accessing Greece, and a rise in fatalities and shipwrecks in Greek waters, one stakeholder reported an increase in irregular migration towards Italy instead of Greece in 2022. The United Nations High Commissioner for Refugees (UNHCR) made the same statement, noting an increase in irregular migration from Türkiye to Italy by 2020.⁸⁸

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

1.2. Access at the airport

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

Normally, airports are problematic and individuals cannot submit their international protection applications. Türkiye's open-door policy ended with the signature of the EU-Türkiye Statement in 2016 and since then very few applications have been accepted at the borders. The practice seems to be to reject them explicitly or implicitly – not processing the applications that are accepted.⁸⁹ After the COVID-19 pandemic, people were taken from **İstanbul** Airports and placed in removal centers. They were then released.

When a person was obliged to give their signature regularly as part of the reporting process, there were sometimes problems and they had to go to another city because applications were closed in **İstanbul**. In certain cases, when a person wanted to go to another city to apply for international protection, the application was not accepted because the person was obliged to periodically give their signature in İstanbul.

Similarly to 2021, in 2022, it became more difficult to apply for asylum at the airport and many people were reportedly sent back to their country of origin. The conditions worsened in transit zones, especially at the İstanbul Airport. In airport transit zones, for example, it is legally impossible to file for a suspension of deportation order, and the only way to do so is to obtain an interim measure, which the Constitutional Court made clear it would not grant anymore. Accessibility to transit zones remains a problem. Even if the person contacts an NGO or a lawyer, the transit zone administrator does not frequently inform lawyers and NGOs accurately.⁹⁰ There is a magistrate court in the airport and its decisions are quite inconsistent. In the case of a Nigerian, international protection was not granted, and he was required to depart from Türkiye.⁹¹ In the case of a Russian family, they were able to enter Türkiye at the Antalya airport, but they received no response about their residence permit application, so they continued to renew their applications by paying at least 1,000 TRY per individual.⁹² A Syrian was returned to Lebanon at Sabiha Gokcen Airport based on the issuance of an entry code. However, the individual had never entered Türkiye before, so his lawyer challenged the decision.⁹³

The airline company that brought the protection seeker to the country covers the food and beverage expenses of that person and meets some basic needs. One stakeholder described the conditions saying

⁸⁷ Information provided by a stakeholder, May 2023.

⁸⁸ VOA, 'Türkiye'den İtalya'ya Göçmen Kaçırın Çete Yakalandı', 21 October 2022, available in Turkish at: <https://bit.ly/46YdJ18>.

⁸⁹ Information provided by a stakeholder, March 2023.

⁹⁰ Information provided by a stakeholder, April 2023.

⁹¹ Information provided by a stakeholder, May 2023.

⁹² Information provided by a stakeholder, May 2023.

⁹³ Information provided by a stakeholder, May 2023.

people were kept in a place with no windows, no ventilation, and the lights were on 24 hours for nine months, and the only thing they were given to eat was cold airline sandwiches.⁹⁴

After the application is submitted to PMM, the procedure is managed by the PDMM. According to law, they have to be accepted into the country once the application is received. In İstanbul Airport, people who have applied for international protection can stay for months in rooms provided at the airport. Those whose applications are rejected file a lawsuit against the refusal decision before the administrative court and should remain in the room until the case is concluded. This makes it almost impossible to apply. According to law, an international protection application cannot be made through a proxy. This application cannot be made at the airport due to the physical limits of that area - an area that is very difficult to access. If the applicant needs to apply to the court after receiving an adverse decision, a lawyer, a private or legal aid lawyer, can meet with that person at the border at the airport. The lawyer cannot enter the transit zone, and the applicant cannot enter Türkiye. Lawyer-client meetings are held next to the police; there is no privacy.

In 2022, stakeholders confirmed that it has been still difficult to obtain permission from the airport administration for a private interview with clients. Even where a lawyer manages to meet the client, it is impossible to submit an international protection application at the airport.⁹⁵

Again, at **İstanbul** airport, another stakeholder reported that the transit zone was problematic. Permission is needed from the administrative unit at the airport to meet with a client. Interviews are held in a publicly accessible space, without any attorney-client privacy.⁹⁶

If the person has arrived with a fake passport, they are taken to a room called 'problematic passengers'. Communication with PDMMs about asylum requests is not quick. This systemic issue can lead to the extended stay of such persons in the transit zone or problematic passenger room.⁹⁷

At the Izmir airport, an Afghan national who was judge in Afghanistan and residing in Türkiye tried to enter Dubai with a fake passport. He was deported to Türkiye. Criminal proceedings were initiated against him before the competent magistrate court. When transferred to a public hospital for a medical report, he tried to run away. Then he was subjected to ill-treatment by police officers. Before the proceeding started, he was issued a "decision not to leave Türkiye" on the basis of the ongoing proceedings. His lawyer could not access to transit zone but could see him in the police station of the airport.⁹⁸

In 2022 notary fees remained very high for refugees, costing 2500-3500 TRY at the airport (on average 100-150 EUR although exchange rates varied significantly in 2022 and 2023). Interpreting also costs 800 TRY (on average 40 EUR). The notary requires an interpreter even if the client knows Turkish.⁹⁹

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 Türkiye throughout the procedure.¹⁰⁰ However, an exception to this rule was introduced by way of emergency

⁹⁴ Information provided by a stakeholder, May 2023.

⁹⁵ Information from a stakeholder, May 2023.

⁹⁶ Information from a stakeholder, May 2023.

⁹⁷ Information from a stakeholder, May 2023.

⁹⁸ Information provided by a stakeholder, May 2023.

⁹⁹ Information provided by a stakeholder, May 2023.

¹⁰⁰ Article 80(1)(e) LFIP.

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.¹⁰¹ Law No 7070 on 1 February 2018 consolidated the reform. It was reported that since 2011, 9,000 Foreign Terrorist Fighters from 102 different nationalities have been deported.¹⁰²

For foreigners who have been convicted of an offence, the Public Prosecutor shall request the opinion of the Ministry of Interior as to whether they should be removed from the country.¹⁰³

The law effectively enables the deportation of asylum seekers, beneficiaries of international protection and beneficiaries of temporary protection (see [Temporary Protection: Protection from Refoulement](#)) on the aforementioned grounds which remain largely vague and could be interpreted widely. The reform introduced by the Decree has been criticised for facilitating and exacerbating risks of arbitrary deportations jeopardising the life and safety of refugees.¹⁰⁴

The country of deportation is not specified in deportation orders, which makes it questionable as to how assessment of risk of refoulement is carried out as this assessment inherently requires assessment of conditions in the country of deportation. This administrative deficiency is addressed in different ways by the courts. The general tendency is to assume that the country of removal is the country of origin and conduct assessment of risk of refoulement based on this assumption. However, there are others, which as a good practice problematize the non-specification of country of removal. There are also others, which as a bad practice accept non-specification of country of removal as an excuse not to conduct risk assessment with the assumption that the removal will be made in compliance with the principle of non-refoulement. Administrative practice of non-specification of country of removal and its judicial oversight renders an effective risk assessment difficult.¹⁰⁵

In **Izmir**, in an administrative case pending by late 2020 a new practice was observed. PDMM started using a new form for the evaluation of a safe deportation country where Syrians could be deported. On this form, four countries are determined as safe countries for Syrians: **Iran, Sudan, Haiti, and Micronesia**. Refugees signed the form, but since April 2021, there was no information of Syrians being deported to Iran or another country based on this document.¹⁰⁶ As of the end of 2021 this form was still valid, but the country names had been changed; for example, **Russia** was included.¹⁰⁷ According to stakeholders, no individual was deported to one of these countries. However, this practice results in the cancellation of international protection and prevents individuals from re-applying for international protection.¹⁰⁸ In the case of an Afghan from the Hazara region, the 1st Administrative Court of Izmir discussed whether the deportation decision was suitable also for his family and if the country of deportation was to be considered safe for him.¹⁰⁹

¹⁰¹ 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.

¹⁰² Daily Sabah, ‘Turkey deports thousands of foreigners who disrupt public order’, 21 July 2022, available at: <https://bit.ly/43iJ7UU>.

¹⁰³ Article 77 Regulation No 28578 on Conditions of Probation, 5 March 2013, as amended by Article 1 Regulation No 30631 of 20 December 2018.

¹⁰⁴ Information provided by a stakeholder, May 2023.

¹⁰⁵ For further analysis, see; Gamze Ovacık, *Turkish Judicial Practices on International Protection, Removal and Administrative Detention in Connection with the Safe Third Country Concept* (On İki Levha Publications 2021) 168-177.

¹⁰⁶ Information from a stakeholder, March 2021.

¹⁰⁷ Information from a stakeholder, May 2022.

¹⁰⁸ Information from a stakeholder, May 2023.

¹⁰⁹ Information from a stakeholder, May 2023.

In 2022, Bangladeshi irregular migrants "swept" out of big cities such as Istanbul and Izmir were sent to the removal centre in **Agri**. The majority of those detained in removal centre were economic migrants and kept detained even if they won their deportation cases. Since Bangladesh did not re-admit its citizens, Türkiye could neither deport nor release them from administrative detention. A number of stakeholders informed that some of them were deported to Iran, since there was no risk of persecution for this group in Iran. In one case involving a Bangladeshi applicant, **Kayseri** 1st Administrative Court accepted an appeal against a deportation order on the grounds that the PDMM had not assessed and determined a safe country for the applicant in the deportation decision.¹¹⁰

Deportation on public order, public security and public health grounds is linked to the security restriction codes issued by PMM, a practice still not governed by clear, publicly available criteria.¹¹¹ 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 "G-89" for foreign terrorist fighters and "G-87" for general security seem to still be applied, though mainly in specific parts of the country, such as **Gaziantep**¹¹² and **Istanbul**.¹¹³ The assessment of risks, conducted by the Risk Analysis Department as far as airports are concerned,¹¹⁴ 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.¹¹⁵ 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.¹¹⁶

In 2022, there were two cases from **Gaziantep** about issuance of G-87 codes without justification. In one case in 2017, PMM issued a G-87 code, deportation and detention orders to a Syrian living in Türkiye with a residence permit. He filed an appeal against the deportation order, his administrative detention, the issuance of the code, and the revocation of his residence permit. He won the case in the first instance regarding the code, but he lost it in front of the regional administrative court. In 2018, his deportation was halted. He reapplied for and received his residence permit in 2018. In January, the code case was finalised in detriment of the applicant and the code, deportation, and permit cancellation orders were issued again by PMM. The applicant won all his cases in 2022. First, the administrative court accepted the case because PMM submitted no specific evidence with regards to the issuance of G-87 code. Then, he won his case about the residence permit, but PMM instead granted him a humanitarian visa. In another case, a G-82 code was issued to an employee of an INGO due to his employer's alleged ties to terrorist organisations. The Syrian applicant was placed in administrative detention for a year, and her deportation was suspended in 2021 based on a Constitutional Court ruling. In 2022, however, the administrative court argued that given that the court conducted the necessary investigations, the deportation order was not arbitrary. She reapplied to stop her deportation. She applied for temporary protection beginning in 2022. Approximately 15 to 20 Syrians working for the same organisation are reportedly in the same situation in Gaziantep.¹¹⁷

Stakeholders in **Izmir** observed that the majority of G codes are issued to Syrians and Iraqis, and that this application is prevalent among Iraqis living in Samsun, Kutahya, Ordu, Afyon, and Manisa. Personal issues among Iraqis or Syrians who relayed false information to Turkish intelligence services may be an

¹¹⁰ Information provided by a stakeholder, May 2023.

¹¹¹ Information provided by multiple stakeholders, May 2023.

¹¹² Information provided by a stakeholder, May 2023.

¹¹³ Information provided by a stakeholder, May 2022.

¹¹⁴ Karar, 'Risk analiz merkezi kapılarını KARAR'a açtı', 28 April 2016, available in Turkish at: <https://bit.ly/2GaDXEO>.

¹¹⁵ Information provided by a stakeholder, May 2023.

¹¹⁶ Information provided by a stakeholder, May 2023.

¹¹⁷ Information provided by a stakeholder, June 2023.

explanation of this practice.¹¹⁸ The 1st Administrative Court of Izmir is regarded as one of the best courts for the impartial evaluation of code cases, and stakeholders are more likely to receive favourable rulings from it than from other courts.¹¹⁹

Security codes can be only appealed before the 1st Administrative Court of **Ankara**, since they are issued by PMM Headquarters. In appeals against the issuance of restriction codes, confidential documents submitted by PMM are not available to the individual or their lawyer; they can only be accessed in person at the registry of the Administrative Court of Ankara.¹²⁰ The court generally leaves a wide margin of discretion to PMM 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.¹²¹ In Gaziantep, two rulings annulling the issuance of codes were recorded in 2022.¹²²

In many cases,¹²³ 1st Administrative Court of Ankara rulings annulling the issuance of a security restriction code are later overturned by higher instance courts.¹²⁴ One stakeholder, however, mentioned that in 2022, the Administrative Court of Ankara issued more negative decisions in support of a more "security"-oriented approach, while the higher court overturned more of these negative decisions. There is no explanation for the change in approaches of these two courts.¹²⁵ It was reported that approximately one thousand cases were pending before the court.¹²⁶

Amendments to the LFIP in 2019 allow for the travel costs for removal to be borne by the deportee. If the individual does not have sufficient money, the expense shall be borne by PMM yet in the same article it states "money belonging to the foreigner, apart from the amount that is required to meet the basic needs identified by the Directorate General, will be recorded as income to the Treasury".¹²⁷ There is no information yet about how this has been applied in practice.

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

(1)

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

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

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

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

¹¹⁸ Information provided by a stakeholder, May 2023.

¹¹⁹ Information provided by a stakeholder, May 2023.

¹²⁰ Information provided by a stakeholder, May 2023.

¹²¹ 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.

¹²² Information provided by a stakeholder, May 2023.

¹²³ 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.

¹²⁴ Information provided by multiple stakeholders, May 2023.

¹²⁵ Information provided by a stakeholder, May 2023.

¹²⁶ Information provided by a stakeholder, May 2023.

¹²⁷ Article 60/3 (I) LFIP.

The government had several drives to apprehend irregular migrants. For example, on 29 January 2022, the Ministry of the Interior carried out a 'Peace Practice' operation to combat irregular migration. The operation was carried out at 8,820 points with 36,126 personnel and 608 detector dogs searching abandoned places where foreigner citizens were known to stay, including public entertainment venues, truck garages, terminals, ports and fishermen's shelters, public transport stops and stations.¹²⁸ PMM regularly shared the number of irregular migrants caught in 81 cities. For instance, from 26 August to 1 September 2022, 2,234 irregular migrants coming from Afghanistan, Syria, Palestine and Eritrea were caught. PPM announced that a total of 38,117 migrant smugglers had been caught and 9,288 were arrested by law enforcement units since 2016.¹²⁹ In 2022, these so-called "sweeping operations" were extensively implemented, resulting in a significant increase in the number of deported, unregistered Syrians in the country's main cities such as Izmir, Istanbul and Ankara.¹³⁰

In 2022, another ongoing practice was to apprehend an individual and then send him to a removal centre in a different city, thereby separating him from his family and making it difficult for him to contact a lawyer. A further observation is that fewer individuals are deported if they are from a country in Central Asia or Africa due to the higher expense of deportation compared to Syria or Afghanistan.¹³¹ In another case involving an unaccompanied minor whose age was appeared to be over 18 on paper, he was sent to three different removal centres before arriving at Kutahya removal centre.¹³²

Afghans have been mainly treated as 'illegal migrants' in the press and by government officials and were singled out for restrictive migration measures. Interior Minister Süleyman Soylu received the Taliban's Deputy Minister of Refugees and their delegation. During the meeting, the return of Afghan immigrants in Türkiye was evaluated. In January 2022, Türkiye's interior minister said that Türkiye had (re)started sending 'illegal Afghans' back to Afghanistan with Ariana Airlines and charter flights.¹³³ Minister Soylu said that five charter flights had left at that point with Afghans being sent back to Afghanistan every 3-5 days from removal centres as part of a 'voluntary return' programme.¹³⁴ On 25 April 2022, PMM acknowledged the realisation of the 30th charter flight back to Afghanistan in a tweet. PMM said in September 2022 that 186 charter flights returned 44,786 Afghans to Afghanistan and in October 2022 that 78,716 irregular migrants had been deported since January 2022. Deportations of Afghans increased 146% over the previous year.¹³⁵

The vast majority of returns from removal centres are believed not to be voluntary. Lawyers in **Van, İzmir, Agri, İstanbul and Gaziantep** have all expressed serious concerns about clients being forced to sign voluntary return forms.¹³⁶ Detained migrants also frequently criticised the conditions in detention centres. Iranian refugees who were ordered deported defined the situation at the removal centre as 'violence is the norm'.¹³⁷

¹²⁸ Anadolu Agency, 'Peace Practice' was carried out to combat irregular migration', 29 January 2022. Available in Turkish at: <https://bit.ly/3MnHywD>.

¹²⁹ PMM, '2016 Yılından Bu Yana Kolluk Birimlerimizce Toplam 38.117 Göçmen Kaçakçısı Yakalandı, 9.288'i Tutuklandı', 20 April 2022, available in Turkish at: <https://bit.ly/46Ox70a>.

¹³⁰ Information provided by a stakeholder, June 2023.

¹³¹ Information provided by a stakeholder, April 2023.

¹³² Information provided by a stakeholder, June 2023.

¹³³ Gazete Duvar, 'Süleyman Soylu, Taliban heyetiyle görüştü', 18 August 2022, available at: <https://bit.ly/3PRiumP>.

¹³⁴ Duvar, 'Minister Soylu: Süleyman Soylu: We will not give temporary protection to those coming from Damascus', available in Turkish at: <https://bit.ly/3x6qo0R>.

¹³⁵ PMM, 'Yılbaşından Bugüne 72.578 Kaçak Göçmen Sınır Dışı Edildi', 23 August 2022, available in Turkish at: <https://bit.ly/3D8ynxA>.

¹³⁶ Information provided by multiple stakeholders, May 2023.

¹³⁷ Aysa Robins, 'Sınır dışı kararı verilen İranlı mülteciler geri gönderme merkezindeki koşulları anlattı: 'Şiddet normal bir şey'', *BBC News*, 16 February 2022, available at: <https://bit.ly/46JNdbA>.

2.2. Appeal before the Administrative Court

The appeal against a deportation decision is a remedy separate from remedies in the international protection procedure.¹³⁸ It now has automatic suspensive effect, following a review of the LFIP in reforms from December 2019, and the deletion of exceptions to the right to remain on the territory.¹³⁹

However, removal decisions must be appealed before the Administrative Court within seven days of notification.¹⁴⁰ Lawyers report it is extremely difficult to gather all the information and write an appeal in seven days particularly if the case needs translation work or there are difficulties accessing a client in detention. This short time limit has a negative effect on both access to justice and the quality of the lawyer-client relationship. Some courts exercise the seven-day rule very strictly. This creates a significant problem, as Administrative Court decisions on deportation appeals are final. Appeals against deportation and administrative detention decisions mean different practices in different provinces since there are no higher judicial bodies or higher authority to standardise practices. Lawyers have found it difficult to prepare and file an appeal in such a short period. Notification is also a common issue in removal centres. The seven-day time limit starts with the notification of the deportation decision, so it carries special importance. When the file of the applicant is sent to the court by PDMM, sometimes there is no notification. In this case, the PDMM sometimes include a note such as "refused to give their signature" before sending the documents to the court. **Istanbul** Administrative Courts were generally positive and more flexible in terms of deadlines.¹⁴¹ The 1st Administrative Court of **Izmir** requested the Constitutional Court to conduct a normative review of the seven-day limit in January 2023.¹⁴²

In criminal investigations with a political context (related to the PYD and ISIS), the mere existence of an investigation can be sufficient for a deportation decision to be issued. An acquittal has not stopped deportations. Deportation decisions have started to be made even for those whose trial was pending and brought before the court due to a summary offense.¹⁴³ A new judge was appointed to the **Gaziantep** Magistrates' Court, and the quality of decisions improved slightly. For instance, if a criminal proceeding is pending against the applicant, she ruled that the deportation must halt until its conclusion.¹⁴⁴ At the same time however, the quality of criminal cases' decisions in which the defendant is a foreigner appeared to drop. For instance, in the 'burglary in store' cases that are prevalent in big brands such as H&M and Zara's Istanbul stores, in the past, lawyers could request a video footage to prove whether or not the alleged burglary took place, but in 2022, judges decided the detriment of foreigners based on police or shop owners' testimonies.¹⁴⁵

There are centres for data verification for refugees in **Izmir**. People go there to change the information on their ID cards. In Izmir, there is a separate building from the PDMM. In the two communications, it was implied that the software used by the PMM (Göç Net database) is now connected to UYAP and can draw on personal information about foreigner nationals regarding their legal cases, etc. PMM did not have this access in the past. PMM does not look whether a final judgment is in place- it is sufficient to find a criminal file linked to the foreigner. In the past, in data verification centers, deportation procedures could be initiated

¹³⁸ Article 53 LFIP.

¹³⁹ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2Tsm0zU>.

¹⁴⁰ 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>.

¹⁴¹ Information provided by a stakeholder, May 2023.

¹⁴² Information provided by a stakeholder, May 2023.

¹⁴³ Information provided by a stakeholder, May 2022.

¹⁴⁴ Information provided by a stakeholder, May 2023.

¹⁴⁵ Information provided by a stakeholder, May 2023.

if the foreigner had a security-related code such as G87. However, with the latest communications sent by PMM, it is possible to start the deportation process because of a simple fight with a neighbour.¹⁴⁶

Since first instance Administrative Court decisions are not shared with the public in Türkiye, it is difficult for experts and lawyers to assess the effectiveness and quality of judicial review. In the past, there was no uniform application of the *non-refoulement* principle in Administrative Court reviews of deportation decisions. Even where the execution of removal was suspended by Administrative Courts, compliance with court orders was reported to be arbitrary and dependent upon the individual police officers in question. In 2022, the case of four Iranian women who protested against Türkiye's decision to withdraw from the Istanbul Convention in 2021 was dismissed, and the Denizli Administrative Court ruled that the protestors' deportation decision was lawful. This decision was extensively criticised by NGOs and opposition party representatives.¹⁴⁷

Problems regarding voluntary returns and the process remained the same in 2022. (See AIDA 2020 and 2021 updates). In the southeast region, voluntary returns from removal centres are ongoing and those returned are mostly Syrians. Similar to last year, there is no UNHCR supervision over voluntary returns that take place from removal centres.¹⁴⁸

Article 60(a) LFIP on assisted voluntary return was amended in December 2019 to add that in-kind or cash support can be provided to persons deemed appropriate by the PMM in cases of voluntary return to their country of origin.¹⁴⁹ PMM created its own assisted voluntary return mechanism; however, such mechanism lacks transparency and the number of returnees is unclear. There are ongoing legislative works for enactment of a regulation on assisted voluntary return, which could potentially address the issues on transparency.¹⁵⁰ In Esenyurt, Istanbul 67 Syrians voluntarily returned to Syria due to cost of living crisis in Turkey in 2022.¹⁵¹

Stakeholders kept reporting that people who have been persuaded to sign a voluntary return form from removal centres came back to Türkiye in 2022. The temporary protection regulation provides a legal opportunity for re-arrivals, as it is stipulated in the law that re-application will reactivate IDs. In practice, especially after the policy change in 6 June, people either cannot access registration or their applications are rejected and they have to appeal against the decision.¹⁵²

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 Türkiye at the ECtHR. Individuals 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.¹⁵³

¹⁴⁶ Information provided by a stakeholder, May 2022.

¹⁴⁷ ABC, ‘İstanbul Sözleşmesi eylemine katıldıkları için sınır dışı edilen İranlı mülteciler dünya basınında.’, 9 February 2022, available in Turkish at: <https://bit.ly/3JWw0ID>.

¹⁴⁸ Information provided by a stakeholder, May 2023.

¹⁴⁹ Mülteci-Der, *Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Türkiye*, 4 December 2019, available at: <http://bit.ly/2IRYoVQ>.

¹⁵⁰ Information provided by a stakeholder, June 2023.

¹⁵¹ Tele 1, ‘Ülkesine dönen Suriyeli: Hayat pahalandığı için gidiyoruz’, 11 October 2022, available in Turkish at: <https://bit.ly/3PW8TeK>.

¹⁵² Information provided by a stakeholder, May 2023.

¹⁵³ Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.

While individual complaints to the Constitutional Court do not carry suspensive effect, the applicants can request an urgent interim measure 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 their life or risk of torture if returned, is similar in nature to the Rule 39 procedure of the ECtHR. From October 2016 to December 2019, the Constitutional granted 1,545 interim measures to halt deportation decisions when automatic suspensive effect of appeal of deportation orders were removed with a legislative amendment and stopped this practice when a legal amendment to these and other articles of the LFIP was made in December 2019 to bring back the automatic suspensive effect.¹⁵⁴ Lawyers no longer directly apply to the Constitutional Court when an administrative body unlawfully departs their client, but to the relevant administrative court.

The European Court of Human Rights convicted Türkiye in a lawsuit filed on the grounds that Türkiye illegally deported a Syrian temporary protection holder to his country.¹⁵⁵

3. Registration of the asylum application

Indicators: Registration

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

According to LFIP, the PDMM is the responsible authority for receiving and registering applications for international protection.¹⁵⁶

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.¹⁵⁷ A lawyer or legal representative may not make applications for international protection. However, a person can apply on behalf of accompanying family members, defined to cover the spouse, minor children and dependent

¹⁵⁴ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

¹⁵⁵ Information provided by a lawyer of a Bar Association, February 2020.

¹⁵⁶ On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings.

¹⁵⁵ ECHR, Akkad v. Türkiye, application number: 1557/19, 21 June 2022: <https://bit.ly/43sWY4G>.

¹⁵⁶ Türkiye 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.

¹⁵⁷ Article 65(1) LFIP.

adult children as per Article 3(1)(a) LFIP.¹⁵⁸ Where a person wishes to file an application on behalf of adult family members, the latter written approval needs to be taken.

According to the law, for applicants who are physically unable to approach the PDMM premises for making an international protection request, officials from the PDMM may be directed to the applicant's location in order to process the application.¹⁵⁹ In the same way, registration interviews with unaccompanied minors and other persons who are unable to report to the designated registration premises in the province may be carried out in the locations where they are.¹⁶⁰ There is no indication that these provisions have been applied in practice so far.

Article 65 LFIP does not impose any time limits on persons for making an application as such, whether on the territory, in detention or at the border. However, Article 65(4) appears to impose on applicants the responsibility of approaching competent authorities "within a reasonable time" as a precondition for being spared from punishment for illegal entry or stay. The assessment of whether an application has been made "within a reasonable time" is to be made on an individual basis.¹⁶¹

The LFIP states that applications for international protection shall be registered by the PDMM.¹⁶² Applicants can request and shall be provided interpretation services for the purpose of the registration interview and later the personal interview.¹⁶³

Access to the international protection procedure changed substantially in 2018 when operation of RSD procedures by UNHCR were ceased. Applications for international protection are now registered solely by the PDMM in all the 81 provinces. In practice, however, if the PDMM is approached by an asylum seeker and cannot receive their application, it directs the person to another city so they can register the application there. Applicants are expected to register at the PDMM of the assigned city within 15 days. Failure to appear within 15 days leads to the application being considered as withdrawn ("cancelled"). PMM does not provide assistance with transportation costs but can refer applicants to NGOs such as SGDD-ASAM for assistance. UNHCR has been supporting the registration of persons in need of international protection by working with PMM and its PDMMs.¹⁶⁴ In 2022, after nationwide demonstrations started taking place in Iran, a new influx of Iranian nationals was registered. It was noted that PDMM found some new rejection causes. In the case of an Iranian residing in Türkiye with a valid residence permit who wishes to apply for international protection in October 2022, PDMM argued that the individual was a regular migrant and therefore could not apply for international protection. This was a verbal rejection from **Kocaeli** and **Kastamonu** PDMMs. They did not issue a decision but instead referred the Iranian person to another PDMM located in a small city.¹⁶⁵

Article 69 LFIP does not lay down any time limits for the completion of registration by the PDMM, although its Implementing Regulation, the Regulation on Foreigners and International Protection (RFIP), requires applications to be recorded "within the shortest time on the institutional software system" of PMM.¹⁶⁶ The RFIP provides that application authorities shall notify the applicant a date for their registration interview during the application if possible, otherwise at a later stage.¹⁶⁷

¹⁵⁸ Article 65(3) LFIP.

¹⁵⁹ Article 65(1) RFIP.

¹⁶⁰ Article 65(2) RFIP.

¹⁶¹ Article 65(1) RFIP.

¹⁶² Article 69(1) LFIP.

¹⁶³ Article 70(2) LFIP.

¹⁶⁴ UNHCR, 'TÜRKİYE 2021 Operational Highlights', 2022, available at: <https://bit.ly/3rwWHGT>.

¹⁶⁵ Information provided by a stakeholder, April 2023.

¹⁶⁶ Article 70(4) RFIP.

¹⁶⁷ Article 66(2) RFIP.

In practice, the takeover of the process by PMM in September 2018 resulted in obstacles to access to the asylum procedure. Issues persisted in 2022 and arbitrariness increased after the takeover of registration of non-Syrians. It is difficult to assess the overall system since there is no standardised application.¹⁶⁸ However, the main public policy has seemed to be to leave people unregistered to push them to leave Türkiye, especially Afghans, except in vulnerable cases.¹⁶⁹ Applications for international protection from Cubans and Africans were mostly denied in 2022 in **Istanbul**. In the case of a single mother seeking protection and a victim of gender-based violence, a protection order was issued to allow her child to enroll in school, and she was only able to receive international protection after being placed in SONIM and through the efforts of the Ministry of Family and Social Affairs.¹⁷⁰

The registration interview serves to compile information and any documents from the applicant to identify identity, flight reasons, and experiences after departure from country of origin, travel route, mode of arrival in Türkiye, and any previous applications for international protection in another country.¹⁷¹ The PDMM may carry out a body search and checks on the personal belongings of applicants in order to confirm that all documents have been presented.¹⁷² Where an applicant is unable to present documents to establish their identity, the registration authorities shall rely on an analysis of personal data and information gathered from other research. Where such identification measures fail to provide the relevant information, the applicant's own statements shall be accepted to be true.¹⁷³

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.¹⁷⁴ Information on any special needs shall also be recorded.¹⁷⁵ Since the termination of UNHCR registration activities in 2018, it is unclear how this is handled by the PDMM. Nevertheless, registration is generally 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.¹⁷⁶

At the time of applying, the asylum seeker must provide a hand-written, signed statement containing information about the international protection application in a language in which he or she is able to express himself or herself. The statement shall contain specific elements including the reasons for entering Türkiye, as well as any special needs of the applicant.¹⁷⁷ 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 PMM Headquarters within 24 hours.

At the end of the registration interview, all the information recorded on the screen of the electronic system must be precisely read back to the applicant who will have the opportunity to make corrections.¹⁷⁸ A printed version of the registration form filled in electronically is also handed to the applicant.¹⁷⁹

¹⁶⁸ Fabrizio Foschini, 'Between the Devil and the Deep Blue Sea: No good options for Afghans travelling to and from Turkey', 16 May 2022, available at: <https://bit.ly/3JVQV8q>.

¹⁶⁹ Information provided by a stakeholder, May 2023.

¹⁷⁰ Information provided by a stakeholder, May 2023.

¹⁷¹ Article 69(2)-(4) LFIP.

¹⁷² Article 69(2) LFIP; Article 69(4) RFIP.

¹⁷³ Article 69(3) LFIP; Article 69(3) RFIP.

¹⁷⁴ Article 69(6) LFIP.

¹⁷⁵ Article 70(5) RFIP.

¹⁷⁶ Information provided by a stakeholder, May 2023.

¹⁷⁷ Article 65(5) RFIP.

¹⁷⁸ Article 70(6) RFIP.

¹⁷⁹ Article 70(7) RFIP.

The law states that the applicant will receive an International Protection Applicant Identification Card upon completion of registration.¹⁸⁰ The Ministry carries out the renewal and extension of International Protection Applicant Identification Card.¹⁸¹ As of 24 December 2019, the LFIP provides that this document is also issued to applicants falling under the Accelerated Procedure or the inadmissibility provisions,¹⁸² and the obligation to renew Identification Cards every six months was abolished.¹⁸³

Following this reform, the PDMM no longer issues a Registration Document when directing the asylum seeker to the assigned “satellite city” with a view to registering the international protection application. The only documentation the applicant receives is the International Protection Applicant Identification Card that is valid for six months after having registered the application with the PDMM at the appointed province. 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](#)).

The registration system remained the most significant barrier to accessing basic rights and services in 2022. Access to international protection registration became nearly impossible for all organisations. People in precarious circumstances isolated themselves and did not leave their homes to avoid police and deportation. When they did so, their foreign identification numbers were deactivated, preventing them from accessing services such as healthcare and education. There were also issues when individuals travelled to other provinces without permission from PDMM. People could not afford to live in the province where they were registered, so they moved to larger cities.¹⁸⁴ Unauthorised departure from the province of registration without a valid excuse results in the application for international protection being deemed withdrawn, and in judicial appeals against withdrawal decisions, economic reasons are frequently not regarded as a legitimate excuse.¹⁸⁵

On 30 June 2022, PMM announced that 1,169 districts are closed to protection seekers registrations as of 1 July 2022 except for new born registration and family reunifications in 58 cities (Adana, Adiyaman, Afyon, Agri, Aksaray, Amasya, Ankara, Antalya, Bartin, Batman, Bilecik, Bingol, Bolu, Burdur, Bursa, Canakkale, Cankiri, Corum, Diyarbakir, Duzce, Elazig, Erzincan, Gaziantep, Giresun, Gumushane, Hatay, Igdir, Isparta, Istanbul, Izmir, Kahramanmaras, Karabuk, Kastamonu, Kayseri, Kirklareli, Kirsehir, Kilis, Konya, Kutahya, Malatya, Mardin, Mersin, Mugla, Mus, Nev sehir, Nigde, Osmaniye, Rize, Sakarya, Samsun, Sinop, Sivas, Sanliurfa, Tokat, Trabzon, Usak, Yalova, Yozgat).¹⁸⁶

Registration nearly ceased in 2022; in particular, it was reported that inconsistent practices among PDMMs were one of the greatest obstacles and impeded access to registration in Türkiye. In large cities, PDMM officers have been known to write city names on post-it notes and direct applicants to other cities. In 2022, 33,246 individuals applied for international protection, an increase from the registrations in 2020 potentially due to the presence of Ukrainian protection seekers that represented the second nationality among applicants in 2022, with 7,131 applications.¹⁸⁷ When authorities in the PDMM believe that a person fled to Türkiye for economic or medical reasons, they typically adopt a negative stance towards them. In addition,

¹⁸⁰ Article 76(1) LFIP, as amended by Article 35 Law No 7148 of 18 October 2018.

¹⁸¹ Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.

¹⁸² Article 76(2) LFIP.

¹⁸³ Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.

¹⁸⁴ Information provided by various stakeholders, May-June 2023

¹⁸⁵ For further analysis, see; Gamze Ovacik, *Turkish Judicial Practices on International Protection, Removal and Administrative Detention in Connection with the Safe Third Country Concept* (On İki Levha Publications 2021) 112-120.

¹⁸⁶ PMM, ‘Mahalle Kapatma Duyurusu hk.’, 30 June 2022, available in Turkish at: <https://bit.ly/44zWSQk>.

¹⁸⁷ PMM, ‘Uluslararası Koruma’, 2022, available in Turkish at: <https://bit.ly/3NQmFgj>.

PDMM practices constantly change. Sometimes, even lawyers have trouble accessing the PDMM premises. There have been rumors of corruption and bribery because the system is so slow, including in **Istanbul and Izmir**. Director of the Sanliurfa PDMM was accused of bribery and corruption, according to an investigative journalism report. After the news became visible, the director lost his position and was transferred to Mus PDMM.¹⁸⁸

Similar to other provinces, in **Agri** access to registration was nearly impossible. In Agri, there are five migration officers handling approximately one thousand cases. Agri Bar Association and PDMM have established effective communication over the past year; however, personal interviews are not conducted in a timely manner, making IP impossible.¹⁸⁹

The EU launched a new project in April 2022 called ‘Reinforce Effectiveness of National Asylum Procedures in Compliance with International Standards and National Legislation’ in Türkiye under the Instrument for Pre-Accession Assistance (IPA II) in 2022 to support the asylum-seeking processes.¹⁹⁰ The expected outcomes are to strengthen and maintain the effectiveness of RSD procedures, to establish quality assurance for an effective and sustainable system in RSD procedures through the relevant principles and standards developed, to take measures to reduce vulnerability to abuses, including fraud, and to strengthen and maintain the effectiveness of resettlement procedures. The project has been supporting the PMM quality assurance board to ensure uniformity of treatment for applications in 81 cities.¹⁹¹

In early 2022, the previously unconfirmed ‘satellite city’ policy was publicly confirmed with the announcement of the ‘deconcentration policy.’¹⁹² Neighbourhoods with a 25% refugee density had already been completely closed to registration for the last two years, including **Fatih** and **Esenyurt** in **Istanbul**. From May 2022, it is prohibited by PMM for any region or area in Türkiye to have a population of foreign nationals that is more than one-quarter of the total population. This includes both people who have made Türkiye their permanent home and those who are merely visiting the country. This rule has been given the name the 25% limit or the 25 % rule. As of 1 July 2022, 1,169 neighbourhoods in different provinces are now closed to foreign nationals seeking address registrations for temporary protection, international protection, and residence permits, as well as changes to their city of residence if they are foreign nationals with residence permits or are under temporary or international protection, with the exception of new-borns and instances of nuclear family reunification. Because of this, no non-Turkish national will be able to select any of these 1,169 neighbourhoods in Türkiye as their registered address for official matters, nor will they be able to ask the authorities to change their address to any of these places. In total, this new policy affected 58 cities and **Adana, Ankara, İstanbul, İzmir, Muğla, and Antalya** are some of the cities that fall into this category.¹⁹³

The policy aims to transfer refugees from provinces with a high refugee density to areas with a lower density. From a legal perspective, it restricts freedom of both residence and travel, which may not be a proportional response to concerns of public order particularly as those it effects are likely to remain under temporary protection status indefinitely. Transferring people to a city where they do not know anyone may also be unreasonable. It can have particularly devastating effects on vulnerable and marginalized groups

¹⁸⁸ Gazete Duvar, ‘Şanlıurfa İl Göç İdaresi’nde neler oluyor?’, 11 July 2022, available in Turkish at: <https://bit.ly/44oGYbz>.

¹⁸⁹ Information provided by a stakeholder, May 2023.

¹⁹⁰ PMM, 1 April 2022, ‘Ulusal İltica Prosedürlerinin Etkinliğinin Kuvvetlendirilmesine İlişkin Projenin Açılış Toplantısı Gerçekleştirildi’, available in Turkish at: <https://bit.ly/3XX1mhB>.

¹⁹¹ Ministry of Foreign Affairs, ‘Ulusal Sığınma Prosedürlerinin Etkinliğinin Uluslararası Standartlar ve Ulusal Mevzuata Uygun Olarak Kuvvetlendirilmesi’, 14 October 2022, available in Turkish at: <https://bit.ly/3NTemQP>.

¹⁹² Ikamet, Türkiye Closes 781 Neighborhoods to Foreigners, Addresses, May 22, available in English at: <https://bit.ly/3yJzRT7>.

¹⁹³ PMM, ‘Neighbourhood Closure Announcement, 22 May 2022, available in Turkish at: <https://bit.ly/3Pb4bG8>.

such as LGBTQI+. In addition, some of the regulations limiting fundamental rights and freedoms, especially for Syrian nationals, are foreseen in the Temporary Protection Regulation, not by law.¹⁹⁴

In February 2022, 4,514 Syrian migrants residing in Altindag, **Ankara** were relocated to other settlements outside the district as part of this policy. 309 buildings occupied by Syrians were destroyed, along with 177 workplaces run by Syrians were shut down. This policy scared the Ankara-based Syrians.¹⁹⁵

3.2. Applications from detention and at the border

Where an application for international protection is presented to law enforcement agencies on the territory or at border gates,¹⁹⁶ the PDMM shall be notified “at once” and shall process the application.¹⁹⁷ Applications for international protection indicated by persons in detention shall also be notified to the PDMM “at once”.¹⁹⁸ In addition to Removal Centres for pre-removal detention on territory, there is one facility in the transit zone of **Ankara Esenboğa Airport**, which serve to detain persons intercepted in transit or during an attempt to enter Türkiye (see [Place of Detention](#)).

Persons whose international protection application is received whilst in detention are released from the Removal Centre or police station and are issued an Administrative Surveillance Decision Form (*İdari Gözetim Kararı Sonlandırma Tebliğ Formu*), also known as “T6”, requesting them to regularly report to a designated PDMM. This may or may not be the PDMM of their province of residence (see [Alternatives to Detention](#)).¹⁹⁹

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.²⁰⁰

Access to the procedure from detention also concerns persons readmitted by Türkiye. Whereas Article 64 RFIP entrusts the Ministry of Interior with the establishment of a separate framework of procedures for persons readmitted by Türkiye 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-Türkiye statement between 4 April 2016 and 31 January 2020, Türkiye readmitted a total of 2,054 persons from **Greece**, of whom 738 originated from Pakistan, 373 from Syria, 204 from Algeria, 140 from Afghanistan, 127 from Iraq and 104 from Bangladesh.²⁰¹ PMM has established a specific code, “V89” entitled “Greece – return”, but stakeholders have not referred to this being used in practice. Readmission operations were stopped as of 16 March 2020 and Türkiye was still not accepting readmissions as of June 2023 due to public health concerns and the COVID-19 pandemic.²⁰² (See the [AIDA Country Report: Greece 2021](#)). As of June 2023, the number of Syrians readmitted by Türkiye is 394.²⁰³

¹⁹⁴ Information provided by a stakeholder, May 2022.

¹⁹⁵ BirGün, ‘Saldırıların faturası göçmenlere kesildi’, 20 February 2022, available at: <https://bit.ly/3JTUyQc>.

¹⁹⁶ In Türkiye, while National Police exercises law enforcement duties in residential areas and at border gates, the gendarmerie exercises police duties outside the residential areas.

¹⁹⁷ Article 65(2) LFIP.

¹⁹⁸ Article 65(5) LFIP.

¹⁹⁹ Information provided by a stakeholder, February 2019.

²⁰⁰ Information provided by multiple stakeholders, May 2023.

²⁰¹ UNHCR, *Returns from Greece to Türkiye*, 31 January 2020, available at: <http://bit.ly/38XgArl>.

²⁰² International Rescue Committee, ‘What is the EU-Türkiye deal?’, 18 March 2021, available at: <https://bit.ly/3y46cOA>.

²⁰³ Information provided by a stakeholder, June 2023.

Reports on the post-return human rights situation of Syrians document serious human rights violations such as arbitrary detention and deportation without access to legal aid and international protection (see also [Legal Assistance for Review of Detention](#)).²⁰⁴

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 2022: Not available

Applications for international protection shall be examined and decided upon by PMM.²⁰⁵ “Migration experts” from the Department of International Protection oversee the processing of applications at Headquarters and the PDMM.

A decision shall be issued within 6 months from registration.²⁰⁶ 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.²⁰⁷

There are no statistics on the number of decisions taken by PMM in 2017-2022. The latest available statistics referred to 30,380 decisions taken in 2016, of which 23,886 were positive and 6,494 were negative.²⁰⁸

IP applications of people holding refugee status from UNHCR and living in TR for 10 years and 12 years were kept on shelves but as of 2021, it was observed that PMM have been rejecting those applications in mass. Stakeholders believe that PDMM's staff does not have the capacity to deal with international protection applications. For the last 1-2 years, international protection applications have been taken off the shelves and negative decisions have been made.²⁰⁹

Overall, practice on the examination and the decision-making at first instance is not uniform across provinces. The quality of interviews, the assessment of evidence, the lack of identification of vulnerable groups, the lack of training of migration experts as well as the lack of available interpreters have been reported as particular concerns.

²⁰⁴ Daily News, ‘Greek forces pushback dozens of Syrian refugees into Turkey’, 31 May 2022, available at: <https://bit.ly/3DeNPsh>.

²⁰⁵ Article 78 LFIP.

²⁰⁶ Article 78(1) LFIP.

²⁰⁷ Information provided by various stakeholders, May-June 2023.

²⁰⁸ PMM, *Annual Migration Report 2016*, available in Turkish at: <https://bit.ly/2TQdqU4>, 74-75.

²⁰⁹ Information provided by stakeholders, May-June 2023.

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.²¹⁰ 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.²¹¹ Detailed figures on the number of persons concerned by said prioritisation are not available, however.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

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

Under the regular procedure, the competent PDMM is required to carry out a personal interview with applicants within 30 days from registration,²¹² to be conducted by personnel trained in fields such as refugee law, human rights and country of origin information.²¹³

Applicants are notified of the assigned place and date of their personal interview at the end of their **Registration** interview.²¹⁴ If the interview cannot be held on the assigned date, a new interview date must be issued.²¹⁵ 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.²¹⁶ 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) their 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.²¹⁷

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 still not uniform across provinces and the quality of the procedure depends on the case officer handling the application.²¹⁸ There are two decision centres located in **İstanbul** and **Ankara**.

²¹⁰ Article 67 LFIP.

²¹¹ Information provided by a stakeholder, February 2019.

²¹² Article 75(1) LFIP.

²¹³ Article 81(2) RFIP.

²¹⁴ Article 69(5) LFIP.

²¹⁵ Article 75(4) LFIP.

²¹⁶ Article 75(5) LFIP.

²¹⁷ Article 82(1) RFIP.

²¹⁸ Information provided by various stakeholders, May-June 2023.

According to civil society and lawyers, however, the quality of interviews remains low in most PDMM. In **Agri**, a person who worked in Afghanistan for an international organisation and sought international protection was denied international protection. The applicant then appealed against this decision. According to the Erzurum 1st Administrative Court, PDMM should have conducted a more effective personal interview. PDMM abided by the decision and invited the applicant for a second personal interview. Her lawyer was present during the interview, and she was granted international protection.²¹⁹

Overall, in 2022 stakeholders reported that refugee status determination (RSD) interviews were often not carried out under proper conditions, vulnerabilities were often not considered and Afghans' applications for international protection seemed to be rejected by default.²²⁰ For instance, there had been no positive RSD decisions by early 2022 from the **Gaziantep** region. The quality of RSD interviews decreased dramatically after the takeover by PMM. During the RSD interview of an Iranian applicant by the Manisa PDMM, her lawyer was present and observed that the quality of the interviews was questionable and the applicant refused to give her statement through the interpreter after a while. Problems continued in 2022.²²¹

Interviews do not depend on credible country of origin information (COI). In 2022, some progresses were reported regarding interviews with LGBTIQ+ and HIV+ individuals. The UNHCR provided intensive trainings to PMM's protection officers, which led to this improvement. However, the method for rejecting applications and the legal justifications for rejected decisions were deemed rather superficial.²²²

In 2022, all stakeholders reported the biggest obstacle was access to the procedure (see [Registration of the asylum application](#)).

Interpretation

Applicants shall be provided with interpretation services, if they so request, for the purpose of personal interviews carried out at application, registration and personal interview stages.²²³

Regarding the quality of interpretation during personal interviews, the personal interview shall be postponed to a later date where the interview official identifies that the applicant and the interpreter have difficulties understanding each other.²²⁴ The interviewer shall inform the interpreter of the scope of the interview and the rules to be complied with.²²⁵

In 2022, no concerns were reported on the adequate numbers of interpreters however there are shortages or a lack of interpreters in specific rare languages spoken by applicants. Moreover, the number of women interpreters remains very low.²²⁶ Lack of sensitivity to and censorship of applicants' statements have also been reported in claims relating to sexual orientation or gender identity.²²⁷ Lawyers have expressed concerns about the quality of interpretation in removal centres including in important interviews on return.²²⁸ Similar issues persisted in 2022.²²⁹

²¹⁹ Information provided by a stakeholder, May 2023.

²²⁰ Information provided by various stakeholders, May 2023.

²²¹ Information provided by a stakeholder, May 2023.

²²² Information provided by a stakeholder, June 2023.

²²³ Article 70(2) LFIP.

²²⁴ Article 86(2) RFIP.

²²⁵ Article 83(3) RFIP.

²²⁶ Information provided by a stakeholder, May 2022.

²²⁷ Information provided by a stakeholder, May 2022.

²²⁸ Information provided by a stakeholder, May 2022.

²²⁹ Information provided by various stakeholders, May-June 2023.

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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.²³⁰

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.²³¹

An interview report shall then be drafted at the end of the interview, and the applicant shall sign it and receive a copy.²³² In practice, applicants are not given a copy of the interview report.²³³

1.4. Appeal

Indicators: Regular Procedure: Appeal

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

<ul style="list-style-type: none">❖ If yes, is it❖ If yes, is it suspensive	<table border="0"><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr><tr><td><input checked="" type="checkbox"/> Judicial</td><td><input checked="" type="checkbox"/> Administrative</td></tr><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr></table>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No						
<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.²³⁴ 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 PMM to provide specifics on modalities of written notifications.²³⁵ In practice, the decisions are in Turkish but translated by the PDMM into the language of applicants.²³⁶

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 PMM under the regular procedure, applicants may:²³⁷

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 Türkiye until the full exhaustion of remedies

²³⁰ Article 81(5) RFIP.

²³¹ Article 86(3) RFIP.

²³² Article 75(6) LFIP.

²³³ Information provided by a stakeholder, February 2019 and March 2021.

²³⁴ Article 78(6) LFIP.

²³⁵ Article 100 LFIP.

²³⁶ Information provided by a stakeholder, May 2023.

²³⁷ Article 80 LFIP.

provided by LFIP against negative decisions,²³⁸ subject to the derogation discussed in [Removal and Refoulement](#).

There was a pilot project in 2020 to conduct e-Hearings, but it did not involve peace courts or administrative courts.

Court cases were delayed in March and April 2020 due to the COVID-19 pandemic and legal statutory time limits were suspended from March to June 2020. In 2021, there were also delays. In **İzmir**, trial periods were extended in administrative law cases. Whereas previously a decision had been taken in 7-8 months, in 2021/ early 2022 one stakeholder had files pending for more than one year, without a hearing date.

Unregistered refugees still had difficulties entering public institutions due to the HES code application in 2021. They could not enter the courthouse and had to wait outside for their lawyers.

In 2020 legal aid offices carried out assignment processes smoothly, with no exceptions or discrimination including against applicants having YTS (foreign terrorist fighter) codes. In criminal courts, the compulsory defense mechanism does not function as well. When the person is deprived of this right, the court should remind them of their right to have a defense lawyer. Some foreign citizens' cases have been settled without the assistance of a lawyer.

The presiding judges of the **Ankara** 1st Administrative Court have changed, and the new judges no longer accept the assignment letters of legal aid lawyers - they require a power of attorney instead. This application started in October 2021. They said that the legal aid assignment letter was only internal correspondence so the acceptance of the assignment letter was illegal.

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.²³⁹

IPEC are envisioned as a specialised administrative appeal body and serve under the coordination of the PMM Headquarters.²⁴⁰ One or more IPEC may be created under the auspices of either the PMM Headquarters and/or PDMM.

Each Committee will be chaired by a PMM representative, and will feature a second PMM official as well as representatives of the Ministry of Justice and Ministry of Foreign Affairs. UNHCR may be invited to assign a representative in observer status.²⁴¹ PMM 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.²⁴²

IPEC are competent to evaluate and decide appeals against the following decisions:²⁴³

- 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.

²³⁸ Article 80(1)(e) LFIP.

²³⁹ Article 80(1)(a) LFIP.

²⁴⁰ Article 134 RFIP.

²⁴¹ Article 145 RFIP.

²⁴² Article 146 and 147 RFIP.

²⁴³ Article 149 RFIP.

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 PMM decision on both facts and law.²⁴⁴ The Commission may request the full case file from PMM 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 PMM decisions. The Commission may either reject the appeal, and thereby endorse the initial PMM decision, or it may request PMM to reconsider its initial decision in terms of facts and law.²⁴⁵ Therefore, decisions by IPEC cannot be considered as binding on PMM. If PMM chooses to stick to its initial negative decision, the applicant will have to file a consequent judicial appeal with the competent Administrative Court.

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.

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.²⁴⁶ 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.²⁴⁷

While the LFIP has not created specialised asylum and immigration courts, Türkiye'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.²⁴⁸ 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. These competent chambers continue to deal with all types of caseloads and do not exclusively serve as asylum and immigration appeal bodies. Concerns about the quality of decisions persisted in 2022.²⁴⁹

²⁴⁴ Article 100(1) RFIP.

²⁴⁵ Article 100(2) RFIP.

²⁴⁶ Article 80(1)(ç) LFIP.

²⁴⁷ In Türkiye, not all provinces have Administrative Courts in location. Smaller provinces which do not have an Administrative Court in location are attended by courts operating under the auspices of the nearest Administrative Court. The Administrative Court of each province is divided into several chambers which are designated with numbers.

²⁴⁸ Article 101 LFIP.

²⁴⁹ ECRE AIDA Database, 'Türkiye: Judicial Review of Administrative Detention Decisions', 28 May 2018, available at: <https://bit.ly/3exWd8t>.

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 on both 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.²⁵⁰

The evidence threshold set by administrative courts has remained excessively high, thereby reducing applicants' chances of obtaining a favourable ruling on their appeals for international protection registration. Moreover, the onward appeal has been ineffective for a long time.²⁵¹

Case law of the Administrative Courts confirm that there are persisting gaps in the quality of first instance decisions. The Administrative Courts of **Ankara**, **İstanbul** and **İzmir** are regarded as the most expert courts in refugee law issues. Both courts quite diligently examine whether the negative decisions on international protection application are in line with the *non-refoulement* principle and have annulled decisions based on an incorrect assessment on the part of the PMM.

However, starting from 2021, it became evident that a more 'statist' approach has dominated the administrative court in **Ankara**. This has led to a less favourable attitude to granting 'privileges' to foreign citizens and is probably linked to rising xenophobia in the country. In **İstanbul**, some stakeholders also observed that tolerance towards refugees, including judges' attitudes towards their clients, shifted substantially in 2022. In a legal aid case involving an African applicant's appeal case on international protection, the lawyer requested the appointment of an interpreter through the legal aid budget. However, her request was denied, and the judge ordered the applicant to find an interpreter and pay the fees out of his own pocket.²⁵²

In early 2022, the Ordu Administrative Court rejected the appeal of a person who converted his religion. It can be appealed, but Ordu is linked to the Samsun Regional Administrative Court, and Samsun Regional Administrative Court generally gives out negative decisions. It is not possible to file a complaint to the Constitutional Court or the ECtHR until a deportation decision is issued. In practice, while waiting for this deportation decision, the foreign identity number of the applicant is deactivated. This means that people cannot access basic services such as health and education. When it is appealed against the rejection of the international protection application, it is activated again. However, it is deactivated once the applicant receive a final rejection decision about the international protection application. In addition, if a deportation decision is issued, the applicant's foreign identity number is not reactivated. Partly for this reason, some foreign citizens feel pressure to apply for voluntary return and leave Türkiye. Putting barriers to access fundamental rights and services is used as a tool of oppression.²⁵³

The Erzurum 1st Administrative Court performed poorly in 2022. One of its rare positive decisions involved an Afghan applicant who was a prosecutor in Afghanistan applied for international protection but it was denied by PDMM. He filed an appeal with the Erzurum 1st Administrative Court. The court ruled in favour of the applicant, concluding he could not be deported to Afghanistan due to the risk of persecution he would face.²⁵⁴

²⁵⁰ Article 28 Law on Administrative Court Procedures.

²⁵¹ Information provided by a stakeholder, April 2023.

²⁵² Information provided by a stakeholder, May 2023.

²⁵³ Information provided by a stakeholder, May 2022.

²⁵⁴ Information provided by a stakeholder, May 2023.

Judges have little legal/practical knowledge of international protection procedures. Sometimes they request a briefing from PDMM about the country of origin to decide. Since most judges do not speak English, they cannot access the country-of-origin information.²⁵⁵

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

Applicants have the possibility of filing an onward appeal with the Regional Administrative Court and then the Council of State within 30 days.²⁵⁶ There is no time limit for the Regional Administrative Court and the Council of State to decide on the application. The Council of State decision on the onward appeal will constitute the final decision on the application since it cannot be further appealed.

It is difficult to establish the exact number of refused and accepted decisions from the Regional Administrative Court and the Council of State.

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.²⁵⁷

In principle, a notarised power of attorney is required for a lawyer to represent the asylum seeker,²⁵⁸ unless the applicant benefits from the Legal Aid Service, in which case the appointment letter is deemed sufficient to represent the applicant.

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

1.5.1. Legal assistance at first instance

Lawyers and legal representatives can accompany applicants during the personal interview.²⁵⁹ Furthermore, lawyers and legal representatives are guaranteed access to all documents in the file and may

²⁵⁵ Information from a stakeholder, May 2022.

²⁵⁶ Article 28 Law on Administrative Court Procedures.

²⁵⁷ Article 81(1) LFIP.

²⁵⁸ On this point, see Constitutional Court, Decision 2015/87, 8 October 2015, available in Turkish at: <http://bit.ly/2E3xSIn>.

²⁵⁹ Article 75(3) LFIP.

obtain copies, with the exception of documents pertaining to national security, protection of public order and prevention of crime.²⁶⁰ International protection applicants and status holders are also free to seek counselling services provided by NGOs.²⁶¹

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, PMM 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 Türkiye remains limited mainly due to practical obstacles. That said, EU funding under the Facility for Refugees in Türkiye was directed to UNHCR and the Union of Turkish Bar Associations (UTBA) for a 5 million EUR project launched in January 2018 for the provision legal aid to asylum seekers and refugees in 33 provinces.²⁶² The bar associations of the 33 provinces covered by the legal aid project 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,²⁶³ although several stakeholders reported in 2022 that trainings were still insufficient and run for a very high number of lawyers at once. This caused some concerns about the quality of the training and the impact of lawyers less well-trained working on cases.²⁶⁴ As of 2022, five legal clinics have been operated in **Kilis, Gaziantep, Hatay, Şanlıurfa and Malatya**.²⁶⁵

Cases can concern deportation, international or temporary protection procedures, and civil law disputes. Labour and criminal proceedings are excluded.²⁶⁶ As most deportation decisions are based on LFIP 54. bd-k, for public security, public health, and links to terrorist organizations, most deportation assignments do not fall within this project's scope. The **Gaziantep** Bar Association, for instance, only accepts divorce and residence permit cases, and if UTBA project rejects a lawyer's appointment, the legal aid office also rejects paying for the lawyer's fee. Stakeholders interpreted this shift in practise as a shift in attitude towards refugees.²⁶⁷ It is observed that in the provinces that are within the scope of UTBA projects, the bar associations at times tend to limit the legal aid with the projects, which can be restrictive for access to legal assistance because UTBA projects may have criteria that are different from those under legal aid legislation.²⁶⁸ In 2022, it was reported that the Istanbul legal aid centre denies certain requests.²⁶⁹ However, legal Aid of the Izmir Bar Association has consistently assisted refugees. According to shared data, legal aid services provided for 306 deportation cases, 209 administrative detention cases, and 42 appeals of international protection decisions in 2022.²⁷⁰

Due to the lack of an increase in legal fees, the UTBA project ceased in September 2022, and the Union of Turkish Bar Associations stopped appointing lawyers. In September 2022, legal aid in Istanbul also stopped to provide legal aid service to refugees. This caused a huge crisis in Istanbul and affected refugees. The UTBA project was reactivated in February 2023, but not in the same manner as in the past.

²⁶⁰ Article 94(2) LFIP.

²⁶¹ Article 81(3) LFIP.

²⁶² Council of Europe, 'Joint Project On Strengthening The Capacity Of Bar Associations And Lawyers On European Human Rights Standards', 2019, available at: <https://bit.ly/44K1bZ6>.

²⁶³ Ibid.

²⁶⁴ Information from various stakeholders, May-June 2023.

²⁶⁵ Council of Europe, 'Joint Project On Strengthening The Capacity Of Bar Associations And Lawyers On European Human Rights Standards', 2019, available at: <https://bit.ly/44K1bZ6>.

²⁶⁶ <https://ihem.barobirlik.org.tr/en>

²⁶⁷ Information provided by a stakeholder, June 2023.

²⁶⁸ Information provided by a stakeholder, June 2023.

²⁶⁹ Information provided by a stakeholder, April 2023.

²⁷⁰ Information provided by a stakeholder, May 2023.

This is because TBB wants local bar associations to financially assist refugee cases through their own budgets, independent of the project.²⁷¹

Overall, the project has been considered as quite useful. Benefits have included an increase in refugees' access to justice and information, as indicated by information materials on display in removal facilities targeted by the project but not in others, which are not project cities. Some concerns were voiced because lawyers were not appointed promptly enough in circumstances that are time-sensitive such as deportation cases. In addition, legal aid budgets are determined according to the number of lawyers and citizens in the province, but non-citizens such as applications for international protection are not considered when the budget is planned. In 2022, lawyers reported their concern as to whether those who are imposed a security code are allowed to get legal assistance under the scheme.²⁷²

Requests for legal aid can be issued from an asylum seeker, a third party or a Removal Centre. Civil society organisations are the main source of referrals for legal aid with direct applications from refugees and migrants but even this group remains low. This has provided the impetus for the legal aid scheme to extend to persons seeking international protection, and in some cases, for bar associations to take additional steps in contributing to refugee protection in Türkiye.²⁷³ In practice, however, not all bar associations accept referrals from NGOs or third parties.²⁷⁴ 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.²⁷⁵ In addition, not all the cases referred by NGOs are eligible for legal aid.²⁷⁶ One practical issue concerns asylum seekers who have been issued a security code e.g. "G87" or "G89", as the aforementioned legal aid project funding does not cover them and it is up to bar associations to cover costs with additional funding, if they can.²⁷⁷ Financially it was seen as very beneficial as lawyers receive payment within one month although one stakeholder thought a lot of documentation was required.²⁷⁸

The project was seen as particularly effective in provinces where refugees are concentrated but cannot afford to pay for legal fees and court costs out of their pockets. While the bar associations in the metropolitan areas can provide this service through their legal aid budgets, unfortunately, the bar associations in small cities have not been able to offer well-functioning legal aid to refugees. Thanks to the UTBA project, they can now.

As from 2018, The UTBA project has been providing a telephone interpretation service in four languages (Arabic, Persian, Dari, and French) for court officials and lawyers offering legal help to Syrian and non-Syrian applicants. In 2022, stakeholders indicated that previous issues with accessing this service from removal centres had been resolved, and that this service could be used in Removal Centres where lawyers have a fixed line.²⁷⁹

Beyond the involvement of bar associations, there are several NGOs providing limited 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 Türkiye'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 Türkiye

²⁷¹ Information provided by a stakeholder, April 2023.

²⁷² Information provided by stakeholders, May 2023.

²⁷³ Information provided by a stakeholder, May 2023.

²⁷⁴ *Ibid.*

²⁷⁵ Information provided by a stakeholder, May 2023.

²⁷⁶ Information provided by a stakeholder, May 2023.

²⁷⁷ Information provided by various stakeholder, May 2023.

²⁷⁸ Information provided by a stakeholder, May 2022.

²⁷⁹ Information provided by stakeholders, May 2023.

(*Mülteci Hakları Merkezi*), Mülteci-Der, IKGV and Kırmızı Semsiyeli Cinsel Sağlık ve İnsan Hakları 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.

NGOs have a vital role to help the functioning of the process more generally. The Bar does not have the sufficient knowledge to identify the needs of refugees, but NGOs do – and they do this on behalf of the Bar Associations. NGOs identify these needs with the help of their translators, protection experts, social workers, and legal advisors and transmit this knowledge to bar associations. In addition, after the Bar Association appoints a lawyer, NGOs and their in-house lawyers follow up on the case and provide information to the appointed legal aid lawyer throughout the trial process.

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.²⁸⁰ The LFIP simply refers to the existing Legal Aid Scheme which in theory should be accessible to all economically disadvantaged persons in Türkiye, including foreign nationals.

The Legal Aid Scheme is implemented by the bar associations in each province subject to “means” and “merits” criteria, at the discretion of each bar association board. The assessment of “means” varies across bar associations.

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 Türkiye’s Law on Attorneys, in practice the Legal Aid Scheme in Türkiye provides free legal representation to beneficiaries in relation with judicial proceedings as distinct from legal counselling and consultancy services short of court proceedings. This is indeed a principle reaffirmed by Article 81(2) LFIP, which provides that international protection applicants may seek state-funded legal aid in connection with judicial appeals pertaining to any acts and decisions within the international protection procedure. In **Istanbul**, the suspension of the UTBA project in September 2022 had a direct impact on refugee legal aid services. In April 2023, some stakeholders reported that the legal aid service is less effective than in the past.²⁸¹

The costs associated with bringing a case before an Administrative Court in Türkiye include notary fees for the power of attorney, sanctioned translations of identity documents, court application and other judicial fees and postal fees. Since the Legal Aid Scheme only covers a modest attorney fee, applicants are required to cover these costs from their own resources. Although it is possible to request a waiver of these costs from the court, judges have wide discretion on whether to grant such exemptions and in some cases decline the request without providing any substantial reason.²⁸²

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

²⁸⁰ Article 81(2) LFIP.

²⁸¹ Information provided by a stakeholder, April 2023.

²⁸² The Council of State ruled in one case that the right to request waiver of the costs should be reminded and examined by the Administrative Court in each case: Decision No 2016/1830, 31 March 2016.

hours spent on the case. 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 Turkish Bar Associations provides targeted funding to 18 bar associations for international and temporary protection-related cases.

2. Dublin

The Dublin III Regulation does not apply in Türkiye.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

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

- (a) A [Subsequent Application](#) where “the applicant submitted the same claim without presenting any new elements”;
- (b) An application submitted by a person, who was previously processed as a family member and signed a waiver to give up on their 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 Türkiye from a [First Country of Asylum](#);
- (ç) An application by a person who arrived in Türkiye from a [Safe Third Country](#).

An inadmissibility decision can be taken “at any stage in the procedure” where the inadmissibility criteria are identified.²⁸³ However, the examination of inadmissibility criteria under Article 72 LFIP must be carried out by the PDMM during the [Registration](#) stage.²⁸⁴

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 PMM 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 PMM 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 PMM Headquarters and the finalisation of the inadmissibility determination.

Inadmissibility decisions must be communicated to the applicant in writing.²⁸⁵

²⁸³ Article 72(2) LFIP; Article 74(3) RFIP.

²⁸⁴ Article 73 RFIP.

²⁸⁵ Article 72(3) LFIP.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

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

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

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

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

Inadmissibility decisions can only be appealed before the competent Administrative Court.²⁸⁶ 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](#).²⁸⁷ 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.²⁸⁸

²⁸⁶ Article 80(1)(a) LFIP.

²⁸⁷ Article 80(1)(ç) LFIP.

²⁸⁸ Constitutional Court, Decision 2016/134, 14 July 2016, available in Turkish at: <http://bit.ly/2rU0GOE>.

3.4 Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

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

The rules and practice set out in [Regular Procedure: Legal Assistance](#) apply. However, applicants whose claims are dismissed as inadmissible face obstacles in accessing legal representation for 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.²⁸⁹

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](#).²⁹⁰

Facilities where persons apprehended without valid documentation are held exist in **İstanbul** Airport, **İstanbul** Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **İzmir** Adnan Menderes Airport. The main airport in **İstanbul** is now İstanbul Airport. The application procedure had improved but became more difficult in 2020-2021 (see [Access at the 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;

²⁸⁹ Article 67(1) RFIP.

²⁹⁰ *Ibid.*

- (c) Has destroyed or disposed of their identity or travel document in bad faith in an attempt to prevent determination of their 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 Türkiye 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.²⁹¹

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.²⁹² Where this time limit cannot be complied with, the applicant may be taken off the accelerated procedure and referred to the regular procedure.²⁹³

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.²⁹⁴ According to NGOs and lawyers in the field, applications subject to accelerated procedures generally obey the time limits set out in the law. However, decisions have been taken without respecting the 8-day time limit.²⁹⁵

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.²⁹⁶ Similar observations have been reported for interviews at the airport: cases of interviewers likely to ‘manipulate’ the applicant’s statements and try to conclude economic needs as the reason for their entry into Türkiye have been reported.

²⁹¹ Article 73 RFIP.

²⁹² Article 79(2) LFIP.

²⁹³ Article 79(3) LFIP; Article 80(3) RFIP.

²⁹⁴ Information provided by UNHCR, February 2019.

²⁹⁵ Information provided by a stakeholder, May 2023.

²⁹⁶ Information provided by a stakeholder, May 2022.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☐ No

☒ Judicial

☐ Administrative

☒ Yes

☐ No

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

Unlike in the [Regular Procedure: Appeal](#), the court must decide on the appeal within 15 days in appeals originating from the accelerated procedure. The decision by the Administrative Court is final. It cannot be appealed before a higher court.

Administrative Courts have examined cases in the accelerated procedure, in some cases annulling the first instance decision.

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

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

☐ Yes

☐ With difficulty

☒ No

❖ Does free legal assistance cover:

☐ Representation in interview

☐ Legal advice

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

☐ Yes

☒ With difficulty

☐ No

❖ Does free legal assistance cover

☒ Representation in courts

☒ Legal advice

The same rules as in the [Regular Procedure: Legal Assistance](#) apply. For an overview of difficulties encountered by applicants subject to accelerated procedure in detention when trying to access legal assistance services, see the section [Legal Assistance for Review of Detention](#). In the past, applicants in the accelerated procedure were not issued an International Protection Applicant Identification Card and their ability to issue a power of attorney was severely limited. However, after changes to Article 76(2) LFIP in December 2019, they can now receive an identity document. The Administrative Court requires a power of attorney to be presented within 10 days; otherwise, it considers the appeal inadmissible.²⁹⁷

²⁹⁷

Information provided by several stakeholders, May 2023.

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.”²⁹⁸

Neither the LFIP nor the RFIP include LGBTIQ+ persons in the list of categories of “persons with special needs”. In the past, problems regarding the way applicants are interviewed about issues pertaining to sexual orientation and gender identity were reported. These ranged from inappropriate terminology or offensive questions to verbal abuse during registration interviews. However, in 2022, stakeholders reported that protection offices and migration officers were well trained by UNHCR and they were significantly more professional. Reportedly, the practice of requesting a medical report from LGBTIQ+ applicants proving their sexual orientation or gender identity for resettlement or protection interviews has been largely discontinued. However, there were court decisions from the Bursa 1st Regional Administrative Court based on two separate deportation decisions issued by the Bursa and Yalova PDMMs requiring Iranian LGBTIQ+ applicants to submit a medical report to prove that they should not be deported. There is no precise definition of the court's use of medical reports.²⁹⁹

1.1. Screening of vulnerability

RFIP states that it “shall be primarily determined” whether the applicant is a person with special needs.³⁰⁰ 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.³⁰¹

According to the law, PMM may cooperate with relevant public institutions, international organisations and NGOs for the treatment of persons subjected to torture or serious violence.³⁰²

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 PMM Headquarters (see Freedom of Movement). Following the transition to exclusive registration by PMM, it is still not clear how the PDMM assess special needs in practice.³⁰³ Nevertheless, UNHCR still refers vulnerable cases to the PDMM to prioritise registration.

²⁹⁸ Article 3(1)(I) LFIP.

²⁹⁹ Information provided by a stakeholder, June 2023.

³⁰⁰ Article 113(1) RFIP.

³⁰¹ Article 113(2) RFIP.

³⁰² Article 113(3) RFIP.

³⁰³ Information provided by various stakeholders, May-June 2023.

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 their age, the governorates shall conduct a “comprehensive age determination” consisting of a physical and psychological assessment.³⁰⁴ The applicant shall be notified as to the reason of this referral and the age assessment proceedings that will be undertaken.³⁰⁵

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 psychosocial assessment of the person. Also, according to the (then) Ministry of Family and Social Services’ 2015 Directive on unaccompanied children, the PDMM issue a medical report on the physical condition of the children before placing them in Ministry premises.³⁰⁶

In practice, bone tests are applied to assess the age of unaccompanied children referred to the Ministry of Family and Social Services to be taken into care. The accuracy of tests on the jawbone can range between +2/-2 years older or younger. If a test result indicates a child is aged 16 give or take two years, then the authorities still tend to interpret the assessment at the upper threshold.³⁰⁷

When children are caught attempting to illegally leave the country, the ID from their country of origin or the ID they are provided with while in Türkiye is used to determine their age. If the child has no documentation, officials assign the child an age according to the child's appearance and behavior. If the child is not sure of their age or says they are 17, they get documented as 18. Majority of African children are often recorded as 18, even at the age of 16, as they reportedly look more mature. In these cases, they are wrongly taken into administrative detention.

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

Refugee Rights Türkiye offers additional services for minors and ex-minors by phone. It is possible to access the line in Turkish, English, French and Arabic.³⁰⁸

³⁰⁴ Article 123(2)(b) RFIP.

³⁰⁵ Article 123(2)(c) RFIP.

³⁰⁶ Article 6 Ministry of Family and Social Services Directive No 152065 on Unaccompanied Children.

³⁰⁷ Information provided by a stakeholder, May 2023.

³⁰⁸ Information Portal for Refugees in Turkey, ‘Rights and Procedures for Unaccompanied Minors’, last accessed on 13 July 2023, available at: <https://bit.ly/3Of88w8>.

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 contains several 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.³⁰⁹ However, no specific guidance is provided in either the LFIP or the RFIP as to whether the applicant’s preference on the gender of the interpreter should be taken into consideration or not. In previous years, LGBTQI+ refugees reported that they were subjected to verbal abuse by some officers and other refugees in PDMM, and that they were mocked because of their sexual orientations and gender identities. In 2022, no such cases were reported by stakeholders, who stated that UNHCR trainings provided PDMMs’ protection officers with a professional perspective.³¹⁰

The RFIP instructs that interviews with children shall be conducted by trained personnel, sufficiently informed on the child’s psychological, emotional and physical development.³¹¹ The decision-making official shall give due regard to the possibility that the child may not have been able to fully substantially their 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.³¹² 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.³¹³ 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 and Social Services.

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

³⁰⁹ Article 75(3) LFIP.

³¹⁰ Information by s stakeholder, June 2023.

³¹¹ Article 123(2)(g) RFIP.

³¹² Article 67 LFIP; Article 113(2) RFIP.

³¹³ Article 65(2) RFIP.

3. Use of medical reports

Indicators: Use of Medical Reports

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

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

Current practice does not suggest that applicants in the international protection procedure have relied upon medical reports.

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 Türkiye's Child Protection Law³¹⁴ must be implemented. The child applicant must be referred to an appropriate accommodation facility under the authority of the Ministry of Family and Social Services. There is still no information on the number of unaccompanied children in Türkiye and a tendency for them not to be taken into the care of state institutions despite the recent amendment.

According to the Turkish Civil Code, all children placed under state care must be assigned a guardian.³¹⁵ Specifically, all children who do not benefit from the custody of parents (*velayet*) must be provided guardianship (*vesayet*).³¹⁶ The assignment of guardians is carried out by Peace Courts of Civil Jurisdiction (*Sulh Hukuk Mahkemesi*) and guardianship matters are thereafter overseen by Civil Courts of General Jurisdiction (*Asliye Hukuk Mahkemesi*). A guardian under the Turkish Civil Code should be "an adult competent to fulfil the requirements of the task", not engaged in an "immoral life style" or have "significant conflict of interest or hostility with the child in question". Relatives are to be given priority to be appointed as guardians.³¹⁷ Therefore, as far as the legal requirements, qualified NGO staff, UNHCR staff or Ministry of Family and Social Services staff would qualify to be appointed as guardians for unaccompanied minor asylum seekers.

Guardians are responsible for protecting the personal and material interests of the minors in their responsibility and to represent their interests in legal proceedings.³¹⁸ Although not specifically listed in the

³¹⁴ Law No 4395 on Child Protection.

³¹⁵ Law No 4721 on the Civil Code.

³¹⁶ Article 404 Civil Code.

³¹⁷ Articles 413, 414, 418 Civil Code.

³¹⁸ Articles 445-448 Civil Code.

provisions, asylum procedures would fall within the mandate of the guardians. As a rule, a guardian is appointed for 2 years, and may be reappointed for additional two terms.³¹⁹

LGBTQI+ and other ex-minors benefit from UNHCR's fund and receive pocket money of around 2,300 TRY (80 EUR) a month. The cash support covers four types of vulnerable groups: 1-) ex-minors 2-) transgender minors 3-) victims of gender-based violence 4-) intersex people; and it is provided when they leave state premises.³²⁰

The majority of unaccompanied minors seeking international protection in Türkiye are from Afghanistan. After eight years and 25 hearings, the verdict in the criminal case against police personnel in the case of Lütfillah Tacik, an unaccompanied Afghan child, was ultimately issued in early 2022. One of the police officers was found not guilty of negligence. The other police officer was sentenced to five months in prison on the ground of having caused superficial injuries.³²¹

E. Subsequent applications

Indicators: Subsequent Applications

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

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

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

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

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

³¹⁹ Article 456 Civil Code.

³²⁰ Information provided by a stakeholder, June 2023.

³²¹ Bianet, ‘5-month prison sentence over refugee child Lütfillah's death with a police fist’, 17 February 2022. Available at: <https://bit.ly/3y0k2BO>.

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 the applicant “has presented any new elements”. This is very problematic.

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

There is not sufficient information from practice to indicate how subsequent applications are currently being treated.

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 Türkiye’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 Türkiye 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*.”³²²

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.

³²² Article 73 LFIP; Article 75 RFIP. The wording resembles the EU definition in Article 35 recast Asylum Procedures Directive.

2. Safe third country

For a country to be considered a “safe third country”, the following conditions must apply:³²³

- (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.”³²⁴

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 country 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 PMM 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. The term “safe third country” is generally misused by Turkish courts to mean a third country (apart from country of origin and Türkiye) that would be safe to send the person, so essentially a safe country of removal that would not violate non-refoulement principle, instead of its correct meaning of the term under international protection procedures as explained above. For detailed information on such case law please see [Section B.2. removal and refoulement](#).

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

³²³ Article 74 LFIP. The wording resembles the EU definition in Article 38 recast Asylum Procedures Directive.
³²⁴ Article 74(3) LFIP.

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.

The PMM also operates a hotline service called Foreigners Communication Centre (*Yabancı İletişim Merkezi*, YİMER). It is possible to call or message the centre in Turkish, English, Russian, Pashto, Farsi, German and Arabic at any time of day. According to the YİMER's website, as of May 2023 the hotline had received nearly 18,372,939 calls since it started in 2015.³²⁵

In addition, UNHCR has set up a platform ("Help") which provides information in English, Turkish, Arabic and Farsi. The Izmir Municipality has been operating Fellow Citizen Communication Center as from 2021 with the financial support of UNHCR and a Refugee Hel Desk providing information to applicants on various issues³²⁶. Manisa Municipality has a help desk dedicated to the applications of refugees³²⁷. Mainstream NGOs such as SGDD-ASAM, Support to Life, Human Resource Development Foundation (*İnsan Kaynagini Gelistirme Vakfi*, IKGV), YUVA also provide assistance and counselling. Refugee Rights Türkiye has an online portal providing information on registration, legal assistance, access to rights, detention, unaccompanied children etc. in 10 languages.³²⁸

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.

NGOs have been instrumental in providing humanitarian aid and facilitating access to education, employment, and healthcare services to Syrian refugees in Türkiye since 2011. However, the impact and sustainability of intercommunal activities and projects connecting refugees with people or institutions of authority to enhance social cohesion and facilitate refugees' adaptation to the national system have been questioned³²⁹

The UNHCR Counselling Line provides counselling on registration procedures, referrals and existing support mechanisms, specifically resettlement, financial assistance and assistance for persons with specific

³²⁵ YİMER 157 website. Available in Turkish at: <https://yimer.gov.tr/>

³²⁶ UNHCR, EGE BÖLGESİ, 2021 Yılına Genel Bakış.

³²⁷ Ibid.

³²⁸ PMM, 'Announcement', February 2023, available at: <https://bit.ly/46IYNDL>.

³²⁹ Özge Zihnioğlu & Müge Dalkıran, 'From social capital to social cohesion: Syrian refugees in Turkey and the role of NGOs as intermediaries', August 2021, available at: <https://bit.ly/3PPdE9O>.

needs.³³⁰ In September 2020, UNHCR implemented a specific gender-based violence (GBV) line.³³¹ In 2022, 58,500 calls were answered through UNHCR's counselling line in January 2022 from 77 provinces, mostly enquiring about resettlement (54%) and financial assistance (22%). Some 3,500 calls were answered through the GBV line.³³² The UNHCR Counselling Line has been receiving calls from Ukrainian nationals since March 2022 inquiring about asylum and protection services. Some calls were received also by Russian nationals.³³³

In 2022, IOM Türkiye and PMM exhibited a prototype of an information kiosk for migrants. Within the EU-funded project "Harmonisation and Social Cohesion Programme across Türkiye," which is being executed jointly by IOM Türkiye and PMM, it is intended to install 115 information kiosks in 89 places in Türkiye, including eight airports. The kiosks' objective is to assist PDMMs in enhancing migrants' access to information about available services. The kiosks also provide basic information and counselling on life in Türkiye. The kiosks are expected to assist satisfy information demand by minimising line-ups at PDMM offices and optimising their counselling function.³³⁴

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

Other organisations such as Refugee Rights Türkiye and International Refugee Rights Association in **İstanbul** and Mülteci-Der in **İzmir and Van** have helplines and can be accessed by phone. Refugee Rights Türkiye has separate help desks for registration, detention and unaccompanied minors. Refugee Support Centre (*Mülteci Destek Derneği*, MUDEM) has presence in various provinces, while IKGV has offices in İstanbul, Bilecik, Kutahya, Eskisehir, Agri, Van and Ankara and provides information and psychosocial support. Support to Life and YUVA are also mainstream organisations that are very active in the field, the former having a presence in eight cities.

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

There are also NGOs helping vulnerable groups such as KADAV and Women's Solidarity Foundation for women in **İstanbul** and **Ankara** respectively, Kaos GL based in **Ankara** assists LGBTQI+ people, as does Kırmızı Semsiyeye Cinsel Sağlık ve İnsan Hakları Association. Pozitif Yaşam based in **İstanbul** assists people living with HIV, while Kırmızı Semsiyeye Cinsel Sağlık ve İnsan Hakları Association has set up seven service units in five provinces for LGBTQI+ persons, sex workers and people living with HIV in Türkiye.

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 **İstanbul**.

³³⁰ UNHCR, *Türkiye 2019: Operational Highlights*, 6 March 2020, at: <http://bit.ly/3d0MsyY>.

³³¹ UNHCR Türkiye, 2020 *Operational Highlights*, available at: <https://bit.ly/3esx9AE>.

³³² Relief Web, 'UNHCR Turkey - Fact Sheet February 2022 [EN/TR]' 23 March 2022, available at: <https://bit.ly/3JRKzXx>.

³³³ *Ibid.*

³³⁴ IOM, 'IOM and PMM Will Establish 115 Information Kiosks For Migrants Across Turkey', 2022, available at: <https://bit.ly/3NTKJia>.

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 Türkiye. The temporary protection regime currently in place covers Syrian nationals and stateless Palestinians originating from Syria. However, this policy has changed as of 6 June 2022. (See Reception Conditions). Those coming through a third country, however, are excluded from the temporary protection regime. Although they should be allowed to make an international protection application under the LFIP, in practice they are not allowed to apply and are only granted a short-term visa and then a short-term residence permit. In the case of a Syrian who had previously resided in Türkiye but was forced to leave due to the expiration of his residence permit, he entered Türkiye from Kuwait and applied for temporary protection. His application to PDMM was denied. His attorney successfully appealed this ruling and won the case. PDMM continues to resist issuing the ID to the applicant.³³⁵

2. Iraq

Iraqis are generally granted short-term residence permits once they are in Türkiye. Even where they apply for international protection, they are usually encouraged to opt for a short-term residence permit.³³⁶

In 2022, according to Support to Life's report, Yezidis coming to Türkiye from Iraq and living in Mardin and Batman faced severe problems in accessing international protection or short-term residency.³³⁷

3. Afghanistan

The barriers to access to the procedure following the takeover of registration of applicants for international protection by PMM in September 2018 (see Registration) have had particularly adverse effects on Afghan nationals.

This situation for Afghan refugees in Türkiye remained extremely difficult in 2022.³³⁸ The significant number of arrivals from Afghanistan to Türkiye was one of the biggest issues. An extremely negative response was given to irregular crossings at the Iranian border, and the public perception that Afghan single men "do not need international protection" remained persistent in 2022.³³⁹ In contrast, a report prepared by the Migration and Social Cohesion Commission of the Turkish National Grand Assembly challenges the prevalent

³³⁵ Information provided by a stakeholder, May 2023.

³³⁶ Information provided by a stakeholder, March 2019.

³³⁷ Hayata Destek, 'Türkiye'ye Yeni Gelen Ezidilerin Kayıt Sorunu' 2022, available in Turkish at: <https://bit.ly/3XOG4mc>.

³³⁸ ICMPD, 'Migration Outlook 2022 Western Balkans & Turkey Nine migration issues to look out for in 2022', 2022, available at: <https://bit.ly/44G3qwt>.

³³⁹ Information provided by several stakeholders, May-June 2023.

perception that the majority of Afghans are single men economic migrants. According to the report, a great numbering of Afghans entering Türkiye after August 2021 were 'secular and educated families'.³⁴⁰

A study from 2022 surveyed 774 Afghans in seven cities across Türkiye to understand their living conditions and mobility aspirations. Increasing prices in the country, expensive utility bills and having low income make it difficult for Afghans to afford food and housing.³⁴¹ It found that two-thirds of Afghans live in poverty and daily work is the main source of income. Nearly half of respondents strongly consider moving to another country, but only 16% have concrete plans to leave their current country. The survey found that almost a quarter of respondents consider it impossible to move to another country in their current situation, while more than one-third would like to permanently stay in Türkiye if the possibility existed. Despite experiences of discrimination, feelings of belonging increase with length of stay, and Afghans and Syrians are the most discriminated against nationalities in Türkiye. Low expectations for the future are expressed by two-thirds of new arrivals and almost half of those who had previously migrated or were born in Türkiye.³⁴²

Afghan refugees in Türkiye face significant difficulties with registration and legal procedures. They lack awareness regarding relevant Turkish institutions and struggle to maintain bureaucratic relations, particularly unaccompanied minors. Many unregistered Afghan children live and work informally, without access to education. Afghan individuals avoid public institutions, making registration rates low. Obtaining power of attorney and necessary documents for legal cases is nearly impossible for Afghans. Afghan embassies cannot issue passports since August 2021. Inconsistent case law on Afghanistan persists despite the suspension of deportations. Some applicants have successfully appealed negative decisions due to persecution risks or insufficient research, while others have been denied protection based on economic reasons.³⁴³

The PMM has been working to improve its capacity for assisted returns, with technical and financial assistance from Europe. The International Centre for Migration Policy Development (ICMPD 2021) oversaw the flagship project, SUPREME - "Strengthening Utilization of Additional Policies and Measures for Reinforcing Migration Management in Türkiye" - for the 2019-2021 period³⁴⁴. PMM founded its own voluntary returns mechanism in 2021 (with the assistance of ICMPD and financed by the national budget), so if an Afghan wants to return to Afghanistan voluntarily this can happen through PMM's voluntary return mechanism but not through IOM. This mechanism is less transparent; and the number of returnees is unclear. These returns were stopped for a couple of months following the fall of Kabul, but as of early 2022 the state is again sending back Afghans to Afghanistan under 'voluntary return'.³⁴⁵ There are ongoing legislative works for the enactment of a Regulation on assisted voluntary return which could potentially address ongoing transparency issues.³⁴⁶ For more information, see the section on Access to the territory for more information.

³⁴⁰ DW, 'Meclis'ten göç raporu: Cezalar yetersiz', 10 June 2022, available in Turkish at: <https://bit.ly/3rs7ORC>.

³⁴¹ Can Eminoğlu, 'Strategizing to Survive in Liminal Life: Ghost-Like Agency Of Afghan Refugees In Turkey', July 2022, available at: <https://bit.ly/3PPgs6Q>.

³⁴² R. Rischke & Z. Yanaşmayan - DeZim Institut, Die prekäre Situation von Afghan*innen in der Türkei, August 2022.

³⁴³ Information provided by various stakeholders, May- June 2023.

³⁴⁴ Zeynep S. Mencutek, 'The Institutionalization of "Voluntary" Returns in Turkey', 2022, available at: <https://bit.ly/3NI6lsc>.

³⁴⁵ Information provided by a stakeholder, May 2022.

³⁴⁶ Information provided by a stakeholder, June 2023.

4. Other nationalities

Since Russia declared war against Ukraine in February 2022, 145,000 Ukrainians reached Türkiye.³⁴⁷ However, as of January 2023, the number of Ukrainians present in the country was 95,000, according to UNHCR.³⁴⁸ According to the Ukrainian Embassy in Türkiye, the number of Ukrainians entering Türkiye increased from 20,000 to 181,000 as of 21 July 2022.³⁴⁹ 58,000 Ukrainians had arrived in Türkiye as of March 2022, with at least 30,000 entering by land and 900 arriving by air via third nations. There were 7,131 Ukrainians have applied for international protection as of February 2023.³⁵⁰ However, this number has declined to 4,955 as of June 2023 according to UNHCR.³⁵¹ The majority of Ukrainians prefer to reside in metropolitan cities such as **Istanbul, Ankara, Izmir, Antalya, Mugla, and Bursa** because of the availability of temporary shelter services, Ukrainian diaspora in those cities and employment opportunities. Ukrainians of Meskhetian Turks, Crimean Tatar, and Gagarus Turk prefer to reside in **Bursa, Kırklareli, and Eskişehir**.

Once Ukrainians arrived in Türkiye via Bulgaria by buses, they were housed in dormitories in Edirne, Eskişehir, and Bursa. 300 individuals, predominantly women and children arrived at first. When additional refugee groups arrived in Ankara, authorities did not know how to manage the number of arrivals of the Ukrainians' applications for international protection. There was a dormitory in Golbasi, **Ankara** and an affluent Turkish businessman gave Ukrainian refugees access to it. Approximately 200 guests stayed there. Initially, it was for three months, but their stay was subsequently extended. Some Ukrainians were resettled in third countries, while others returned to Ukraine. The Ukrainian Cultural Centre in Ankara initiated a matching programme between newly arrived Ukrainians and Turkish families. Some women and children were housed in Reception and Accommodation Centre in **Yozgat**.³⁵²

The communication between Ankara PDMM and NGOs working for Ukrainians was described as 'perfect'. Ankara PDMM's period of uncertainty lasted approximately 2 months, then the registration and residence permit processes were accelerated significantly. By the end of May, applicants gained access to health care and other services. During this two-month gap period, the UNHCR provided assistance to individuals with special needs, such as those living with HIV or chronic diseases. All those holding the status of asylum applicants and have the right to access services; however, some Ukrainians with residence permits experienced difficulty gaining access to health care. As part of the deconcentration policy, certain neighborhoods, such as Istanbul and Antalya, were closed to registration. Ukrainians benefitted from social aid programmes such as ESSN and CCTV.³⁵³ Some support initiatives already began by April 2022, including as one in the Kuşadası Municipality for Ukrainian women who fled their country to work online and earn money.³⁵⁴ NGOs such as SGDD-ASAM provided online counselling in Russian and Ukrainians.³⁵⁵

According to stakeholders, there were four categories of Ukrainians living in Türkiye: Ukrainians holding short- or long-term residence permits (i.e. Ukrainians who had previously visited Türkiye, or having relatives in Türkiye; applicants for international protection whose economic conditions were worse comparing to

³⁴⁷ Euronews, 'BM: Ukrayna'da savaştan kaçan mültecilerin sayısı 10 milyonu geçti', 2 August 2022, available at: <https://bit.ly/3D9zkG2>.

³⁴⁸ UNHCR, 'Ukraine Refugee Situation', last updated July 2023, available at: <https://bit.ly/3kxJP02>.

³⁴⁹ ASAM, Activity Report On Humanitarian Assistance Provided Towards Ukrainians In Türkiye, 3 August 2022.

³⁵⁰ UNHCR, 'Türkiye Fact Sheet', February 2023, available at: <https://bit.ly/3KjLjh>; PMM, 'Uluslararası Koruma', 2022, available in Turkish at: <https://bit.ly/3NQmFgj>.

³⁵¹ UNHCR, 'Ukraine Refugee Situation', last updated July 2023, available at: <https://bit.ly/3kxJP02>.

³⁵² Information provided by a stakeholder, March 2023.

³⁵³ Information provided by a stakeholder, March 2023.

³⁵⁴ Bizimizmir, 'kusadasi ukraynali savas magduru kadınlara kusadasi istasyon topluluk merkezi ni acti' last accessed 13 July 2023, available in Turkish at: <https://bit.ly/3XMKHNN>.

³⁵⁵ SGDD, ASAM, 'Türkiye'deki Hassas Durumdaki Göçmenlere Hukuki Destek ve Hizmet Sağlanması Projesi', last accessed 13 July 2023, available at: <https://bit.ly/3NSAdYs>.

other groups and who had no contacts in Türkiye; Ukrainians having a humanitarian visa, primarily women and children directly affected by war by losing their close relatives in the war and Crimean Tatars and Meskhetian Turks having permanent residence (*iskanli gocmen*) in Türkiye. There were 551 Crimean Tatars and Meskhetian Turks among the Ukrainian citizens who came to Türkiye, who were placed in dormitories in **Edirne** and **Kırklareli**, with support from AFAD.³⁵⁶ On 3 June 2022, a Presidential Decree granting 1000 households of Meskhetian Turks in need of protection for permanent residency (*iskanli gocmen*) entered into force.³⁵⁷ This group was placed in container camps near **Elazığ**.³⁵⁸

According to stakeholders, the identified needs of Ukrainians included unmet basic requirements, difficulties in gaining access to services, and the absence of legal documents among Ukrainian beneficiaries. Reasons such as language barrier, insufficient financial resources, and difficulties in accessing job opportunities, lack of knowledge of legal regulations, and lack of information about rights, services, and obligations among individuals have contributed to the continuation of these problems.³⁵⁹

As a result of the influx of Ukrainians and Russians into Türkiye after the war, a number of short-term residence permits applications of other nationalities were been denied. Applicants whose requests for residence permits were denied continued to reside in Türkiye despite the illegality of their stay, as submitting a lawsuit has no suspensive effect, unlike deportation cases.³⁶⁰

³⁵⁶ Anadolu Ajansı, 'Humanitarian Aid sent from Türkiye to Ukraine', 7 March 2022: <https://bit.ly/3MjiVSb>.

³⁵⁷ Resmî Gazete, CUMHURBAŞKANI KARARI, 3 June 2022, Available in Turkish at: <https://bit.ly/44nuwJc>.

³⁵⁸ Information provided by a stakeholder, March 2023.

³⁵⁹ ASAM, Activity Report On Humanitarian Assistance Provided Towards Ukrainians In Türkiye, 3 August 2022.

³⁶⁰ Information provided by a stakeholder, April 2023.

Reception Conditions

In 2019, PMM issued the Cohesion Strategy and National Action Plan,³⁶¹ according to which six thematic areas are to be addressed: social cohesion, information, education, health, labour market and social support. In general, however, the Plan has not been visible or well-known. In 2022, the strategy was still in force however, perhaps because it is a challenging period for Türkiye economically, cohesion attempts are less visible.³⁶² One concrete example given of the implementation of the plan was collaboration with mukhtars (neighbourhood leaders) to strengthen integration at the local level. Another component was the provision of migration counselling. 16 migration-counselling centres were founded³⁶³ in 2021, but no information was shared with the public in 2022. However, as the five-year plan is due to end in 2023, its continuation is being planned.³⁶⁴

A training programme named Social Cohesion and Life Training (SUYE) has been launched by PMM. The course lasts eight hours and covers topics such as the social structure of Türkiye, its rights and obligations, and its traditions and customs. It targets migrants and refugees between the ages of 18 and 65. The instruction is provided at public education facilities (halk eğitim merkezi) in 16 cities that are closely supervised by Turk Kızılay, SGDD-ASAM, and the UNHCR. As of September 9th, according to PPM, 444,488 women and 503,000 men had participated in this training, and more than 1 million people had been trained overall. If necessary, there is an interpretation service available in Arabic and Persian.³⁶⁵ Over the second half of 2022, just over 39,000 refugees and host community members participated in such events, although this was significantly less than the over 125,000 recorded in the first half of the year.³⁶⁶

The EU continued to support Türkiye's huge efforts to accommodate the largest refugee population in the world in 2022 despite political unrest. By the end of 2020, the EU Facility for Refugees in Türkiye (FRIT) had contracted its whole 6 billion EUR operational budget, and by August 2021, more than EUR 4.2 billion had been distributed. In addition to the 6 billion EUR already raised under the FRIT in 2020 and 2021, 585 million EUR from the EU budget was set aside for humanitarian assistance as well as to continue two significant cash support programmes for refugees. In June 2021, the Commission suggested allocating an additional 3 billion EUR in aid to Syrian refugees and host communities in Türkiye. But the size of the refugee population in Türkiye—particularly after the arrival of Afghan nationals starting in the summer of 2021—requires much more work from the international community to handle the growing requirements brought on by the refugees' prolonged stay in the nation.³⁶⁷ For 2023 and 2024, the EU has pledged over 2 billion EUR in support for Syrian refugees and their host communities. I was stressed that the EU would continue to collaborate with Türkiye to ensure the delivery of cross-border aid to Syria.³⁶⁸

According to a new survey, 62% of the host community believes that social cohesion initiatives are effective, while 38% says that integrating refugees into society is difficult.³⁶⁹

³⁶¹ See PMM, *Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023*, available in Turkish at: <https://bit.ly/3ylz1j4>.

³⁶² Information provided by a stakeholder, May 2022.

³⁶³ PMM website, 'A Preparatory Training Program for Migration Counseling Centers Staff Was Held', 29 June 2021. Available in Turkish at: <https://bit.ly/3yC918L>.

³⁶⁴ Information provided by a stakeholder, May 2022.

³⁶⁵ AA, 'Göç İdaresi Başkanlığından Türkiye'deki yerleşik yabancılara sosyal uyum eğitimi', 19 September 2022, available at: <https://bit.ly/3JYcGnP>.

³⁶⁶ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

³⁶⁷ ICMPD, 'Migration Outlook 2022 Western Balkans & Turkey Nine migration issues to look out for in 2022', 2022, available at: <https://bit.ly/44G3qwt>.

³⁶⁸ AA, 'EU pledges over \$2B at donors conference for Syria', 15 June 2022, available at: <https://bit.ly/3rmV9iN>.

³⁶⁹ Dr. Öğr. Üyesi Asuman Özgür Keysan, Doç. Dr. Doğa Elçin, Doç. Dr. Ilgar Seyidov, Doç. Dr. Ceyhan Çiğdemöğl, GÖÇ VE SOSYAL UYUM SÜRECİ: HATAY İLİ ÖRNEĞİ, Araştırma Raporu, 2022.

Overall, social cohesion and targeted reception activities are difficult because refugees still face severe problems with their legal status.³⁷⁰ The economic and social difficulties experienced by refugees/asylum-seekers living in Türkiye in 2022 also deepened. In addition, videos of foreigners harassing Turkish women raised public outrage and strengthened the conservative and gendered narrative around "refugees will assault our women."³⁷¹ Over the last years, Turkey has experienced many incidents in which the prominent anti-refugee and migrant discourse in the media has triggered hate attacks, attempted killings, and violent uprisings targeting refugees and migrants in various regions.³⁷²

In 2022, hate speech and restrictions towards refugees were even reflected by politicians. Particularly, the opposition and ruling party leaders' anti-refugee rhetoric and campaign promises to "send refugees home" before upcoming elections in Türkiye alarmed refugees,³⁷³ and made them quite worried about their future in Türkiye.³⁷⁴ The most striking examples of this are the decisions taken by the **İstanbul** Metropolitan Municipality. The municipality in question prohibited the use of public transport to irregular migrants.³⁷⁵ In **Kocaeli**, the Chair of Kocaeli Chamber of Small Shop Owners said that signboards in Arabic would not be allowed.³⁷⁶ The **Bolu** Municipality posted slogans on billboards stating all refugees should return to their home countries because their presence in Türkiye fuels unemployment, the crime rate, and hinders peace. Based on hate speech and incitement to hatred, the Bolu Prosecutor's Office initiated a criminal investigation.³⁷⁷ PMM informed the public that signboards were regularly controlled and in 2022, only 3,643 out of 19,309 signboards were identified as against regulations.³⁷⁸ In July 2022, Muhammed İsa Abdullah, the owner of a Somali restaurant, filed a complaint against the police for painting the restaurant's signboard white and closing it down for violating laws. He said that he had to change the name of his restaurants since they were frequently and arbitrarily searched by the police. According to news, PDMM also issued a deportation order against him.³⁷⁹ Abdullah also lodged a complaint before the Türkiye Human Rights and Anti-Discrimination Body regarding discrimination based on refugee status, but the Body dismissed his complaint.³⁸⁰

Racism and discrimination are pervasive in Türkiye and continued to be reported as an issue in 2022. According to the Equal Rights Monitoring Association's report, between January and September 2022, 29 incidents have taken place against ethnic minorities and refugees. In February 2022, a Syrian man living in Bağcılar, İstanbul were killed by three people who introduced themselves as police officers.³⁸¹ In June 2022,

³⁷⁰ Information provided by a stakeholder, May 2022.

³⁷¹ Tele 1, 'İstanbul'da kadınların gizlice videosunu çeken 24 yabancı uyruklu yakalandı', 2022, available in Turkish at: <https://bit.ly/3NKx8K2>.

³⁷² HBS Thessaloniki, Media & Migration Association, Media Representation of Refugees and Migrants in Turkey, June 2023, available at: <https://bit.ly/3NYYOLw>.

³⁷³ Euronews, 'Türkiye'de Suriyeli sığınmacılar endişeli', 19 May 2023, available in Turkish at: <https://bit.ly/44qOnao>.

³⁷⁴ VOA, 'Suriyeli Karşıtı Propagandanın Nedeni Ekonomik mi?', 2022, available at: <https://bit.ly/43j9SbS>.

³⁷⁵ IBB Haber, *Twitter*, 22 August 2022, available at: <https://bit.ly/3JVJUV2>.

³⁷⁶ Özgür Kocaeli, 'Kütük: "Arabic signage will no longer be used"', 7 February 2022. Available in Turkish, at: <https://bit.ly/3xmMhcq>.

³⁷⁷ NTV, 'Bolu Belediyesi'nin sığınmacılarla ilgili afişine soruşturma', 19 May 2022, available in Turkish at: <https://bit.ly/3XO6jt0>.

³⁷⁸ PMM, 'Tabela Denetimlerine İlişkin Basın Duyurusu', 18 June 2022, available in Turkish at: <https://bit.ly/3pLF9qc>.

³⁷⁹ Euronews, 'Ankara'da restoranını polis basan Somalili aile: Suçumuz varsa kapatırız', 12 July 2023, available in Turkish at: <https://bit.ly/43uw3f3>.

³⁸⁰ Duvar, 'TİHEK'in 'Somalili Abdullah' kararına 5 üye şerh düştü: Kolluk 'ayrımcılık yasağını' ihlal etti', 26 September 2022, available in Turkish at: <https://bit.ly/43nOj9V>.

³⁸¹ Evrensel, 'Kendilerini polis olarak tanıtan kişiler girdikleri evde Suriyeli mülteci Ahmad Rafik Olabi'yi katletti', 19 February 2022, available in Turkish at: <https://bit.ly/3rlTycV>.

a Syrian construction worker was killed in **Istanbul**.³⁸² In August 2022, a 17-year-old Syrian boy in **Bursa** was stabbed because “he had no cigarettes”.³⁸³ In September 2022, a 17-year-old Syrian boy was stabbed and killed in **Hatay**, and this incident fueled hate speech on social media.³⁸⁴

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 PMM. 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 PMM 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 an YKN until they are issued an International Protection Applicant Identification Card after they have travelled to their assigned “satellite city” and have registered their application with the competent PDMM. Given the severe obstacles to and corollary delays in accessing the international protection procedure (see [Registration](#)), the time lag between an asylum seeker’s intention to apply for international protection and the issuance of an YKN can be particularly long. This leaves asylum seekers without access to some basic rights.

1.1. Restrictions on reception conditions by type of procedure

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

³⁸² Cumhuriyet, ‘İstanbul’da Suriyeli işçilerin kaldığı eve saldırı: 22 yaşındaki Sherifi El Ahmed öldürüldü’, 6 June 2022, available at: <https://bit.ly/3PT4TeQ>.

³⁸³ Sondakika, ‘17 yaşındaki Suriyeli Mecit’i, sigarası yok diye bıçakladılar!’, 28 August 2022, available in Turkish at: <https://bit.ly/44pf9Qk>.

³⁸⁴ Birgün, ‘Kullanılan ırkçı dil düşmanlaştırıyor’, 6 September 2022, available at: <https://bit.ly/43uy373>.

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

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

1.2. Means assessment

The LFIP contains a “means” test for some of the reception rights and benefits but not for others. Concerning access to primary and secondary education and access to labour market, there is no means criterion. Concerning 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:³⁸⁵

- 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 Türkiye or country of origin;
- d. whether they receive financial assistance from family members in Türkiye or country of origin;
- e. whether they receive financial assistance from any official bodies in Türkiye or NGOs;
- f. whether they already have health insurance coverage;
- g. any other considerations deemed appropriate.

Where it is determined that an applicant has unduly benefited from services, assistance and other benefits, they shall be obliged to refund costs in part or in their entirety.³⁸⁶

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 PMM “may” reduce rights and benefits, with the exception of education rights for children and basic health care.³⁸⁷

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 2022 (in original currency and in €): | Not available |
|---|---------------|

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

Articles 88 and 89 LFIP govern the level of provision and access that shall be granted to international protection applicants (and status holders) in the areas of education, health care, social assistance and

³⁸⁵ Article 106(1) RFIP.

³⁸⁶ Article 90(1)(ç) LFIP.

³⁸⁷ Article 90(2) LFIP.

services, access to labour market, financial allowance. Türkiye does not commit the provision of shelter to international protection on applicants,³⁸⁸ but authorises PMM to extend, on discretionary basis, state-funded accommodation to international protection applicants under the auspices of Reception and Accommodation Centres. At present, there is only one Reception and Accommodation Centre in operation in **Yozgat**.³⁸⁹

Rights and benefits granted to international protection applicants and status holders may not exceed the level of rights and benefits afforded to citizens.³⁹⁰

However, language remains a major barrier to access to services, employment, and social cohesion, with only an estimated 15% of people under international and temporary protection speaking Turkish fluently. Adult refugee women are considerably less likely to speak Turkish or have gotten any formal education than men.³⁹¹

2.1. Financial allowance

International protection applicants who are identified to be “in need”, may be allocated a financial allowance by PMM.³⁹² PMM 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 applicants in need by PMM on discretionary basis. PMM should put in place implementation guidelines, which may include guidance as to the specific criteria and procedure by which an applicant would be identified as “in need” 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.³⁹³ This indicates that such information may be a factor in the assessment of necessity for the purpose of financial allowance. However, there is currently no implementation of Article 89(5) LFIP, and therefore the possibility of financial allowance to international protection applicants by the state remains only theoretical to date.

2.2. Social assistance and benefits

International protection applicants identified “to be in need” can seek access to “social assistance and benefits”.³⁹⁴ The LFIP merely refers international protection applicants to existing state-funded “social assistance and benefits” dispensed by the provincial governorates as per Türkiye’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. It was launched in 2022 to assist with electrical bills as a result of the increase in the cost of living.³⁹⁵ As such, it will be up to the provincial

³⁸⁸ Article 95 LFIP.

³⁸⁹ PMM, *Removal centres*, available at: <http://bit.ly/2osejRh>.

³⁹⁰ Article 88(2) LFIP.

³⁹¹ Inter-Agency Coordination Türkiye, IAPNA 6, January 2023, available at: <https://bit.ly/3NTjBA5>.

³⁹² Article 89(5) LFIP.

³⁹³ Article 90(1) LFIP.

³⁹⁴ Article 79(2) LFIP.

³⁹⁵ Dünya, ‘Vatandaşlara 300 TL’den 2400 TL’ye kadar birçok destek veriliyor! Bu şartları sağlayanlar alabilir...’, available in Turkish at: <https://bit.ly/3PUk3jS>.

Social Solidarity and Assistance Foundation to determine whether they qualify for the “poor and needy” threshold.

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 their daily needs without the care and assistance of another family member. This is ongoing financial aid given to the carer. It is 1,594 TL / 80 EUR if the disability rate is between 40% and 70%, and 2,392 TL / 100 EUR if it is more than 70%. In 2022, the monthly carer allowance is 1,594 TL / 80 EUR³⁹⁶.

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

Municipalities may also provide assistance to applicants for and beneficiaries of international protection. The types of assistance provided by the municipalities differ as they depend on the resources of each municipality. Assistance packages may include coal, food parcels, clothing and other kinds of non-food items. The eligibility criteria to receive assistance may also differ between municipalities.³⁹⁷

The Turkish Red Crescent (*Türk Kızılay*) is an important actor in this field and is active in each city of Türkiye as a public interest corporation. In most cases, their social assistance is not financial but in kind: distribution of wheelchairs to disabled persons, distribution of food, clothes or soup in winter for people in need. They have also a special fund for people with special and emergency needs. With the help of this fund, they can provide medical help such as buying a prosthesis or hearing instruments for children.³⁹⁸

Beyond social assistance from the state, the EU has funded cash assistance programmes such as the Emergency Social Safety Net (ESSN) and the Conditional Cash Transfer for Education (CCTE). These are described in [Temporary Protection: Social Welfare](#) as they are mainly, though not exclusively, addressed to Syrian temporary protection holders.

The ESSN scheme is the single largest humanitarian project in the history of the EU and as of April 2023, was assisting more than 1.5 million people and 380,000 vulnerable people. It is designed to help the most vulnerable refugees pay for the things they need most. Currently, the European Commission funds the programme until early 2023.³⁹⁹ Refugee families currently receive 300 Turkish Liras (around 14 EUR) monthly per family member, enabling them to decide for themselves how to use it towards essential needs like rent, transport, bills, food and medicine. The programme offers additional quarterly top-ups based on family size.⁴⁰⁰ Considering that the minimum living wage is 8.506 TL (around 420 EUR) as of May 2023 the monthly payments are far from covering the needs for a dignified life, which is not the main purpose of the programme.

The EU has contributed cash transfers to vulnerable refugee families whose children attend school regularly under the ‘Conditional Cash Transfers for Education’ (CCTE). The CCTE is the EU’s largest-ever

³⁹⁶ *ibid.*

³⁹⁷ UNHCR, *Social and financial assistance*, available at: <https://bit.ly/2GjSOJ1>.

³⁹⁸ Information provided by a stakeholder, May 2023.

³⁹⁹ European Commission website, ‘The Emergency Social Safety Net (ESSN): Offering a lifeline to vulnerable refugees in Türkiye’, available at: <https://bit.ly/3yeDL0z>.

⁴⁰⁰ European Commission website, ‘The Emergency Social Safety Net (ESSN): Offering a lifeline to vulnerable refugees in Türkiye’, available at: <https://bit.ly/3yeDL0z>.

humanitarian programme for education in emergencies. As of mid-2022, it is assisting around 795,000 children.⁴⁰¹ More than 70,000 refugee children will be referred to education programmes through the implementation of the Support for School Enrolment (SSE) programme. Children and families have also been provided with transportation, translation, and further support to ensure children's enrolment in educational opportunities.⁴⁰²

In 2022, the economic situation in Türkiye was extremely difficult; inflation was a particularly serious problem and reached an official rate of 67% by December 2022.⁴⁰³ However, this official figure was opposed by independent economist and academics claiming that the 'real' inflation rate was 137, 55 %. This not only affected refugees in terms of the spending power of the allowance received, but also the general situation in the country and anti-refugee sentiment.⁴⁰⁴ According to a survey conducted in **Istanbul** by the Istanbul Planning Agency, the top complaint was refugees with 66%, followed by the effects of the economic crisis with 55%.⁴⁰⁵

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 PMM has the discretion to reduce rights and benefits, with the exception of education rights for minors and basic health care.⁴⁰⁶

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

- (a) Report changes in their employment status to the competent PMM 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 PMM 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.⁴⁰⁷ However, if the application is considered withdrawn (“cancelled”), General Health Insurance (*Genel Sağlık Sigortası*, GSS) is also de-activated.

There were changes to the LFIP in December 2019. Article 89(3)(a) LFIP now provides that access to health care under Türkiye's General Health Insurance (*Genel Sağlık Sigortası*, GSS) is provided to applicants for international protection one year after the registration of their application, with the exception of persons with special needs. The right to health care ceases upon the issuance of a negative decision.⁴⁰⁸

⁴⁰¹ European Commission, available at: <http://bit.ly/3d0Bgm9>.

⁴⁰² European Commission, available at: <http://bit.ly/3d0Bgm9>.

⁴⁰³ Financial Times, ‘Tension over Türkiye's 4mn refugees nears boiling point’, 9 May 2022, available at: <https://bit.ly/3JY34cS>.

⁴⁰⁴ *Ibid.*

⁴⁰⁵ T24, ‘Gündem İşte İstanbul halkının en önemli 3 sorunu: Sığınmacılar, ekonomik sorunlar, konut fiyatları’, 9 June 2022, available in Turkish at: <https://bit.ly/3JV66yq>.

⁴⁰⁶ Article 90(2) LFIP.

⁴⁰⁷ Article 91(6) RFIP.

⁴⁰⁸ Law No 7196 amending several acts, 6 December 2019, available in Turkish at: <http://bit.ly/2TSm0zU>.

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

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

Applicants can either file an administrative appeal against such a decision to reduce or withdraw reception rights with IPEC within 10 days of the written notification, or they can directly file a judicial appeal with the competent Administrative Court within 30 days.⁴⁰⁹

4. Freedom of movement

Indicators: Freedom of Movement

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

4.1. The “satellite city” system

Each applicant is assigned to a province, where he or she shall register with the PDMM, secure private accommodation by their own means and stay there as long as they are subject to international protection, including after obtaining status. This dispersal scheme is based on Article 71 LFIP, according to which the PMM 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 PMM where applicants for international protection are required to reside.⁴¹⁰ While new applicants for international protection can initiate their application in a province not listed in the list and may remain there until they are assigned and referred to a satellite city.⁴¹¹ Stakeholders reported that PMM appeared to have stopped using the concept of “satellite cities” by the end of 2022, and that PMM sometimes is responsible of informing about which cities are open or closed to new registrations.⁴¹²

According to the last available list, 62 provinces in Türkiye are designated by PMM as open/closed cities for the referral of international protection applicants⁴¹³ However, they are mostly closed to international protection applications.⁴¹⁴

Open / closed cities for international protection applicants			
Adana	Çorum	Karaman	Sakarya

⁴⁰⁹ Article 80 LFIP.

⁴¹⁰ Article 2(hh) RFIP.

⁴¹¹ Article 66(3) RFIP.

⁴¹² Information provided by a stakeholder, June 2023.

⁴¹³ For the earlier list of cities as of August 2017, see Refugee Rights Türkiye, *Avukatlar için mülteci hukuku el kitabı*, August 2017, available in Turkish at: <https://bit.ly/2G9X5Ti>, 409.

⁴¹⁴ Information provided by a stakeholder, June 2023.

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

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

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

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

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

Since May 2022, it is prohibited by PMM for any region or area in Türkiye to have a population of foreign nationals that is more than one-quarter of the total population. This includes both people who have made Türkiye their permanent home and those who are merely visiting the country. This rule has been given the name the 25 percent limit or the 25 percent rule. As of 1 July 2022, 1169 neighbourhoods in different provinces are now closed to foreign nationals seeking address registrations for temporary protection, international protection, and residence permits, as well as changes to their city of residence if they are foreign nationals with residence permits or are under temporary or international protection, with the exception of new-borns and instances of nuclear family reunification. Because of this, no non-Turkish national will be able to select any of these 1169 neighbourhoods in Türkiye as their registered address for official matters, nor will they be able to ask the authorities to change their address to any of these places. In total, 58 got impacted by this new policy and **Adana, Ankara, İstanbul, İzmir, Muğla, and Antalya** are some of the cities that fall into this category.⁴¹⁵

⁴¹⁵ PMM, 'Neighbourhood Closure Announcement, 30 June 2022, available in Turkish at: <https://bit.ly/3rn3RNY>.

After changes to the LFIP in December 2019, the law now foresees an administrative fine for those who provide accommodation to unregistered foreigners even unknowingly. In 2022, property owners who provided housing to undocumented foreigners without a contract were subjected to fines of 26,750 Turkish Lira. If the property is sealed for three consecutive months, it may be decided to seal it permanently. If the same act is repeated by a hotel, the hotel may be sealed for up to three months and its certificate may be revoked. In 2022, police operations were widespread in Istanbul, where 13,648 homes were inspected and 684 of them were fined 19,800 TRY for violating article 9 of the Identity Notification Law No. 1774.⁴¹⁶

4.2. Travelling outside the “satellite city” and sanctions

The PDMM has the authority to impose an obligation on applicants to reside in a specific address, as well as reporting duties.⁴¹⁷ 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.⁴¹⁸

As of November 2019, travel permits could be obtained through the online system (E-Devlet) through refugees’ e-accounts. Refugees are expected to get a password from National Postal Services. In 2022, some people continued to have difficulties in accessing the online system still due to language barriers.⁴¹⁹ It was also reported that only 30-day travel permits could be obtained online. The applicant ought to contact PDMM for permits exceeding 30 days.⁴²⁰

Failure to stay in an assigned province has very serious consequences for the applicant. International protection applicants who do not report to their assigned province in time or are not present in their registered address upon three consecutive checks by the authorities are considered to have implicitly withdrawn their international protection application.⁴²¹ In practice, if the person is not found at their declared address, the PMM may issue a “V71” code declaring that the applicant is in an “unknown location” (*Semt-i meçhul*) following a residence check.

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

In practice, however, applicants may be subject to even more severe – and arbitrary – sanctions such as administrative detention in a Removal Centre,⁴²² 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

⁴¹⁶ Milliyet, ‘Kaçak göçmenlere ev kiralayan yandı!’, 1 April 2022, available in Turkish at: <https://bit.ly/3XR408D>.

⁴¹⁷ Article 71(1) LFIP.

⁴¹⁸ Article 91(1)-(2) RFIP.

⁴¹⁹ Information provided by a stakeholder, May 2023.

⁴²⁰ Information provided by a stakeholder, May 2023.

⁴²¹ Article 77(1)(ç) LFIP.

⁴²² Information provided by several stakeholder, May 2023.

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.

It is possible for applicants to request that PMM assign them to another province on grounds of family, health or other reasons.⁴²³ Requests for a change in assigned province for other reasons may be granted by the PMM Headquarters on an exceptional basis. Where an applicant is unhappy about their province of residence assignment and their request for reassignment is denied, he or she can appeal this denial by filing an administrative appeal with the IPEC within 10 days or filing a judicial appeal with the competent Administrative Court within 30 days.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:⁴²⁴ 1
2. Total number of places in the reception centres: 100
3. Total number of places in private accommodation: Not available
4. Type of accommodation most frequently used in a regular procedure:
☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☒ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:
☐ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☒ Detention

One of the most prominent shortcomings of Türkiye'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.

The PMM 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.⁴²⁵ 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 Türkiye that accommodate refugees from Syria subject to the temporary protection regime (see [Temporary Protection: Housing](#)).

As of June 2022, there was only one remaining Reception and Accommodation Centre in operation in the province of **Yozgat**⁴²⁶ with a modest capacity of 100 places. The centre is envisioned as a short-stay facility, where persons apprehended and wishing to apply for international protection may be hosted for a couple of days before being directed to register their application. In practice, these centres are mainly available to applicants with special needs such as victims of gender-based violence, torture or physical violence, single women, elderly and disabled people. Foreign terrorist fighters are not permitted to access the centre.

⁴²³ Article 110(5) RFIP.

⁴²⁴ Both permanent and for first arrivals.

⁴²⁵ Article 95(2) LFIP.

⁴²⁶ Human Rights and Equality Commission of Türkiye, ‘Visit to Yozgat Reception and Accommodation Center’, 15 June 2022, available at: <https://bit.ly/3NlaOnT>.

According to the TIHEK report, the foreigners who have stayed the longest in the facility include a Syrian woman and her two children who were admitted in 2011.⁴²⁷

In emergencies involving urgent cases, NGOs may be able to arrange accommodation in hotels for individual applicants with special needs within the remit of their capacities however they have been advocating for more Reception and Accommodation Centers to be built instead of removal centers.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

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

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

While the current capacity of Reception and Accommodation Centre is extremely limited as compared to the size of the population seeking international protection in Türkiye, 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.⁴²⁸

Reception services provided in the reception and accommodation centres may also be extended to international protection applicants and status holders residing outside the centres,⁴²⁹ 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 pay for private accommodation in their assigned provinces out of their own resources. Access to housing remains deeply challenging due to a range of factors, including high rental prices and onerous advance payment requirements from owners. Rent prices are very high, resulting in two or three families living together in one place to be able to afford rent. Deposits are not paid back when the tenancy contract ends. 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.

⁴²⁷ Ibid.

⁴²⁸ Article 95(3) LFIP.

⁴²⁹ Article 95(4) LFIP.

The economic downturn increased living expenses, including rental fees. This had a larger effect on refugees because of their vulnerability. According to NGOs, they provided often provided advice to refugees regarding the state law regulating rent for new tenants, in which the rental increase limit is 25% and the property owner cannot file a lawsuit based on the rejection of a rent increase exceeding 25%.⁴³⁰

Another obstacle affecting applicants' accommodation stems from marginalisation from local communities or other refugee populations, whereby people are forced to live in districts far from the city centre, hospitals, education centres and public buildings. Although the types of challenges vary depending on the province and the profile of the applicant, the most common problem is finding a suitable place to live in highly conservative **Central and Eastern Anatolian** cities. For instance, due to pervasive racism, applicants of African descent appear to be more discriminated when searching for accommodation. They primarily reside in shared residences in Esenyurt, Istanbul, and face significant discrimination when looking for a home.⁴³¹ 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 **İstanbul**, an increasing number of Afghans have settled in Küçüksu and Yenimahalle⁴³² and Zeytinburnu.⁴³³ In **Adana** and **Mersin**, they mostly live in rural areas under precarious conditions with together with Syrians.⁴³⁴

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

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

Asylum seekers may apply for a work permit after 6 months following the lodging date of their international protection application.⁴³⁵

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.⁴³⁶ On that basis, the Regulation on Work Permit of Applicants for International

⁴³⁰ Information provided by a stakeholder, April 2023.

⁴³¹ Burgün, 'Esenyurt'u 'yurt' edinen göçmenlerin öyküsü: Kimsesizler mezarlığına gömülmek istemiyoruz', 27 July 2022, available in Turkish at: <https://bit.ly/3pQ7CLt>.

⁴³² Information provided by a stakeholder, May 2023.

⁴³³ Information provided by a stakeholder, May 2023.

⁴³⁴ Information provided by a stakeholder, May 2023.

⁴³⁵ Article 89(4)(a) LFIP.

⁴³⁶ Article 89(4)(ç) LFIP.

Protection and those Granted International Protection adopted on 26 April 2016 confirms that applicants may apply to the Ministry of Family, Labour and Social Services for a work permit through an electronic system (*E-Devlet*) after 6 months from the lodging of their asylum application.⁴³⁷

These jobs cannot be performed by foreigners, according to article 9/1 (c) of the International Workforce Law: a) dentist, b) chemist, c) veterinarian, d) executive director at private health institutions, e) lawyer, f) notary, g) private guard, h) captain and similar jobs performing at sea, i) custom auditor, l) tourist guide.⁴³⁸

Applicants must hold a valid identification document in order to apply,⁴³⁹ 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.⁴⁴⁰ The Ministry of Family and Social Services may introduce province limitations or quotas in these sectors.⁴⁴¹ 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.⁴⁴² In addition, applicants cannot be paid less than the minimum wage.⁴⁴³

The Regulation also foresees the possibility for applicants to have access to vocational training schemes organised by the Turkish Job Agency (İŞKUR).⁴⁴⁴ In practice, Public Education Centres under provincial Governorates and İŞKUR offer vocational courses to asylum seekers in many localities. Between the first quarter and the end of 2022, İŞKUR registered nearly 10,000 additional refugees, bringing the total to nearly 72,000 (significantly exceeding the target of 63,300). All reported figures referred to Syrian refugees, with a greater proportion of men (81%) than women (19%). İŞKUR also reported that an additional 425 enrolled beneficiaries (refugees and members of the host community) secured formal employment through them under the Facility, bringing the total number of beneficiaries to date to over 18,000. 67% of these were male, while 33% were female.⁴⁴⁵

In the Cohesion Strategy and National Action Plan (2018-2023)⁴⁴⁶ priorities for the labour market, include:

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

The action plan includes:

- A website with information on conditions for access to the labour market depending on status;

⁴³⁷ Articles 6-7 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴³⁸ Article 9/1 (c) of the Internal Workforce Law no. 6735, available at: <https://bit.ly/3rp0gz7>. For more information, see: <https://bit.ly/43miazy>.

⁴³⁹ Article 6(1)-(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴⁴⁰ Article 9(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection. Provisionally, however, these applications are lodged with the Ministry of Family and Social Services: Provisional Article 1 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴⁴¹ Article 9(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴⁴² Article 18(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴⁴³ Article 17 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴⁴⁴ Article 22 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁴⁴⁵ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

⁴⁴⁶ See PMM, Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023, available in Turkish at: <https://bit.ly/2VlssZY>.

- Awareness raising on rights and working conditions;
- Strengthening recognition of migrants' qualifications.

The International Workforce Law's implementing regulation went into effect on February 2, 2022, and it covers the procedures for work permits and work permit exemptions. The Regulation encourages policymakers to consider the perspectives of both international and domestic workforce when developing standards⁴⁴⁷. In 2021, a total of 168,103 work permits were issued including 91,500 to immigrants from Syria; 5,072 to citizens of Iran; 2,497 to citizens of Iraq and 2,923 to citizens of Afghanistan. Figures are not yet available for 2022.⁴⁴⁸ Applicants for international protection continue to face widespread undeclared employment and labour exploitation in Türkiye, similar to temporary protection beneficiaries (see [Temporary Protection: Access to the Labour Market](#)).

It was reported that Ukrainians in Türkiye work in the beauty, housekeeping, and babysitting industries, as well as informal service sectors.⁴⁴⁹

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 Türkiye.⁴⁵⁰

Türkiye has been a party to the United Nations Convention on the Rights of the Child since 1995. The right to education is also recognised by Article 42 of the Turkish Constitution, which provides that “no one shall be deprived of the right of learning and education”. Türkiye’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.⁴⁵¹ Currently the 8-year compulsory primary education is divided into two stages of four 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”.⁴⁵²

In Türkiye, there were 68,760 Iraqi, 47,118 Afghan, 12,666 Iranian, 7,938 Azerbaijani, and 2,663 German students enrolled in public schools as of March 2022.⁴⁵³

According to information gathered from stakeholders, approximately 80% of Ukrainian children attend education in Türkiye. Particularly Ukrainian families view this as an opportunity for their children to acquire a new culture. No significant peer discrimination against Ukrainian students in schools was reported. The school administrations were generally very accommodating. A school in Golbasi, Ankara, for instance, assisted numerous Ukrainian families with school registration procedures. To facilitate the social

⁴⁴⁷ Resmî Gazete, Uluslararası İşgücü Kanunu Uygulama Yönetmeliği, 2022, available in Turkish at: <https://bit.ly/44AfmjG>.

⁴⁴⁸ Ministry of Labour and Social Security, 'Work Permits of Foreigners', 2021, available at: <https://bit.ly/3Oe2IXE>.

⁴⁴⁹ Information provided by a stakeholder, March 2023.

⁴⁵⁰ Article 89(1) LFIP.

⁴⁵¹ Law No 222 on Primary Education and Training.

⁴⁵² Law No 1738 Basic Law on National Education.

⁴⁵³ DW, 'MEB raporu: Suriyeli çocukların yüzde 35'i okula gidemiyor', 30 March 2022, available at: <https://bit.ly/3NRpPjL>.

cohesion of Ukrainian families and children, the Ukrainian Culture Association and Cankaya Municipality offered Turkish classes. For children, there were courses in physics, the natural sciences, wellness, etc. There were fewer problems among elementary school students, but families wanted their children going to secondary school to follow the Ukrainian curriculum online.⁴⁵⁴ In addition, Meskhitan Turks residing in container camps in Elazig have nurseries and elementary schools in the camp and high school students have access to outside education.

In order for a parent to be able to register their 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.⁴⁵⁵ 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](#)).

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 Türkiye 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 Türkiye. Nor does the Turkish educational system offer adaptation or catch-up classes to foreign children whose previous education was based on a different curriculum. However, community centres operated by Türk Kızılay across the country also offer Turkish language classes and other services to applicants (see [Content of Temporary Protection](#)). A number of NGOs launched initiatives to improve online access to language courses. The 'Let's speak the same language' project is a free online Turkish language course offered to low-income young people with a strong desire to acquire Turkish.⁴⁵⁶ In **Istanbul**, some Iraqis do not send their children to Turkish schools, but rather to Iraqi schools that are not monitored by the Ministry of National Education in the event that the family relocates to a third country. In Istanbul, only one school of this type exists.⁴⁵⁷

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

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

Regarding asylum-seeking children with special needs, the Ministry of National Education instructs that where a foreign student is identified to be in need of special education, necessary measure shall be taken

⁴⁵⁴ Information provided by a stakeholder, March 2023.

⁴⁵⁵ 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.

⁴⁵⁶ STGM, 'Aynı Dili Konuşalım Projesi Ücretsiz Online Türkçe Kursları Başlıyor', 31 August 2022, available in Turkish at: <https://bit.ly/43pUzOs>.

⁴⁵⁷ Information provided by a stakeholder, April 2023.

in accordance with the Regulation on Special Education Services, which governs the provision of education services to children with physical and mental disabilities.

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

Priorities for education include:

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

Plans include:

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

Those who are registered can at least benefit from the right to education to a certain extent. Children of **asylum seekers who have received deportation decisions, whose international protection applications have been** rejected, and whose foreign identity numbers have been deactivated cannot access education. According to the law, the right to education and basic health services should be excluded from this suspension. Practices differ significantly from one province to another. There is no problem for children who have been enrolled for a long time - they are not usually expelled from school if the family's application is rejected. However, children cannot technically register again after the family's application is denied. When a foreigner's ID number is entered into the electronic system, it indicates that they are not registered.

Families living in Türkiye and whose children attend school frequently mention school-related problems. Some children are exposed to physical violence at school and are discriminated against by the teacher. There are schools where separate classes are created for migrant children. Families also face discrimination and pressure from their neighbors.⁴⁵⁸

⁴⁵⁸ Information provided by a stakeholder, May 2023.

One facet of increasing access to education has been the creation of vocational and technical training possibilities. With the financial backing of ECHO, the Ministry of National Education initiated a project titled 'Social and Economic Cohesion via Vocational and Technical Education' in 2022. The project's goals are to provide high quality, accessible vocational education for youth, to improve the educational environment, to provide supports that encourage students to continue their study, and to promote awareness about the opportunities that vocational education provides.⁴⁵⁹

Some activities and programmes were launched in 2022 to help university students improve certain abilities. The Aegean Start-up Programme, for example, offers substantial entrepreneurship training for university students in collaboration with IOM and the University of Ege.⁴⁶⁰

UNHCR worked with the Presidency for Turks Abroad and Related Communities (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı*, YTB) to provide university scholarships for refugee students as well as institutional capacity support. No data was shared with the public in 2022.

A new regulation was introduced in 2022 whereby foreign students have to pay a contribution fee for higher education, including Syrian students and blue cardholders.⁴⁶¹ In 2022, Turkish universities organized specific exams for foreign students and announced location of exam and the fees that range from 800 to 1000 TL.⁴⁶²

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

Türkiye's General Health Insurance (*Genel Sağlık Sigortası*, GSS) scheme makes it compulsory for all residents of Türkiye 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.⁴⁶³

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

⁴⁵⁹ SEUP, 'Faydalı Dokümanlar', last accessed on 13 July 2023, available in Turkish at: <https://bit.ly/3PTKwy4>.

⁴⁶⁰ IOM Türkiye, Twitter, 16 February 2023, <https://bit.ly/3pN9ZP7>.

⁴⁶¹ For example, Pamukkale University, 'Students of Syrian nationality and Blue Card holders, who have just started our university in the 2021-2022 Academic Year, will pay tuition fees', available in Turkish at: <https://bit.ly/3axE8u7>.

⁴⁶² Information Portal for Refugees in Turkey, 'Information on University Entrance Exams for Foreign Students (2022)', 2022, available at: <https://bit.ly/43lpw6t>.

⁴⁶³ Law No 5510 on Social Security and General Health Insurance lays down the scope and modalities of Türkiye's general health insurance scheme.

Article 89(3) LFIP provides that “international protection applicants and status holders who are not covered by any medical insurance scheme and do not have the financial means to afford medical services” shall be considered to be covered under Türkiye’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 PMM.

Article 89(3) LFIP designates that PMM shall make the premium payments on behalf of international protection applicants and status holders. Previously the Ministry of Family and Social Services made the payments in the framework of an arrangement between the two agencies. The assessment of means took the form of an “income test” which classified the beneficiary according to the level of income. Persons in the “G0” class have health care premiums covered entirely, while individuals in categories “G1”, “G2” and “G3” proportionally cover some of their health care costs.⁴⁶⁴ However, the assessment criteria changed in 2019 after changes to the LFIP. According to the new law, the General Health Insurance Scheme is no longer applicable for international protection applicants one year after their registration, apart from those with special needs or ones approved by the Directorate General.

Assessment criteria are, therefore, no longer applied to non-Syrians apart from vulnerable groups. For vulnerable cases the PMM requires evidence such as health and medical reports issued by state hospitals showing the vulnerable person’s health condition. In addition, the person should be diagnosed in Türkiye, otherwise they are not provided with health services according to the law.⁴⁶⁵

In addition, international protection status holders often do not know that vulnerable groups are exempted from the one-year limitation. Exceptions are not largely enforced. There is also an appointment problem for all citizens in Türkiye, that includes foreign citizens.⁴⁶⁶

The December 2019 amendment to the LFIP terminated health insurance for international protection applicants with special needs after one year, despite the law stating access should continue. HIV+ patients face high costs without insurance, and **Central Anatolia** residents often do not disclose their status on their initial applications. In **Konya**, a HIV+ applicant have been denied health insurance, and a deportation order led to the deactivation of insurance. The Kayseri administrative court ruled that the insurance should be reinstated, and PDMM reactivated it after a long period of resistance in 2022.⁴⁶⁷ In **Istanbul**, access to health care is a continuous problem for individuals with special needs, and their health insurance is deactivated after only one year unless an NGO or bar association is involved.⁴⁶⁸

Access to health services for non-Syrians remained problematic in 2022. It was often only accessible in emergencies. Usually, the patient and those who need treatment in the family of the person with international protection status have an identity card during the court application process. Nevertheless, once the case is rejected, the health service is terminated, and people are victimized by this application. Therefore, these people access health services in the private sector.⁴⁶⁹ In **Izmir**, when a person applies for international protection, they are expected to prove that they have a medical need in order to benefit from health services. In Istanbul, after one year, international protection holders receive health care under the guise of “health tourism” and pay twice as much as Turkish beneficiaries.⁴⁷⁰

⁴⁶⁴ Türk Kızılay, *Syrian beneficiaries of Ankara community centre*, September 2018, available at: <https://bit.ly/2Yx50zB>.

⁴⁶⁵ Information provided by a stakeholder, June 2023.

⁴⁶⁶ Information provided by a stakeholder, April 2022.

⁴⁶⁷ Information provided by a stakeholder, June 2023.

⁴⁶⁸ Information provided by a stakeholder, April 2023.

⁴⁶⁹ Information provided by a stakeholder, April 2022 and May 2023.

⁴⁷⁰ Information provided by a stakeholder, April 2023.

Lack of uniform application among PDMMs continued to cause problems in various areas. For instance, some require a disability report proving that the applicant has 50% disability to consider them as vulnerable whilst others require 40% or 60%. Some PDMMs accept disability reports, others do not.⁴⁷¹

1. Scope of health care coverage

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

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

Persons covered under the GSS scheme are entitled to spontaneously access initial diagnosis, treatment and rehabilitation services at primary health care institutions. These providers also undertake screening and immunisation for communicable diseases, specialised services for infants, children and teenagers as well as maternal and reproductive health services. The EU-funded SIHHAT project supported and developed primary health care services in 2022 in 32 provinces with 190 migrant health centers to increase access to health services.⁴⁷²

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

In principle, referrals to university hospitals and private hospitals are only made for emergency and intensive care services as well as burn injuries and cancer treatment. That said, in situations of medical emergency, persons concerned might 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).⁴⁷³

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 might 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 and a small additional cost depending on the number of items.

⁴⁷¹ Information provided by a stakeholder, May 2023.

⁴⁷² Sihhatproject, *Instagram*, available at: <https://bit.ly/3JX78Ka>.

⁴⁷³ Directive No 28597, 24 March 2013.

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

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

According to Article 67(2) LFIP, applicants who are identified as “victims of torture, rape and other forms of psychological, physical or sexual violence” shall be provided appropriate treatment with a view to supporting them to heal after past experiences. However, as to the actual implementation of this commitment, guidance merely mentions that PMM authorities may cooperate with relevant public institutions, international organisations and NGOs for this purpose.⁴⁷⁴ That said, the free health care coverage of international protection applicants would also extend to any mental health treatment needs of applicants arising from past acts of persecution. In any case, free health care coverage under the general health insurance scheme also extends to mental health services provided by public health care institutions. In the frame of the SIHHAT project, 10 Community Mental Health Centers operated in 31 provinces in 2022.⁴⁷⁵

A number of NGOs also offer a range of psychosocial services in different locations around Türkiye although capacity is limited. SGDD-ASAM, IKGV, Support to Life and Türk Kızılay are some of the NGOs providing psychosocial support in different cities across Türkiye. Türk Kızılay Community Centres provides mental health support in 17 cities with its 18 centers (**Bursa, Adıyaman, Zonguldak, Malatya, İzmir, Adana, Ankara, Kayseri, Konya, Kocaeli, Kilis, Gaziantep, Kahramanmaraş, Mersin, Mardin, Şanlıurfa** and two in **İstanbul**). The teams consist of psychiatrists, clinical psychologists, child development specialists, psychiatric nurses and translators and reached out to 685,973 people in total.⁴⁷⁶ In different locations, the IOM Psychosocial Mobile Teams (PMTs) delivered mental health and psychosocial support services to 571 people from migrant, refugee, and host groups as of September 2022.⁴⁷⁷

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

- Health assessments for immigrants upon arrival
- Vaccinations
- Access to primary care
- Increasing capacity for access to secondary and tertiary care
- Coordination
- Sensitizing health sector staff to needs of immigrants

The Action Plan includes:

- Ensuring better coordination of services;
- Health assessments upon arrival and vaccination programmes;
- Migrant health centres where there are high concentrations of people with temporary protection;
- Development of health services in return centres;
- Mobile health services for disadvantaged groups such as the elderly and disabled as well as for agricultural workers;
- Access to reproductive health;
- Migrant health centres able to provide oral/dental health services;

⁴⁷⁴ Article 113(1) RFIP.

⁴⁷⁵ sihhatproject, *Instagram*, available at: <https://bit.ly/3JX78Ka>.

⁴⁷⁶ Toplum Merkezi, ‘Toplum Merkezine Hoşgeldiniz’, last accessed 13 July 2023, available in Turkish at: <https://bit.ly/43nB0qi>.

⁴⁷⁷ IOM, ‘Human Interest Story: Education For A Better Tomorrow’, 2022, available at: <https://bit.ly/3OcPuoo>.

- Increasing access to community health centres;
- Central health appointment system in other languages than Turkish;
- Information tools in different languages;
- Bilingual patient orientation staff in hospitals where high concentration of migrants.

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 one of the main problems encountered by asylum seekers in need of access to health care services.⁴⁷⁸ Hospitals in Türkiye give appointments to patients over the phone. 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. According to stakeholders, almost all hospitals had interpreters as a result of the EU-funded SIHHAT project, including interpreters for Syrian beneficiaries of temporary protection (see [Temporary Protection: Health Care](#)), but there was a shortage of interpreters for uncommon languages.⁴⁷⁹ NGOs in some locations also offer limited services to accompany particularly vulnerable asylum seekers to hospitals.

Where an international protection applicant has a medical issue, for which no treatment is available in their 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 PMM 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.

As opposed to Turkish citizens, applicants for international protection have to pay a contribution fee for several treatments such as cancer treatment, eye treatment, child medical care and hepatitis.⁴⁸⁰

In 2022, unregistered refugees in **Van** were unable to get health care. They could only be treated if they presented themselves to health care services in an emergency or necessary circumstance. However, if they apply to a public institution, including a hospital, that public institution is required to notify the appropriate law enforcement authorities. As a result, despite the fact that the majority of refugees have health problems, they avoid going to hospitals owing to fears of deportation, and their ability to receive healthcare services, which is a basic human right, is violated.⁴⁸¹

A system of verification of addresses has been ongoing in the **southeastern region** since the end of 2021, first for temporary protection holders, then international protection holders. Administrative fines are being issued. In general, the PDMM notifies those who are not living in their declared addresses that first their

⁴⁷⁸ Information provided by stakeholders, May-June 2023.

⁴⁷⁹ Information provided by a stakeholder, May 2023.

⁴⁸⁰ Information provided by a stakeholder, May 2023.

⁴⁸¹ Information provided by a stakeholder, May 2023.

GSS will be deactivated then their ID will be cancelled. This was the case in **Isparta**, and there are no online appointments to reactivate the IDs. Individuals have been told that all appointments were taken for 2022 meaning that they would have to live undocumented. It is estimated that in **Izmir** at least one quarter of all migrants' IDs will be deactivated if they do not return to their cities of registration. In **Afyon**, the PDMM said that they would not accept any disability report to reactivate the GSS of international protection holders except for those who are pregnant because there had been an increase in counterfeited health reports. In the **Aegean region**, it is impossible to hand a written petition to PDMM which makes it difficult for lawyers to open administrative lawsuits in relation to access to health. There is also a problem with health insurance debts. In **Denizli**, international protection holders go to emergency services and get the service but then the PDMM imposes a fee on their name. As the fees often cannot be paid by international protection holders this creates a huge debt in time.⁴⁸²

The visa-free 90-day period and resident permit status did not cover medical expenses. Ukrainians requiring medical appointments had to apply for international protection; otherwise, they had to pay independently for such consultations. In **Ankara**, primary medical requirements and medications were covered by a private polyclinic contracted by the UNHCR. After initial examinations, Ukrainians with international protection status were referred to the state hospital. It is essential to note that among the new arrivals, there were Ukrainians with chronic or diseases that require long-term and periodic treatment (such as cancer and asthma). There were women who were pregnant or breastfeeding, so prenatal and postnatal care were essential. ASAM provided regular psychosocial support to individuals in need in Izmir and Ankara. In addition to the psychosocial support provided by the ASAM, a UNHCR-contracted polyclinic offered psychiatrist consultations.⁴⁸³

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”.⁴⁸⁴

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

1. Reception of unaccompanied children

When it comes to unaccompanied children, Article 66 LFIP orders that the principle of “best interests of the child” shall be observed in all decisions concerning unaccompanied minor applicants. According to the new Article 66(B) LFIP, all children younger than 18 shall be placed in children's shelters or other premises under the authority of the Ministry of Family and Social Services.⁴⁸⁵

Unaccompanied male children may face difficulties in accessing protection. If the child does not have an identity card, the Child Support Centres (ÇODEM) will help to obtain one. If the child goes directly to a

⁴⁸² Information provided by a stakeholder, May 2022.

⁴⁸³ ASAM report on Ukrainians.

⁴⁸⁴ Article 3(1)(I) LFIP.

⁴⁸⁵ Law No 7196 amending several acts, 6 December 2019, in Turkish at: <http://bit.ly/2TSm0zU>.

PDMM, he will not obtain an ID card as he must receive a guardianship decision from a court first. However, when children go to court for the appointment of a guardian, judges say that they cannot appoint a guardian because the child is not registered and, therefore, legally does not exist. This creates a vicious circle where children remain in a prolonged state of limbo and further hinders their access to the international protection procedure. Children staying in dormitories get a foreign identification number, not an ID card to access basic services such as education. When they leave the dormitory and reach the age of 18, they can apply for an ID.

There is no clarity in Child Protection Law and its regulation. The law concerning exit procedures for refugee children staying in dormitories remained unclear in 2022. Children's settlement is also problematic, and it is traumatizing because they are placed in dormitories by the juvenile police. Police officers often do not know what to do and how to treat children. Practices change from district to district. Protection measures are taken when a child is placed in an orphanage, but a guardian is not appointed directly, which is problematic. Since the child does not have a legal representative, permission to leave cannot be obtained, even if all the other steps of family reunification are completed. PMM requires a legal representative for the child to leave the orphanage, but it is unclear who will handle the child's exit process as no guardian has been appointed. In some institutions, this problem is solved by assigning an internal officer for the signature.⁴⁸⁶ The cases of unaccompanied children were not thoroughly examined in **Agri**. They are frequently detained in removal centres, where the administration of the removal centre appoints a detainee as the child's representative. Two siblings, for instance, were detained in a removal centre, and a detained family was appointed as their legal representative. They were required to be deported along with their designated representatives were deported.⁴⁸⁷ It is reported as a general problem that allocation of responsibility for unaccompanied minors is not clear, which causes conflicts between the provincial units of the Ministry of Family, Labour and Social Policies, children's police and PMM and results in protection gaps.⁴⁸⁸

Undocumented migrants are not permitted to travel within the country. They are unable to purchase a bus ticket, even if they have been sent to another city or are staying in a hotel. When they are apprehended, they are sent to removal centres and then pushed back towards the borders. In 2022, various stakeholders continued to state that unaccompanied adolescents aged 15-16 had been determined to be 18 on paper, while other unaccompanied children aged 12-13 were determined to be relatives of these older children and were released from child-care institutions.⁴⁸⁹

Stakeholders reported unaccompanied minors entered Türkiye. A Ukrainian businessman welcomed unaccompanied children into his hotel in Antalya. A second one is located in Eryaman, Ankara. In the one in Eryaman, minors aging from 3 to 15 have resided while children older than 15 have placed in Antalya. The accommodations operated in close collaboration with the Ministry of Family and Social Services.⁴⁹⁰

2. Reception of survivors of torture or violence

According to Article 67(2) LFIP, applicants who are identified as “victims of torture, rape and other forms of psychological, physical or sexual violence” shall be provided appropriate treatment with a view to helping them heal from past experiences. However, as to the actual implementation of this commitment, guidance merely mentions that PMM authorities may cooperate with relevant public institutions, international organisations and NGOs for this purpose (see [Health Care](#)). It is also important to note that registration is a pre-requirement to access shelters.

⁴⁸⁶ Information provided by various stakeholders, May-June 2023.

⁴⁸⁷ Information provided by a stakeholder, May 2023.

⁴⁸⁸ Information provided by various stakeholders, June 2023.

⁴⁸⁹ Information provided by various stakeholders, May 2023.

⁴⁹⁰ Information provided by a stakeholder, March 2023.

Victims of gender-based violence are referred to Centres for the Elimination and Monitoring of Violence (*Şiddet Önleme ve İzleme Merkezi, ŞÖNİM*) which are run by the Ministry of Family and Social Services. There are other shelters managed by municipalities or NGOs.⁴⁹¹ In 2019 there were reports of 145 shelters with a capacity of 3,482 places.⁴⁹² Figures for 2022 were not made public.

There are now two dedicated facilities for victims of human trafficking: one operated by PMM for women in **Kırıkkale** with 12 places, and another shelter for women operated by the municipality of **Ankara** with 30 places.⁴⁹³ LGBTIQ+ victims can also access to these facilities.⁴⁹⁴

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

In most cases, the criteria for renewal of residence permits and financial support, long waiting times, and lack of interpreters can leave women and children victims of gender-based violence unregistered. Refugees and returnee women and girls have a right to documentation, including identity papers and travel documents issued in their own names, but this is often not the case in practice since the PMM requires women to produce a certificate proving their status as married/divorced or widowed. Another approach that does not adopt gender sensitivity is that divorced or widowed women must prove that they are divorced or widowed to receive the Türk Kızılay Card.

Due to language barriers, access to justice can be particularly challenging for women. They receive legal notifications in Turkish, not in their native languages. Additionally, women may fear the justice system and the loss of their status and rights. The cancellation of social support and social cohesion programmes increased refugee women's social isolation and exposed them to domestic violence. Even greater obstacles exist for women refugees from vulnerable groups, such as sex workers, to access health services. They lack access to sexual health information, health care facilities, HIV testing centres, and counselling services.⁴⁹⁵

Asylum-seeking women may be exposed to discrimination on the grounds of gender, especially in terms of benefiting from services. Single refugee women face difficulties in finding a rental house and taking part in social life. At the same time, refugee women may be discriminated against in accessing services and benefiting equally.

ASAM-SGDD provided counselling to Ukrainian and Russian victims of gender-based violence in their access to health care or permit processes.⁴⁹⁶

3. Reception of LGBTIQ+ persons

LGBTIQ+ persons are not mentioned as a category of “persons with special needs” in the LFIP. Prior to the termination of the “joint registration” system in September 2018, UNHCR / SGDD-ASAM mainly referred LGBTIQ+ persons to specific provinces, where communities were known to be more open and sensitive to this population.

⁴⁹¹ Ministry of Family, Labour and Social Services, *Şiddet Önleme ve İzleme Merkezi*, available in Turkish at: <https://bit.ly/2HLo6fm>.

⁴⁹² See BBC Türkiye, 25 Kasım Kadına Yönelik Şiddetle Mücadele Günü - Kadınların ağzından sığınma evleri: 'Sanki suç işlemiş gibi davranıyorlar', 25 November 2019, available in Turkish at: <https://bbc.in/33S3g7j>; See also, NPR, 'We Don't Want To Die': Women In Türkiye Decry Rise In Violence And Killings, 15 September 2019, at: <https://n.pr/2WZtP8T>.

⁴⁹³ PMM, *Victims of human trafficking*, available at: <https://bit.ly/43jw6uf>.

⁴⁹⁴ Information provided by a stakeholder, June 2023.

⁴⁹⁵ Information provided by various stakeholders, May-June 2023.

⁴⁹⁶ Information provided by a stakeholder, March 2023.

In 2022, LGBTQI+ refugees were still being referred to **Eskişehir, Denizli** and **Yalova**, but not to **Ankara** as in previous years. In addition, stakeholders indicated that LGBTQI+ individuals could be referred to Corum, Elazığ, Erzurum, Yozgat, and Kayseri, where the refugee population is smaller. Vulnerability was not taken into consideration during the referral process.⁴⁹⁷

There are no shelters dedicated to LGBTQI+ individuals. In many provinces, LGBTQI+ applicants face additional challenges to reception, particularly due to the lack of state-provided accommodation and the requirement to secure their own accommodation. For persons who do not fit in the predominant gender roles, housing may become more difficult to find but also precarious, as many fear the risk of being evicted by landlords if their orientation or identity is discovered.⁴⁹⁸ In 2022, NGOs, such as Pozitif Yasam Association could sometimes provide support in finding temporary housing - for a maximum of 7 days -, but only for extremely vulnerable cases such as LGBTQI+ people subject to gender-based violence.⁴⁹⁹

LGBTQI+ refugees are given the opportunity to be resettled in a third country and asked to leave. However, they are being sent from their satellite cities to provinces where the LGBTQI+ refugees are not usually sent, and where it could be more difficult for them to stay. By 2022, with the loosening of COVID-19 restrictions, the pace of resettlement went back to the pre-pandemi normal.⁵⁰⁰

In addition, transgender 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. In general, they consult the nearest research and training public hospitals with medical councils responsible for deciding on medico-legal processes. Under the management of Pozitif Living Association and with the financial support of UNFPA, a new project enabling the purchase of prescribed hormones from pharmacies for up to three months began in 2022. In addition, the project provides a one-time payment for a doctor's appointment for GSS recipients whose GSS got deactivated due to the one-year rule, if the applicant encounters difficulties in accessing an appointment due to language barriers or gender-based discrimination.⁵⁰¹ In 2022, **Izmir** courts reportedly issued rulings in favor of transgender persons' transition processes, access to hormone therapy, and name-changing procedures.⁵⁰² In Mersin, however, the courts issued two negative interim decisions regarding the transgender reassignment process: in one interim decision, the court ruled that the applicant would not receive legal aid and granted the applicant additional time to pay the court fees. The applicant could only continue with IOM's financial support. In a separate instance, the court demanded the applicant to pay for a deposit fee which is an unusual practice in this type of cases.⁵⁰³

For transgender people in the transition process who reside in small cities, obtaining travel permits to receive treatment at hospitals specialising in this field, which are primarily located in Izmir, Ankara, Istanbul, Adana, and Mersin, remains quite difficult. For instance, transgender residents of **Denizli** are required to obtain a travel permit to attend the hospital regularly in Izmir.⁵⁰⁴ Medical records from hospitals need to be used to obtain travel permit via E-Devlet (an online platform to access public services).⁵⁰⁵

In 2022, refugees and especially LGBTQI+ refugees continue to experience problems accessing health services, including:

⁴⁹⁷ Information provided by a stakeholder, June 2023.
⁴⁹⁸ Information provided by a stakeholder, June 2023.
⁴⁹⁹ Information provided by a stakeholder, June 2023.
⁵⁰⁰ Information provided by a stakeholder, June 2023.
⁵⁰¹ Information provided by a stakeholder, June 2023.
⁵⁰² Information provided by a stakeholder, June 2023.
⁵⁰³ Information provided by a stakeholder, June 2023.
⁵⁰⁴ Information provided by a stakeholder, June 2023.
⁵⁰⁵ Information provided by a stakeholder, June 2023.

- Language barriers, lack of translators;
- Bureaucracy, complex healthcare system and hospital layouts;
- Behaviour of healthcare professionals, LGBTQI+ phobia, discrimination, and racism;
- Insufficient education about LGBTQI+ issues, ignorance of healthcare professionals in the institutions where services are provided;
- Irregularities in the follow-up of pregnancies, child vaccinations and chronically ill patients;
- Problems in accessing treatment;
- High fees demanded of refugee women before and after childbirth;
- Requiring a pre-intervention fee, not starting the treatment, delaying the treatment;
- Difficulties in making an appointment during the pandemic process;
- HIV phobia and stigmatization experienced by refugees living with HIV;
- Refusals from family health centres (non-admission of unregistered patients in primary care).⁵⁰⁶

Refugees living in Türkiye have the right to gender/sex-reassignment surgery, just like every citizen living in the Republic of Türkiye but must be legally resident under Temporary Protection or International Protection. In the absence of these, the person can start the process with a passport, and if there is no proof of legal stay in Türkiye, the person can start the process with a passport and an official document proving that they are staying in Türkiye legally. In addition to this, the person must be 18 years old and unmarried, either single or divorced.⁵⁰⁷ Refugees experience several barriers to accessing this type of service. There is a language barrier if a lawsuit needs to be filed for access. In the absence of an interpreter, the process takes longer and difficulties arise. Secondly, as the process goes forward, the person is transferred to training and research hospitals in big cities. There are travel and accommodation expenses due to traveling to and from these big cities, and these expenses are not covered. During the psychiatric observation period that lasts for six months to two years, there are language barriers and translator difficulties. When hormone therapy starts, unfortunately, the medications costs are not met. The person can be exposed to ill-treatment due to the inexperience of courthouse staff, and unfortunately, the court decision is not positive in many courthouses. Unfortunately, surgeries are very expensive. In public hospitals, the GSS covers the cost of certain surgeries, such as vaginoplasty and testicle removal, but applicants must pay for the remainder. The cost of the surgeries ranges between 60,000 and 80,000 TRY.⁵⁰⁸ The United Nations High Commissioner for Refugees provides monthly financial assistance of 2,300 TRY for transgender and intersex refugees.⁵⁰⁹

Due to the end of the project in 2022, LGBTQI+ refugees can no longer have access to psychological support from contracted psychiatrists and clinics through UNHCR, state institutions, or NGOs in satellite cities. In state hospitals, they can find SIHHAT-funded interpreters, but their access to interpreters remained problematic in 2022. LGBTQI+ refugees have reported that they find it difficult to express themselves freely in sessions due to the fact that they access psychological support through interpreters, and specialists are sometimes not sufficiently aware on matters of gender, sexual orientation, gender identity, and the related prejudices.⁵¹⁰ They prefer to contact Pozitif Yasam Association's service units in Istanbul (Anatolian / European sides), Eskisehir, Mersin, Denizli, and Yalova or Kirmizi Semsie Cinsel Saglik ve Insan Haklari Association's service unit in Ankara.⁵¹¹

⁵⁰⁶ Kirikci, A., Aydın, E., Celik, S., Sayar, S., Arac, M from Hevi LGBTI, "Right to Health of LGBTI+ Refugees and Discrimination", April 2021, available at: <https://bit.ly/3CsgvOI>, 4-5.

⁵⁰⁷ Ibid, 20.

⁵⁰⁸ Information provided by a stakeholder, June 2023.

⁵⁰⁹ Information provided by a stakeholder, June 2023.

⁵¹⁰ Information provided by a stakeholder, June 2023.

⁵¹¹ Information provided by a stakeholder, June 2023.

4. Reception of persons living with HIV

People living with HIV are not explicitly identified as a group having special needs in the LFIP. However, PMM has classified individuals living with HIV as chronic disease holders, and as a consequence, international protection holders can receive the necessary medical services one year after registering. Few NGOs deal with the needs of this group such as Pozitif Yasam Association in **İstanbul** (Anatolian / European sides), **Yalova, Denizli, Mersin, Eskisehir** and Kirmizi Semskiye Cinsel Saglik ve Insan Haklari Association in **Ankara**. In 2022, in a case involving an applicant with HIV, an Istanbul court ruled that the applicant's GSS registration must be reactivated due to the applicant's special needs. Since 2021, Pozitif Yasam and Kirmizi Semskiye Cinsel Saglik ve Insan Haklari Association have provided prescription assistance to HIV+ individuals for up to three months, or six months in exceptional circumstances. The reason behind the need for assistance is the significant delay in reactivating the health coverage of international protection applicants after a year. This process was normally straightforward prior to COVID-19 and took a couple of days if the applicant could demonstrate that they were informed of their HIV+ status in Türkiye and continue to receive treatment there, but after 2021, this process could take months. Since there should be no interruption in this form of treatment, these two organisations, with UNFPA funding, started providing assistance to the applicants. In addition, the stigma against refugees living with HIV is quite persistent and they are blamed for the rising number of HIV cases in Türkiye. Lack of access to contraceptives is a further obstacle to their sexual safety. To combat this issue, the Pozitif Yasam and Kirmizi Semskiye Cinsel Saglik ve Insan Haklari Associations have been distributing condoms and conducting trainings on sexual health and safety. Furthermore, they refer some applicants to testing centres because they believe the number of refugees living with HIV to be higher than the actual figure.⁵¹²

NGOs also helped Ukrainians living with HIV present in Türkiye. They primarily provided services in Istanbul and Antalya, but as of late 2022, they started to leave Türkiye. The majority of this profile legally resides in Türkiye on a temporary or permanent residency basis.⁵¹³ ASAM provided translation assistance to vulnerable Ukrainians, such as persons living with HIV, LGBTIQ+ and the elderly.

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 generally informed of the province ("satellite city") where they have to report to the PDMM in order to register their application and where they will be required to reside. This is not consistently done across provinces, however.

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

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

⁵¹² Information provided by a stakeholder, June 2023.

⁵¹³ Information provided by a stakeholder, June 2023.

☐ Yes☒ With limitations☐ No

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

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

G. Differential treatment of specific nationalities in reception

Given the dual system operated by Türkiye, 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 said, Syrians' access to essential rights is generally described as more straightforward than that of non-Syrian applicants for international protection.

The economic status of Syrians who come with a visa is generally higher, while those arriving irregularly are often not sufficiently informed regarding access to reception. Apart from a brief period over the summer, Syrians had no difficulties in accessing passports in 2022.

The economic crisis that began in Türkiye in 2021 has resulted in negative attitudes towards refugees in general and Afghans in particular by 2022. Similar to the prior year, Afghan single women and women with children had difficulty gaining access to basic rights. Moreover, as a result of inadequate nutrition, diseases such as diabetes became widespread among Afghans.⁵¹⁴

⁵¹⁴ Information provided by a stakeholder, May 2023.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2022: ⁵¹⁵	20,000 ⁵¹⁶
2. Number of asylum seekers in detention at the end of 2022:	Not available
3. Number of Removal Centres:	30
4. Total capacity of Removal Centres:	16,108

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

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

- Persons who make an international protection application in border premises;
- Persons who apply for international protection after being intercepted for irregular presence and being placed in a Removal Centre, including persons readmitted to Türkiye 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 PMM, as of April 2023, there are 30 active Removal Centres in Türkiye (including two temporary removal centres).⁵¹⁷ The EU provides support for migration management under its pre-accession assistance to Türkiye.

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",⁵¹⁸ and that they fall within the scope of the [Accelerated Procedure](#).⁵¹⁹

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:

⁵¹⁵ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

⁵¹⁶ As of May 2022: <https://bit.ly/3NIquUs>.

⁵¹⁷ See PMM, Removal Centres, available at: <https://bit.ly/2PThCI9>.

⁵¹⁸ Article 68(5) LFIP.

⁵¹⁹ Article 79(1)(ç) LFIP.

- ❖ Administrative detention of international protection applicants during the processing of their applications;⁵²⁰ and
- ❖ Administrative detention for the purpose of removal.⁵²¹

1.1. Detention of international protection applicants

The decision to detain an applicant for international protection is issued by the governorate of the “satellite city” in which the applicant resides. That said, administrative detention of international protection applicants must be an exceptional measure.⁵²² Persons “may not be detained for the sole reason of having submitted an international protection application.”⁵²³

Article 68(2) LFIP identifies four 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 Türkiye;
- Have used false or forged documents;
- Have not left Türkiye after the period of voluntary departure, without a reasonable excuse;
- Pose a threat to public order, public security or public health.

The law further provides that detention shall immediately cease where it is no longer necessary.⁵²⁴

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.⁵²⁵ 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. Pre-removal detention orders continue to be issued towards asylum seekers; however, some people are released after their application for international protection has been registered. Due to the severe barriers to the registration of applications from Removal Centres, even this may involve a lengthy period of pre-removal detention. There is not much evidence available about how the new implementing regulation on alternative measures has been put into practice,

⁵²⁰ Article 68 LFIP.

⁵²¹ Article 57 LFIP.

⁵²² Article 68(2) LFIP; Article 96(1) RFIP.

⁵²³ Article 68(1) LFIP.

⁵²⁴ Article 57(4) LFIP.

⁵²⁵ Article 96(7) RFIP.

but in 2022 stakeholders reported that reporting duties and being placed at a residential address were used more frequently.⁵²⁶ See the section on [Detention Alternatives](#).

1.3. Detention without legal basis

Beyond detention in the international protection procedure and pre-removal detention, a number of migrants and asylum seekers are arbitrarily detained without legal basis. Firstly, persons who are apprehended outside their designated province (“satellite city”) may be detained in order to be transferred back. According to stakeholders, the combination of the registration ban in certain provinces and the travel ban continued to force Syrians either to stay illegally in one province or to travel illegally to other provinces, thus risking detention and deportation in 2022.⁵²⁷ 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, since 2018⁵²⁸ 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 2019, the LFIP was amended as concerned the rules on ‘inadmissible passengers’ (*kabul edilemez*), to say that ‘foreigners covered under this article shall stay at the designated areas at border gates until the process in relation to them is finalised.’ NGOs shared their concerns that this practice had created problems and violations of procedural safeguards, and about the period of detention, conditions and access to appeal.⁵²⁹ (See [Access to the territory](#)).

In practice, it is widely reported that applicants for international protection are held in facilities at the airport. It was reported that people arriving irregularly ‘inadmissible passengers’ were held for long in the new airport in İstanbul in 2022.⁵³⁰ (See [Access to the territory](#)). Even though this is not formally regarded as a form of detention, as stated in the judgment of the Constitutional Court in *B.T.*, any detention beyond 48 hours prior to transfer to a Removal Centre is unlawful and constitutes a violation of the right to liberty.⁵³¹

After being apprehended by law enforcement, irregular migrants’ fingerprints and pictures are stored in a database shared by the General Directorate of Security, the Gendarmerie General Command, the Coast Guard Command, and the Directorate of Migration Management. Foreign nationals transported to a removal centre are interviewed to determine their identification, nationality, and travel documents. Deportation processes are carried out if considered appropriate when the required legal process is finished. However, in some circumstances, detainees cannot be deported since Türkiye lacks removal arrangements with the relevant countries.⁵³²

It is reported that in certain provinces such as Hatay, Article 8(3) of Temporary Protection Regulation is used as a legal basis that creates a de facto detention regime without procedural safeguards. The provision mentions the possibility of keeping foreigners who are to be excluded from temporary protection in certain designated locations without taking them under administrative detention.⁵³³

⁵²⁶ Information provided by a stakeholder, May 2023.

⁵²⁷ Information provided by various stakeholders, June 2023.

⁵²⁸ Information provided by various stakeholders, May-June 2023.

⁵²⁹ Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Türkiye, 4 December 2019, available at: <http://bit.ly/2IRYvVQ>.

⁵³⁰ Information provided by a stakeholder, May 2023.

⁵³¹ 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 Türkiye and enter Greece with a counterfeit passport. B.T. was detained in **Sabiha Gökçen Airport** in İstanbul 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>.

⁵³² Relief Web, ‘Türkiye: Joint Submission to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families’, 2022, available at: <https://bit.ly/3NlquUs>.

⁵³³ Information provided by various stakeholders, May-June 2023.

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.⁵³⁴

The LFIP states that the competent authority may end detention at a later time following the detention order and put in place less coercive alternative measures.⁵³⁵ 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.”⁵³⁶ Both provisions are problematic as they refer to such obligations *after* detention is lifted rather than before it is ordered.

Since 2019, it has been observed that applicants who were released after the expiry of the maximum duration of pre-removal detention were issued an Administrative Surveillance Decision (“T6”) and were obliged to regularly report to the PDMM (see [Registration](#)). This was a concerning practice, as the imposition of reporting obligations to the PDMM is as an additional restriction when detention may no longer be applied, rather than an alternative to detention. Applicants are often ordered to report to PDMM in the Removal Centre from which they are released, or in provinces located far from their assigned “satellite cities” within tight deadlines, without necessarily possessing the means to get there. NGOs are aware of cases where clients have been obliged to discharge their reporting duties in a distant city, two, three or even five days a week, thereby entailing disproportionate transportation and accommodation costs for applicants.⁵³⁷ In addition, people were not properly informed of this obligation upon release from the Removal Centre.⁵³⁸

New amendments to the law in December 2019 included Article 57(A) LFIP, which lays down alternatives to pre-removal. The measures are:

- a) Residence at a specific address
- b) Notification
- c) Family-based repatriation
- ç) Return consultancy
- d) Working on a voluntary basis in public benefit services
- e) Guarantee
- f) Electronic monitoring

⁵³⁴ Article 71(1) LFIP.

⁵³⁵ Article 68(6) LFIP.

⁵³⁶ Article 96(5) RFIP. Article 68(6) LFIP only refers to the obligations in Article 71 LFIP where detention is lifted.

⁵³⁷ Information provided by a stakeholder, February 2018, May 2023.

⁵³⁸ Information provided by a stakeholder, February 2019, May 2023.

In September 2022, the long-awaited implementing regulation on alternative measures entered into force. The regulation establishes the possibility to apply measures that do not limit or restrict their freedom in substitution of administrative detention to an individual who was issued a deportation order.⁵³⁹ These measures shall not be applied for more than 24-months and non-compliance shall be a ground for imposing pre-removal detention.⁵⁴⁰ According to the regulation, alternatives can be applied to these groups of people:

- Persons whose administrative detention has been terminated;
- Persons deemed suitable for alternative duty/duties without a decision of administrative detention;
- Persons whose administrative detention has been terminated as a result of an assessment conducted by the PMM or the relevant governorate;
- Persons whose administrative detention was terminated through the decision of the governorate based on the ruling of a magistrate court.⁵⁴¹

These individuals are ineligible for an alternative-to-detention determination.

- Persons who face a significant risk of persecution in their country of origin;
- Persons who are at risk of travelling due to severe health issues, age, or pregnancy;
- Individuals receiving treatment for life-threatening diseases;
- Victims of human trafficking who benefit from the victim support process;
- Victims of psychological, physical, or sexual violence until their treatment is completed.⁵⁴²

These are the alternative measures detailed in the regulation:

a) Residence at a specific address: The foreigner shall notify the PDMM of the address at which they will reside until deportation. For this measure, either a lease agreement signed by the foreigner or the written consent of the individuals with whom the foreigner will reside is required. The individual must reside in the province where the measure is applied, but they may submit a written request to move to a different province. It is necessary to submit the request to the relevant PDMM for this purpose.

b) Notification: A foreigner may satisfy this requirement in one or more of the following ways:

- Fingerprint verification;
- Voice recognition application;
- Signing in person at PDMM.

c) Family-based repatriation: Family-based repatriation refers to the obligation to ensure that irregular migrants remain with their first and second-degree relatives in Türkiye legally until the deportation order is executed. Therefore, if the foreigner who has been issued a deportation order requests in writing to be subjected to the family-based repatriation, they may remain with their first and second-degree relatives who are legally in Türkiye until the deportation order is executed. This obligation can only be fulfilled at the foreigner's request. Additionally, written consent is obtained from relatives who will reside with the applicant involved. Their relatives also agree to cooperate with the PDMM during the deportation procedure of the foreigner and to cover their travel expenses.

ç) Return consultancy: Those who have been issued a deportation order and wish to voluntarily return to their home country may receive non-monetary and monetary assistance, as determined by the PMM.

d) Working on a voluntary basis in public benefit services: The details of this obligation are not yet specified in the Regulation, that states that the Ministry will determine them.

e) Guarantee: A person may deposit a PMM-determined quantity as a guarantee for their release within the country until the deportation order is executed. According to the Regulation, the guarantee amount corresponds to 100,000 TRY. After delivering the deposit to the PDMM, the foreigner is no longer under administrative detention. The individual has, however, a duty to notify PDMM. Foreigners have between one and six months to leave Türkiye. If the person fails to leave within this time frame or does not comply

⁵³⁹ Resmî Gazete, 14 September 2022, available in Turkish at: <https://bit.ly/3Oapom1>.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid.

⁵⁴² Ibid.

with their obligations, the deposit amount is recorded as Treasury income. The amount of the bail shall be returned to the person or their legal representative if it is determined that the person that should have been deported has fled Türkiye, or if the administrative court overrules the deportation order. This obligation does not apply to members of terrorist organisations, their managers, or those regarded to be associated with terrorist organisations.

f) Electronic monitoring: According to the regulation, this obligation is met through a notification via a mobile application to be installed on communication devices by the person subjected to the deportation order that will allow to determine their location, or through the use of electronic clamps. Those identified as having special needs or being in a sensitive situation will be required to notify only through a mobile application. The PDMM ensures that the foreigner subject to this obligation installs the application on their communication device and is informed in writing about the application's use.

Electronic clamps can be used for the following cases:

- Persons who are the leader, member, supporter or sponsor of a terrorist organisation, criminal organisation, manager, member or supporter;
- Threats to public order or public safety or public health;
- Persons who have been determined to be associated with terrorist organisations identified by international institutions and organisations.

A foreign or legal representative may file a criminal complaint against this obligation.⁵⁴³

In practice, lawyers were still mainly aware of their clients being asked to undertake signing in/reporting duties and being placed at a residential address.⁵⁴⁴ Particularly, alternatives such as electronic monitoring cannot be implemented by the PPM due to a lack of technological infrastructure.⁵⁴⁵

Since 2019, PMM has participated in multi-stakeholder projects aimed at improving alternative detention policies and procedures. In 2022, a roundtable event was held as part of the Action "Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Türkiye". Participants from the Council of Europe, international consultants from Canada, the United Kingdom, and Austria, as well as representatives of the PMM of Türkiye attended. A comparative research report on the practical aspects of application of the alternative systems in 4 countries (the UK, the Netherlands, Canada, and Austria) was published, with the aim of supporting the PMM in the preparation of secondary legislation on implementation of alternatives to immigration detention in Türkiye.⁵⁴⁶ There have been two projects funded and carried out by the EU Delegation from 2019, focused on the enhancement of removal centres, capacity building (better process management in handling of complaints or disciplinary investigations, coordination with other ministries), alternatives to administrative detention (capacity support in the framework of international standards – two alternatives, giving signature and being placed in a residential place are already actively implemented by removal centers) and access to basic services (implementation of right based healthcare standards like the Mandela standards, access to legal aid, access to protection). With the help of said trainings, a progress has been observed especially in terms of application of different alternatives to detention in 2022.⁵⁴⁷ As required by the implementation regulation, each PDMM has, as of 2022, offices to monitor irregular migration, including the use of alternatives to detention.⁵⁴⁸ The other project focusing on irregular migration has officially launched by the end of 2022, and its primary goal is to support capacity development of PMM in irregular migration (supporting administrative detention offices of PMM, enhancing the application of alternatives to detention) and regular migration (residence permits, cooperation with transit and countries of origin).⁵⁴⁹ It is observed that across country the implementation of alternatives to detention yet remains limited to the requirements of notification and residence at a specific address which was the practice already before the adoption of the new regulation. There have been very few instances

⁵⁴³ Ibid.

⁵⁴⁴ Information provided by a stakeholder, March 2023.

⁵⁴⁵ Information provided by a stakeholder, June 2023.

⁵⁴⁶ Council of Europe, 'Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Turkey', 2022, available at: <https://bit.ly/3JXb3Xo>.

⁵⁴⁷ Information provided by a stakeholder, June 2023.

⁵⁴⁸ Information provided by a stakeholder, June 2023.

⁵⁴⁹ Information provided by a stakeholder, June 2023.

where family based repatriation, return consultancy and guarantee are implemented. Assessment for imposing alternatives to detention instead of detention is not carried out systematically and effectively. In Kayseri for instance, there is automatic detention when a removal order is issued and release or alternative measures are implemented after this initial detention. There have been instances where removal orders were cancelled and international protection or temporary protection IDs were re-issued for people who have consistently complied with alternatives to detention.⁵⁵⁰

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?

☐ Frequently
☐ Rarely
☒ Never
- ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☐ No
2. Are asylum seeking children in families detained in practice?

☒ Frequently
☐ Rarely
☐ Never

Unaccompanied children international protection applicants should be categorically excluded from detention, since they must be placed in appropriate accommodation facilities under the authority of the Ministry of Family and Social Services.⁵⁵¹ In practice, however, unaccompanied children often declare being over the age of 18 to avoid separation from their group.⁵⁵²

According to the law, children at risk and children convicted of an offence should be transferred to Child Support Centres (*Çocuk Destek Merkezleri*, ÇODEM).⁵⁵³

LGBTQI+ persons are at particular risk of detention when apprehended outside their assigned province. Moreover, sex workers and (potential) victims of trafficking are also a category of persons detained in Removal Centres for reasons of public order and public health under Article 57 LFIP, though not necessarily engaging with the international protection procedure. Although sex work is not prohibited in Türkiye, working without a permit is a ground for deportation and detention; consequently, the majority of detentions were based on the absence of a work permit. In 2022, sex workers sought help from the removal centers of **Ankara, Aydın** and **Istanbul**.⁵⁵⁴

People with HIV were also subject to discriminatory practices. In a case in **Kayseri**, an HIV+ individual was denied access to medication until UNHCR and a counsel from the Bar Association's law clinic intervened. In another case in **Aydın**, a person with HIV was separated from other detainees on the grounds that HIV is a contagious disease. Following the efforts of NGOs and the UNHCR, the removal centre halted this practice.⁵⁵⁵ There are cases where, with the purpose of taking them under administrative detention, minors are registered to be accompanied by the adults in the group they entered Turkey with even if they do not have any connection to such adults. Incidents where minors are kept under detention together with adults and not in separate locations are common.⁵⁵⁶

Vulnerability based on medical reasons is difficult to prove and such claims are often viewed as bad faith by administration. For instance, Hatay PMM does not accept pregnancy as a basis of vulnerability and

⁵⁵⁰ Information provided by various stakeholders, June 2023.

⁵⁵¹ Article 66(1)(b) LFIP.

⁵⁵² Information provided by a stakeholder, February 2019 and May 2023.

⁵⁵³ Regulation No 29310 of 29 March 2015 on Child Support Centres, available in Turkish at: <https://bit.ly/19lwjfo>.

⁵⁵⁴ Information provided by a stakeholder, June 2023.

⁵⁵⁵ Information provided by a stakeholder, June 2023.

⁵⁵⁶ Information provided by various stakeholders, June 2023.

requires a medical report that shows 70% disability for consideration of vulnerability, which is not possible for irregular migrants to obtain.⁵⁵⁷

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.⁵⁵⁸

Pre-removal detention, on the other hand, may be ordered for 6 months, subject to the possibility of extension for another 6 months.⁵⁵⁹

In current practice, since the law allows for persons who register an international protection application to remain in pre-removal detention without a separate detention order under Article 68 LFIP (see [Grounds for Detention](#)),⁵⁶⁰ lawyers and other experts are aware of several cases where the persons concerned were never communicated Article 68 detention orders and held in detention for more than 30 days while their asylum application was processed by the PDMM, in clear violation of the law.

Persons facing removal have to be transferred to a Removal Centre within 48 hours of the issuance of the detention order.⁵⁶¹ 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.⁵⁶² In provinces such as **İstanbul**, detention exceeding the 48-hour deadline has been reported as a practice, however.⁵⁶³ There is a pre-removal centre at **Pendik** in **İstanbul** where the detention period can often be longer than 48 hours.⁵⁶⁴ (see [Unofficial detention facilities](#))

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)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> 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.

⁵⁵⁷ Information provided by various stakeholders, June 2023.

⁵⁵⁸ Article 68(5) LFIP.

⁵⁵⁹ Article 57(3) LFIP.

⁵⁶⁰ Article 96(7) RFIP.

⁵⁶¹ Article 57(2) LFIP.

⁵⁶² Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017, available at: <https://bit.ly/2IWjuS0>.

⁵⁶³ Information provided by various stakeholders, February 2019, March 2020 and May 2023.

⁵⁶⁴ Information provided by a stakeholder, March 2020 and May 2023.

During its mission, the UN Subcommittee on the Prevention of Torture (SPT) visited Türkiye from 4 to 15 September 2022 and received professional cooperation from all Turkish authorities. According to the Subcommittee's statement, Türkiye must take additional measures to strengthen effective safeguards against torture and ill-treatment for detainees, particularly during the first hours of detention, and to protect migrants in removal centres.⁵⁶⁵

In August of 2022, irregular migrants, mainly Afghans, who did not wish to be deported argued with removal centre officers. Therefore, they were abused and reverse-handcuffed.⁵⁶⁶ Similar instances of abuse were reported at the Gaziantep Removal Centre, particularly the coercion of detainees to sign voluntary return documents.⁵⁶⁷ In April 2022, allegations of torture and ill-treatment against a group of Afghans from the Hazara region who were forced to sign voluntary return forms and return to Afghanistan were reported to the Izmir Bar Association, which then filed a complaint with the Turkish Equality and Anti-Discrimination Body (TIHEK).⁵⁶⁸

1.1. Removal Centres

As of May 2023, there were 30 removal centres with a total detention capacity of 16,008 places. **İzmir** (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). The facilities located in **İğdır** and **Malatya** are listed as temporary Removal Centres. It is important to note that the number of removal centers increased from 21 to 30 in the last three years.

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

Capacity of pre-removal detention centres in Türkiye	
Pre-removal detention centre	
Adana 1	İstanbul (Binkılıç)
Adana 2	İstanbul (Tuzla-Konteyner)
Ağrı	İzmir (Harmandalı)
Ankara	Kayseri
Antalya	Balikesir
Aydın	Kırklareli (Pehlivan köyü)
Bursa	Kocaeli
Çanakkale	Kütahya
Çankırı	Malatya
Edirne	Muğla
Erzurum 1	Niğde
Erzurum 2	Şanlıurfa

⁵⁶⁵ UN, 'Türkiye needs to strengthen effective torture prevention measures, UN experts find', 21 September 2022, available at: <https://bit.ly/3PRM0J9>.

⁵⁶⁶ Duvar, 'Kayseri Geri Gönderme Merkezi'nde göçmenlere işkence iddiası', 23 August 2022, available in Turkish at: <https://bit.ly/44CKKh6>.

⁵⁶⁷ Information provided by a stakeholder, May 2023.

⁵⁶⁸ Izmir Bar association, 'News', 2022, available in Turkish at: <https://bit.ly/44nyilT>.

Hatay	Van (Kurubaş)
Gaziantep (Oğuzeli)	Iğdır (temporary)
İstanbul (Silivri)	Malatya (temporary)

Source: PMM, *Removal centres*, available at: <https://bit.ly/3rjWEhz>.

The EU works in close collaboration with PMM on detention as part of the Instrument for Pre-Accession Assistance.⁵⁶⁹ As previously mentioned, from March 2019 onwards, two projects have been implemented with the support of the EU to enhance removal centre capacity building and promote alternatives to administrative detention as well as access to basic services.⁵⁷⁰

In **İstanbul**, the Selimpaşa Removal Centre is for women, Binkılıç for men. These removal centres mostly accommodate ex-convicts or refugees involved in a criminal case. A removal centre was established in **Tuzla** for men. In 2022, the major problem for lawyers has remained as to determine the removal centre where the client is being held. PDMM do not share information on where the person is being held. Lawyers must proactively search for their clients in each removal centers, which may take to a couple of days.⁵⁷¹

In **İstanbul** refugees are generally not informed about their rights in removal centres except in Selimpaşa - the removal centre where women are kept, and where the administrators are trying to implement better practices. The administrators agreed to put some posters on the walls of Selimpaşa Removal Centre in different languages explaining the international/temporary protection procedures and ways to access them alongside the phone numbers of several NGOs.⁵⁷² Many refugees and people living in İstanbul have been transferred from İstanbul to other removal centres in different cities. This situation can violate their right to access legal representation (as lawyers do not always know their whereabouts).⁵⁷³

1.2. Airport holding facilities and police stations

There is a border facility for persons refused entry into Türkiye (“inadmissible passengers”) at international airports. These include **İstanbul** Airport, İstanbul Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **İzmir** Adnan Menderes Airport (see [Access at the airport](#)).

The authorities generally do not consider holding in transit zones as a deprivation of liberty, although a Council of Europe report of 2016 refers to them acknowledging that persons held in such facilities are deprived of their liberty.⁵⁷⁴ In the case of an Iranian with an execution warrant in Iran who obtained a residence permit in Mexico and previously resided in Türkiye, the individual was deported to Türkiye. The individual did not want to remain in the country and wished to seek asylum in another Latin American country. However, police in the transit zone made him access the ‘inadmissible passenger’ zone, and he has since been detained there against his will.⁵⁷⁵

⁵⁶⁹ See for example, COMMISSION IMPLEMENTING DECISION of 16.10.2020 on adopting the Annual Action Programme for Türkiye for the year 2020 under the Instrument for Pre-accession Assistance (IPA II), 21 October 2020, available at: <https://bit.ly/3ocDhBv>.

⁵⁷⁰ Information from a stakeholder, June 2023.

⁵⁷¹ Information provided by stakeholders, May 2023.

⁵⁷² Information provided by a stakeholder, March 2021 and May 2023.

⁵⁷³ Information provided by a stakeholder, March 2021 and May 2023.

⁵⁷⁴ Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Türkiye*, 10 August 2016, para IX.1(a).

⁵⁷⁵ Information provided by a stakeholder, May 2023.

Police stations can be used for short-term detention of up to 48 hours prior to a Removal Centre.⁵⁷⁶ These are used in practice in provinces such as **İstanbul and Izmir**.

1.3. Unofficial detention facilities

For the last 6 years, stakeholders have been reporting a number of practices consisting of *de facto* detention of people in facilities (for more information, see AIDA 2020 and 2021 updates) 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 PMM or the Directorate General for Security Affairs. In 2022, the persistence of these practices was confirmed.

Agri and Igdir: Irregular migrants are primarily detained at the border and detained at a police station or in a warehouse located in the Gendarmerie's police park close to the border. Detained irregular migrants' access to facilities such as toilets is problematic. Occasionally, detention exceeds 48 hours.⁵⁷⁷

İstanbul: In **İstanbul** the Foreigners Branch in **Pendik** is used as an intermediate place to transfer third country nationals to the relevant removal centers.⁵⁷⁸ Detention in **Pendik** Police Department Foreigners Branch sometimes lasts longer than 48 hours before a person is transferred to the removal centres. There are other 'holding places' in other parts of the city. These areas are legally considered as police stations, but they are implicitly used as removal centres. Detention time exceeds 48 hours most of the time,⁵⁷⁹ including at Beyoğlu, Beşiktaş, and Kağıthane police stations where most refugees were held. Foreign citizens involved in a legal case were kept at the police station until called by the PDMM. They were kept for 2-3 days, sometimes even 7 days. In 2022, lawyers identified two buildings where their clients are detained prior to being transferred to a removal centre. They described these structures as having "no signboard in front of the building, only a national flag." They could determine the building's location through their clients' WhatsApp messages.

Izmir: In Izmir, according to attorneys, three containers have been constructed in front of the removal centre, and all irregular migrants apprehended have been placed in these containers. The conditions are poor, and there is an inadequate level of cleanliness. Families are kept with their children.⁵⁸⁰ Izmir Solidarity Platform with Refugees investigated vacant areas and wedding areas administered by Karaburun municipality in response to complaints that refugees have been detained in such locations for the last couple of years. They informed the public of their observations, and confirmed that irregular immigrants have been held in these locations. The provision of food is carried out by IOM or ASAM-SGDD. The conditions are poor and not in line with fundamental human rights standards. Officers argued that they had to detain irregular migrants longer than one day due to Izmir Removal Centre-caused delays.⁵⁸¹ One stakeholder reported that they saw at least 30 unaccompanied children in their visit.⁵⁸² Another detention place, İzzet Gül sport facility was identified in Seferihisar when 4 irregular migrants attempted to set fire to the location where they had been detained with other 102 irregular migrants.⁵⁸³

⁵⁷⁶ Article 57(2) LFIP.

⁵⁷⁷ Information provided by a stakeholder, May 2023.

⁵⁷⁸ Information from a stakeholder, May 2022.

⁵⁷⁹ Information provided by a stakeholder, March 2021. According to the experience from another stakeholder, clients in Pendik were not always held in detention for longer than 48 hours.

⁵⁸⁰ Information provided by a stakeholder, May 2023.

⁵⁸¹ Evrensel Sayfaları, 'İzmir Mülteci Dayanışma Platformu: Mülteciler insani olmayan koşullarda tutuluyor', 2002 available in Turkish at: <https://bit.ly/3DhgpsM>.

⁵⁸² Information provided by a stakeholder, May 2023.

⁵⁸³ Yeni Haber, 'Seferihisar'da mülteciler kaldıkları yeri ateşe verdi', 22 August 2022, available in Turkish at: <https://bit.ly/3K0PgHF>.

Gaziantep, Kahramanmaraş, Hatay and Malatya: Syrians entering Türkiye are transferred to camps as a result of a policy change implemented on 6 June 2022. This practice is based on article 8 of the TPR, which is essentially closed to judicial review. Admission to the temporary accommodation center is in the hands of PDMM, and PDMM is under no obligation to issue a rejection decision. According to lawyers, PDMM has discovered a new way to reduce the number of cases involving temporary protection registration and deportations under this new practice. Once rejected from accessing the camp, the only alternative for Syrians is to "voluntarily return" to Syria. Hence, the camps have become a new form of detention facilities for Syrians. PMM has created a new form of 'impunity' without a transparent legal remedy. Syrians have no access to lawyers or their families from the camps. However, lawyers do have access to the camps. It was reported that Kurdish Syrians entered to Türkiye in 2022 to be resettled in third party nations through family reunification were also placed in the camps. Another reported new practice of PDMMs is to end administrative detention and sending Syrians to a temporary accommodation facility in one of these cities. In this new practice, temporary accommodation centres are being used as a new type of detention centre. The first case was recorded in January 2023 in **Gaziantep**.⁵⁸⁴ A group of lawyers from the Gaziantep Bar Association visited the Apaydin temporary accommodation centre in Hatay in response to a significant number of reports that Syrians detained in the Oguzeli removal centre in Gaziantep were coerced into signing voluntary return forms and then transferred to the temporary accommodation centre in Hatay. When the lawyers gained access to the Hatay camp and spoke with the subject Syrians, they learned that approximately 200 Syrians were transferred to the aforementioned accommodation centres on 12 January 2023, and that all of these Syrians have a deportation decision under judicial review before an administrative court and have been awaiting the court's decision.⁵⁸⁵ The lawyers described the conditions at the temporary accommodation facility as poor. The rooms were tiny, the centre was unfit for winter, there was no access to a shower, and people had to sleep on the floor. In addition, Syrians reported that they fear staying in the centre. They claimed that officers at the centre mistreated them and compelled them to sign certain documents. In addition, they were compelled to say on camera, "Yes, I want to go to Syria voluntarily". They were beaten when they resisted.⁵⁸⁶

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 Türkiye are under the authority of PMM and each centre is managed by a director.⁵⁸⁷ 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

⁵⁸⁴ Information provided by a stakeholder, May 2023.

⁵⁸⁵ Information provided by a stakeholder, May 2023.

⁵⁸⁶ Information provided by a stakeholder, May 2023.

⁵⁸⁷ Article 11 Removal Centres Regulation.

9. Providing services to the residents without discrimination based on language, race, colour, sex, political thought, philosophical belief, religion, sect and similar reasons.”

Removal Centres are required to provide among others: accommodation and food; security; emergency and basic health care services; psychological and social support.⁵⁸⁸

In 2017, in line with the monitoring provisions of the Regulation,⁵⁸⁹ PMM instructed all the mayoralities managing a Removal Centre to set up dedicated Migration Commissions comprising of experts, academics, civil society, officials from health and education institutions and municipality representatives, tasked with regular visits to the centres. The composition of the commission depends entirely on each mayoralty. Generally, Türk Kızılay is present in these commissions.⁵⁹⁰ There is insufficient information regarding 2022 - with the exception of conventional media news - to determine whether these commissions are active.⁵⁹¹

2.1. Material conditions in detention

Conditions in Removal Centres vary from one facility to another. One stakeholder reported that her Somali client was treated as a Syrian and all her documents were issued in Arabic due to a lack of Somali-language interpreters in Harmandali Removal Center.⁵⁹²

See the [previous updates](#) of the AIDA country report for past observations of detention conditions in different centres in Türkiye.

2.2. Staff, health care and special needs

Detainees shall be provided “urgent and basic health care services which cannot be afforded by the person concerned”.⁵⁹³ Access to psychosocial support service is also possible.⁵⁹⁴

See the [previous updates](#) of the AIDA country report for more information on the general conditions about staff, health care and special needs in removal centers.

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

⁵⁸⁸ Article 14(1) Removal Centres Regulation.

⁵⁸⁹ Article 16 Removal Centres Regulation.

⁵⁹⁰ Information provided by a stakeholder, February 2018.

⁵⁹¹ PMM, ‘On Üçüncü Göç Kurulu Toplantısı İçişleri Bakanımız Süleyman SOYLU Başkanlığında Gerçekleştirildi’, 20 October 2022, available in Turkish at: <https://bit.ly/3pG0kKn>.

⁵⁹² Information provided by a stakeholder, May 2023.

⁵⁹³ Article 14(1) Removal Centres Regulation.

⁵⁹⁴ Article 14(2) Removal Centres Regulation.

deliberate absence is meant to limit or deny detained applicants' access to NGO legal counsellors, which must be seen as an arbitrary reduction of the safeguard in Article 68 LFIP.

Detained applicants may also receive visitors. In this regard, all visits will be subject to permission. Visits to detained applicants at border premises are subject to permission from the Vice-Governor's Office in charge of the border gate. Visits to detained applicants in other facilities are subject to the permission of the PMM official in charge of the facility. Request for visiting a detained applicant may be turned down where the "applicant's condition and the general circumstances are not suitable". This vague formulation raises concerns that arbitrary restrictions may be imposed on visitors' access to the centres.

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

3.1. Access of lawyers to Removal Centres

From 2019, lawyers were able to visit their clients in many removal centres without showing a power of attorney or written request in many removal centers.

In **İzmir** the removal centre management still required power of attorney to let the lawyers in to have a pre-meeting with their potential clients. Even though according to Code on Lawyers, lawyers have the right to meet with their potential clients without it.⁵⁹⁵ Lawyers have been also subjected to long delays and security checks including X-ray body searches before being able to interview clients.⁵⁹⁶ **Harmandalı** Removal Centre management in **İzmir** does not report requests from refugees for legal aid to the lawyers directly. Lawyers become aware of the request through their relatives or by coincidence. This continued in 2022 when NGOs and social networks of the person in detention informed lawyers of the presence of their clients in removal centres. No specific access issues to removal centres were reported for 2022.⁵⁹⁷

The removal centre in **Ankara** does not accept lawyers after 17.00. Lawyers have difficulties examining the files of their potential clients. The removal centre management asks for power of attorney to examine the files however Ankara PDMM has offered to assist in solving this issue. The removal centre is located far away from the centre and the only transportation is by car or taxi.⁵⁹⁸

In **İzmir**, lawyers need to bring their own interpreter who has to be under oath. Certified translators continued to be requested in 2022. There is a fixed line in the client - lawyers' meeting room. There is no obstacle for the notary to enter, but the fees and related expenses are significant. Fees vary depending on whether the person has an ID and speaks Turkish or not. A power of attorney document costs around 1,000 TRY (approx. 45 EUR). However, if the lawyer is assigned through legal aid, this power of attorney can be presented to the court. Administrative courts in other provinces may not accept the assignment of legal aid from the İzmir Bar and demand a separate power of attorney.⁵⁹⁹

In **İstanbul** NGO lawyers can access removal centres without submitting power of attorney but they usually wait for a long time. There are four detention centres in İstanbul: Selimpasa, Binkilic, Tuzla and Pendik. Vatan Police Stations in İstanbul are also used. This means that when a legal aid lawyer receives an appointment through the legal aid service, the lawyer has to check these six locations to find out where the client is. Police officers can reportedly give misleading information to lawyers in order to prevent them

⁵⁹⁵ Information provided by a lawyer of a Bar Association, February 2020.

⁵⁹⁶ Information provided by a lawyer of a Bar Association, March 2019. See also Human Rights Association, 'İzmir Harmandalı Geri Gönderme Merkezi Hakkında Gözlem Raporu', 9 July 2017, available in Turkish at: <http://bit.ly/2G7ZGtq>.

⁵⁹⁷ Information provided by a stakeholder, May 2023.

⁵⁹⁸ Information provided by a stakeholder, March 2020 and May 2023.

⁵⁹⁹ Information provided by a stakeholder, March 2021 and May 2023.

accessing their client. For legal aid lawyers, access to removal centres is very difficult if they have no car. They are 60 km away from the centre. In 2022, fewer issues were reported regarding access to removal centres in İstanbul.⁶⁰⁰ In Tuzla Removal Center detention facility, there is no waiting room for lawyers and lawyers have to wait outside. The removal center officers limit the client-lawyer meeting with 10 minutes. In the Pendik detention facility, the client-lawyer meeting room is made of glass and there is no privacy at all.⁶⁰¹ Their problems in getting a copy of clients' file or getting clear information about their client's location was a persistent problem in 2022.⁶⁰² There were interpreters present in removal centers and police stations and providing interpretation services when necessary, but other translators likely to be more neutral were not allowed to access the premises. Attorneys in İstanbul used CIMER (Communication Directorate of the Presidency) extensively in cases where there was no access to files, and it was effective. CIMER is an online platform established to provide a quick and effective response to requests, complaints and applications for information from the public.⁶⁰³ The administrative complaints mechanism is ineffective, judicial methods are rather slow, but CIMER is a very useful remedy in this regard. Poor conditions were reported regarding the **Igdir** Removal Centre. It was constructed primarily from containers. Stakeholders indicate that access to the removal centre is limited and problematic.⁶⁰⁴

3.2. Access of UNHCR and NGOs to Removal Centres

The Removal Centres Regulation does not expressly regulate the conditions upon which UNHCR, European Delegation in Türkiye and NGOs have access to Removal Centres.

In practice, UNHCR does not enjoy unhindered access to Removal Centres but has developed working modalities with PMM. No data was provided regarding UNHCR's possibility to access to removal centers in 2022. The European Delegation in Türkiye also has access to removal centers as the EU has provided financial support to the construction of new removal centers. By the end of 2022, the European Delegation had conducted two visits to removal centers in **Gaziantep** and **Sanliurfa**.⁶⁰⁵

NGOs have no established protocols with PMM for access to Removal Centres. Regarding access to and contact with family members, practice varies across the centres.

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 their claim must be communicated in writing.⁶⁰⁶ The notification letter must provide the reasons justifying detention and the

⁶⁰⁰ Information provided by a stakeholder, May 2022 and May 2023.

⁶⁰¹ Information provided by a stakeholder, May 2023.

⁶⁰² Information provided by a stakeholder, May 2023.

⁶⁰³ See, Presidency of the Republic of Türkiye, Directorate of Communications, "CIMER Revolution: In today's Türkiye, our citizens have a share in state administration", 3 December 2019. Available at: <https://bit.ly/2Qbz9oK>.

⁶⁰⁴ Information provided by a stakeholder, May 2023.

⁶⁰⁵ Information provided by a stakeholder, June 2023.

⁶⁰⁶ Article 68(4) LFIP.

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,⁶⁰⁷ or receive documents without official signatures and seals.

While there is no requirement of automatic periodic review of the detention decision by either the judiciary or PMM itself in relation to detention in the international protection procedure,⁶⁰⁸ pre-removal detention must be reviewed by the governorate on a monthly basis.⁶⁰⁹

The decision to detain can be challenged at the competent Magistrates' Court through a non-suspensive appeal.⁶¹⁰ The law does not set out a time limit for appealing detention.

The competent Magistrates' Court judge must decide on the judicial review application within 5 days. The decision of the Magistrates' Court is final and cannot be appealed. However, there are no limitations on new appeals by the applicant to challenge their ongoing detention.⁶¹¹

According to lawyers' observations, the poor quality of detention review by Magistrates' Courts persists as a problem. In the **İzmir, İstanbul, Aydın, Hatay, Gaziantep, Adana, Kayseri** and **Erzurum** Removal Centres,⁶¹² appeals against detention are rejected as a general rule.⁶¹³ In **İzmir** lawyers are concerned about a 'systemic practice' in courts to reject administrative detention reviews.

In 2022, judicial review of administrative detention orders was poor in **Agri**. One of the reasons was the shortage of personnel, as only one judge per month reviews approximately 500 cases. In Agri, when an Iranian was diagnosed with a severe illness, such as stomach cancer, his detention was terminated. In another case, an Afghan family was being held in a detention centre in **Ankara** due to an ongoing criminal proceeding, but they were released by the Ankara PDMM on the day their administrative detention appeal was denied by the court.⁶¹⁴

One crucial gap in the LFIP provisions on detention concerns remedies against detention conditions.⁶¹⁵

⁶⁰⁷ Information provided by a stakeholder, May 2022.

⁶⁰⁸ Article 68(6) LFIP only states that detention may be lifted at any point.

⁶⁰⁹ Article 57(4) LFIP.

⁶¹⁰ 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.

⁶¹¹ Article 68(7) LFIP; Article 96(6) RFIP.

⁶¹² Information provided by a lawyer of a Bar Association, February 2018; a lawyer of a Bar Association, February 2018; International Refugee Rights Association, February 2018; a lawyer of a Bar Association, February 2019; a lawyer of a Bar Association, February 2019; information provided by various stakeholders, May-June 2023.

⁶¹³ 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: information provided by various stakeholders, May-June 2023.

⁶¹⁴ Information provided by a stakeholder, May 2023.

⁶¹⁵ For a discussion, see Refugee Rights Türkiye, *A pressing need: The lack of legal remedy in challenging material conditions of foreigners under administrative detention in Türkiye*, January 2017, available at: <https://bit.ly/2WkCcZm>.

Finally, where administrative detention is unlawful, the applicant can lodge a compensation claim (*Tam Yargı Davası*) before the Administrative Court.⁶¹⁶ Nevertheless, based on administrative court decisions regarding compensation claims, the viability of this option remained highly questionable.⁶¹⁷

In 2021, in **İstanbul** the 15th Administrative Court of İstanbul started to receive applications concerning deportations and international protection applications due to the high workload at the 1st Administrative Court. In 2022, lawyers widely complained about difference of opinion on the same subject matter between the two courts. The first administrative court of İstanbul in particular had some positive practices, especially during the period of prescription in deportation cases.⁶¹⁸ A stakeholder complained that the 15th Administrative Court of İstanbul rejected at least half of their case files in 2022.⁶¹⁹

When irregular migrants are apprehended, an administrative sanction, a fine between 3700-4200 TRY, is imposed.

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.⁶²⁰ 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.⁶²¹

However, the functioning of the Legal Aid Scheme in Türkiye 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.⁶²² 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.⁶²³

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

⁶¹⁶ Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017.

⁶¹⁷ Information provided by various stakeholders, June 2023. For further analysis, see; Gamze Ovacık, *Turkish Judicial Practices on International Protection, Removal and Administrative Detention in Connection with the Safe Third Country Concept* (On İki Levha Publications 2021) 221-250.

⁶¹⁸ Information provided by various stakeholders, May 2023.

⁶¹⁹ Information provided by a stakeholder, May 2023.

⁶²⁰ Article 68(8) LFIP.

⁶²¹ Article 81(2) LFIP.

⁶²² Information provided by a lawyer of a Bar Association, February 2018; a lawyer of a Bar Association, February 2018; a lawyer of a Bar Association, February 2018.

⁶²³ Information provided by a lawyer of a Bar Association, January 2018; a lawyer of a Bar Association, February 2018; a lawyer of a Bar Association, March 2018.

had the possibility to register with the PDMM, it is impossible for them to notarise a power of attorney.⁶²⁴ 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.

In 2018 the Administrative Court of Ankara 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.⁶²⁵ Moreover, when a lawyer is appointed by a bar association to represent a person under the Legal Aid Scheme, the official appointment letter can serve as a temporary substitute in place of a notarised power of attorney. In practice, the courts accept representation of detained applicants under a legal aid appointment document without a power of attorney.⁶²⁶ Unfortunately, by 2021, the judges changed and in Ankara power of attorney was again required to represent clients in appeals against deportation decisions. The court charged lawyers who could not present a power of attorney within the seven days and rejected the cases in the final decision.⁶²⁷

In **Van**, officials in the administrative detention center are in charge of ‘deciding’ whether a person needs legal assistance or not. For the last 9 years, they have not requested a lawyer, which prevents the functioning of the legal aid system. The governorship of Van announces that hundreds of “irregular migrants” get caught every day. However, from January-March 2022, the total number of lawyers assigned through legal aid was only 15.⁶²⁸ It was reported by stakeholders in Van that persons have almost no access to the legal aid system from removal centers. For example, one stakeholder reported that a client was threatened after they sought legal assistance. Asylum-seekers seeking a lawyer’s help get discouraged and intimidated by officials. The period they spend in administrative detention is extended due to systematic pressure. Some clients refrain withdraw from legal assistance for this reason.⁶²⁹

In 2022, the suspension of the UTBA project directly affected lawyers working on refugee rights in **Istanbul**. Istanbul Bar Association’s legal aid appointments, including appointments to removal centres, have slowed, despite the project’s reactivation in February 2023.⁶³⁰ This suspension had no effect on the activity of the **Izmir** Bar Association, as legal aid continued to appoint lawyers throughout this period.⁶³¹

In **Ankara** and **Central Anatolia**, there was a problem was with the lawyer’s appointments at removal centres. When there is an ongoing project (UTBA), lawyers are easily appointed, but the appointments are not always made, particularly towards the end of the year, due to the end date of the project. This has created significant problems for people in removal centres.

In **Ankara**, especially in legal aid appointments to removal centres, the power of attorney fee needs to be paid either by the client or by an NGO due to a change of the application of the 1st Administrative Court. In the past lawyers have paid it themselves because UTBA project reimbursement is too slow. At least one bar association does not appoint lawyers in deportation cases for this reason.⁶³²

⁶²⁴ İzmir Bar Association, *İzmir Geri Gönderme Merkezlerinde Adalet Erişim Hakkı Çerçevesinde Yaşanan Sorunlar Raporu*, July 2017, 18-19. See also Refugee Rights Türkiye, *Barriers to the right to an effective legal remedy: The problem faced by refugees in Türkiye in granting power of attorney*, February 2016, available at: <http://bit.ly/1PLX9SH>.

⁶²⁵ Evrensel, ‘Yargı: Mülteciler vekaletnamesiz avukat hizmeti alabilir’, 20 January 2018, available in Turkish at: <http://bit.ly/2CG9RCI>.

⁶²⁶ Information provided by a lawyer from a Bar Association, February 2019. See also District Court of Ankara, 10th Chamber, Decision 2017/1267, 20 December 2017.

⁶²⁷ Information provided by a stakeholder, May 2022.

⁶²⁸ Information provided by a stakeholder, May 2022.

⁶²⁹ Information provided by a stakeholder, May 2023.

⁶³⁰ Information provided by a stakeholder, May 2023.

⁶³¹ Information provided by a stakeholder, May 2023.

⁶³² Information provided by a stakeholder, May 2022.

The **Agri** Bar Association neither provides legal aid to those seeking protection nor is it one of the provinces included in the UTBA project. It should be noted, however, that the number of undocumented migrants in Agri is minimal because they typically migrate to western cities for better opportunities.⁶³³

UNHCR continued to run several workshops with removal centres, PMM, and bar associations on issues such as lawyers' problems, access to removal centers, and refugees' access to legal aid. UNHCR also supports removal centres with internal monitoring mechanisms and information provision for asylum seekers when they first come to removal centres.⁶³⁴

E. Differential treatment of specific groups in detention

No policy regarding the differential treatment of detainees based on nationality was reported in 2022. In the past, stakeholders reported that some Removal Centres detained specific population groups. Izmir (Harmandal), Kayseri, and Hatay, for instance, detained mixed populations, including irregular migrants and foreign fighters, while Gaziantep primarily detained Syrians categorised as YTS (Foreign Terrorist Fighters).

⁶³³ Information provided by a stakeholder, May 2023.

⁶³⁴ UNHCR, 'Türkiye Mayıs-Temmuz 2022', 2022, available in Turkish at: <https://bit.ly/46Mjj6w>.

Content of International Protection

The LFIP provides three types of international protection status in accordance with Türkiye'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"⁶³⁵ qualify for **refugee status** under LFIP, in full acknowledgment of Türkiye'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 Türkiye. The numbers of persons who qualified for refugee status have never been transparent but in an event organised in October 2021, PMM informed that there were 28 refugees in Türkiye.⁶³⁶
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 Türkiye and are excluded from Family Reunification rights. The number of people granted conditional refugee status has never been made public. However, PMM informed the public that there were roughly 2,000 conditional refugees in October 2021.⁶³⁷
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 of 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 Türkiye. Notably however, unlike conditional refugees, subsidiary protection beneficiaries are granted family reunification rights in Türkiye.

⁶³⁵ For the purpose of "geographical limitation" in regards to the interpretation of the 1951 Convention, Government of Türkiye considers countries members of the Council of Europe as 'European countries of origin'.

⁶³⁶ QHA, 'Göç ve uyum konulu toplantıda Türkiye'deki göç olgusu anlatıldı', 17 March 2021, available in Turkish at: <https://bit.ly/3ObT7eb>.

⁶³⁷ *ibid.*

A. Status and residence

2. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?

❖ Refugee status	3 years
❖ Conditional refugee status	1 year
❖ Subsidiary protection	1 year

According to the LFIP, foreign nationals who seek legal stay in Türkiye are required to obtain a residence permit. There are 6 types of residence permits available to foreign nationals.⁶³⁸ Neither the International Protection Status Holder Identification Document issued to international protection status holders nor the Temporary Protection Identification Document issued to beneficiaries of [Temporary Protection](#) are identified as “residence permits” as such in Turkish law. The LFIP does not envision the granting of residence permits to either international protection status holders or beneficiaries of temporary protection.

The law instead identifies these categories of foreign nationals to be “exempt from the residence permit requirement” that applies to other categories of foreign nationals.⁶³⁹ They are instead envisioned to stay in Türkiye 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 Türkiye.⁶⁴⁰

Prior to 24 December 2019, **refugees** were granted an International Protection Status Holder Identification Document with a validity period of 3 years,⁶⁴¹ **conditional refugees** and beneficiaries of **subsidiary protection** were issued a document valid for 1 year.⁶⁴² . Currently instead, for those who are granted conditional refugee, subsidiary protection and international protection status, an identity document including foreign identity number is issued.⁶⁴³ The duration of validity of these documents, along with the rules on format and content, is to be determined by the Ministry of Interior.

Therefore, in summary, it should be concluded that the law stops short of offering clear legislative guidance as to the duration of legal stay envisioned for international protection status holders regardless of what types of international protection the person concerned was granted. International Protection Status Holder Identification Document granted to status holders are to “remain valid until terminated by PMM”. 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 PMM.

By default, in light of the *non-refoulement* obligation guaranteed by Article 4 LFIP and in the absence of [Cessation](#) or [Withdrawal](#) procedures, it is unclear whether there can be any other circumstances under which the International Protection Status Holder Identification Document issued to an international protection status holder may be justifiably terminated.

On the other hand, from the vantage point of an international protection beneficiary, since the International Protection Status Holder Identification Document cannot lead to [Long-Term Residence](#) in Türkiye and since time spent in Türkiye on the basis of an International Protection Status Holder Identification Document

⁶³⁸ Article 30(1) LFIP.

⁶³⁹ Article 20(1)(g) LFIP, citing Article 83; Article 93(2) RFIP.

⁶⁴⁰ Article 83(3) LFIP.

⁶⁴¹ Article 83(1) LFIP.

⁶⁴² Article 83(2) LFIP.

⁶⁴³ Article 83 as amended by 85 7196 Law, 24 December 2019.

cannot count towards the fulfilment of the 5-year uninterrupted legal residence requirement for [Naturalisation](#), the legislative framework in Türkiye fails to offer international protection status holders any prospect of long term legal integration in Türkiye.

This approach adopted in LFIP and reinforced by the RFIP should be interpreted as an extension of Government of Türkiye's ongoing "geographical limitation" policy in relation to its obligations under 1951 Refugee Convention.

During the COVID-19 pandemic, the Istanbul PDMM issued a circular encouraging those whose residence permit applications had been denied to reapply for a temporary permit, with a re-application fee.⁶⁴⁴ The possibility to apply remained in 2022.⁶⁴⁵

Stakeholders in Istanbul and Gaziantep reported a considerable increase in the number of humanitarian visa granted to foreigners in 2022.⁶⁴⁶ The profile of applicants may differ, but there are Syrians in Istanbul whose residence permits have been revoked and who cannot obtain temporary protection. In the past, the process took a few days, but by 2022, it has been taking 8-9 months.⁶⁴⁷

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 Türkiye need to be notified to the Population and Civil Registry Departments under the Governorates. The mother, father or legal guardian of the child shall be responsible for the notification. 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 called International New Born Certificate (*Uluslararası Dogum Kayıt Ornegi*) 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 called certifying their legal status in Türkiye. 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.

2.2. Civil registration of marriage

Turkish law is applied for all marriage procedures for international protection beneficiaries and applicants. Under Turkish law, a Turkish national and an applicant or beneficiary or two applicants or beneficiaries of different nationalities can be married by the Turkish authorities. All marriages carried out by the Turkish authorities are subject to the Turkish Civil Code and related regulations.

⁶⁴⁴ Information provided by a stakeholder, March 2021.

⁶⁴⁵ Information provided by a stakeholder, May 2023.

⁶⁴⁶ Information provided by numerous stakeholders, May-June 2023.

⁶⁴⁷ Information provided by a stakeholder, May 2023.

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 Türkiye. A religious marriage (carried out by imams) is only permitted after the official marriage.

In 2022, discriminatory practices targeting foreign citizens were reported. This included marriage registration. As part of his vigorous anti-migrant campaign, the Mayor of Bolu increased the cost of the marriage procedure – that reached 100,000 TL (5,000 EUR) - for third country nationals.⁶⁴⁸ The Türkiye Human Rights and Equality Body imposed a fine of 40,000 TL (2,000 EUR) on the Mayor of Bolu for the discriminatory practice.⁶⁴⁹

There can be delays in divorce cases. If the residential address of a missing spouse cannot be determined, the litigation period can take a long time.⁶⁵⁰ In the divorce cases of Afghan protection seekers, courts request a document from the country of origin proving that the applicant was married in Afghanistan but due to the regime change, these documents cannot be obtained from the embassies, and lawsuits are frozen.⁶⁵¹

Address verification started at the end of 2021, beginning of 2022 for temporary protection holders then for international protection holders. In general, PDMM notifies those who do not live in their declared addresses that first their GSS will be deactivated then their IDS will be canceled.⁶⁵²

Regional PDMMs has processed data updates (civil status matters such as changing marital status, registration of a newborn etc.) over an electronic appointment system called E-Randevu. People can get an appointment by ringing 157 or on the website goc.net.org. An appointment system is in place in big cities such as **Gaziantep**, **Şanlıurfa**, and **Hatay** where there are large refugee populations. In small cities people can apply without an appointment. Appointment schedules depend on the province and may sometimes be very busy. There were reports of refugees giving bribes to get an appointment in **Adana** and **Gaziantep**, as the waiting period for an appointment could reached up to 2-3 months, except in urgent cases.⁶⁵³

3. Long-term residence

The EU Long-Term Residence Directive does not apply to Türkiye. However, as regards long-term resident status under Turkish law, Article 42(2) LFIP governing “long-term residence permits” in Türkiye specifically provides that international protection beneficiaries are not eligible for transition to a long-term residence permit.

⁶⁴⁸ Hurriyet Daily News, ‘Bolu mayor announces ‘controversial’ wedding fee tariffs’, 13 November 2021, available at: <https://bit.ly/3yBUoSR>.

⁶⁴⁹ Sendika, ‘Tanju Özcan’ın mültecilere yaptığı ayrımcılıktan dolayı Bolu Belediyesi’ne para cezası’, 19 May 2022, available in Turkish at: <https://bit.ly/3Dc5PDx>.

⁶⁵⁰ Information provided by a stakeholder, April 2022.

⁶⁵¹ Information provided by a stakeholder, April 2022.

⁶⁵² Information provided by a stakeholder, May 2023.

⁶⁵³ Information provided by a stakeholder, May 2023.

4. Naturalisation

Indicators: Naturalisation

- | | |
|---|-----------------------|
| 1. What is the waiting period for obtaining citizenship? | 5 years |
| 2. Number of citizenship grants to beneficiaries in 2022: | 151,271 (non-Syrians) |

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 Türkiye for 5 years. The foreigner with a valid residence permit must not leave Türkiye 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 assesses 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 Türkiye, without any residence or temporal conditions. In this way, it is aimed at granting qualified people Turkish citizenship as quickly as possible. As of May 2022, several terms in the regulation on the implementation of Law on Turkish Citizenship Procedures underwent some changes; currently, the Turkish citizenship can be acquired in 8-9 months in exchange for: purchasing property of at least 400,000 USD from designated districts; investing in fixed capital of at least 500,000 USD; creating new employment for at least 50 people; depositing in Türkiye at least 500,000 USD with a reservation of not withdrawing it for three years; buying governmental bonds of 500,000 USD with a reservation of not selling them for three years; acquiring investment funds of 500,000 USD.⁶⁵⁴ With the amendment in May 2022, foreigners investing in private pension schemes at least 500,000 USD with a reservation of not withdrawing it for three years shall also acquire Turkish citizenship.⁶⁵⁵ The public has widely criticised the new modifications, which dramatically reduce the amount of financial contributions from millions of dollars to 500,000 USD, claiming that the government offers 'citizenship for free.' Prior to the modifications, Türkiye ranked third in the world for the lowest cost of citizenship.⁶⁵⁶

According to latest data from 2021 collected from the Ministry of Environment and Urbanization, 19,630 foreigners have received Turkish nationality through purchasing property since 2017. In

⁶⁵⁴ Mihci Law Office, 'Yatırım Yoluyla Türk Vatandaşlığı', last accessed 13 July, available in Turkish at: <https://bit.ly/3JWoXcG>.

⁶⁵⁵ Ibid.

⁶⁵⁶ Finans Gündem, 'Vatandaşlığı en ucuza satan 3 ülkeden biriyiz', 10 May 2022, available in Turkish at: <https://bit.ly/43nJ3Dw>.

total, 30, 358 properties were sold to foreigners. According to TUIK, foreigners acquired 8,777 in the first two months of 2022 which corresponds to 4,2% of total sells which is a new record. In the last 10 years, TUIK announced that foreigners acquired 287,704 properties corresponding to 2,3 % of total sells. Foreigners has preferred to buy properties mostly from Istanbul, Antalya and Ankara. From 2015 to 2022, Iraqi nationals rank first with 43,351 properties and 29,992 Iranians in second place with.⁶⁵⁷ Other foreigners buying properties to acquire citizenship are from Russia, Saudi Arabia, Afghanistan and Kuwait.⁶⁵⁸

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 under international protection in practice.

According to statistics released by the General Directorate of Citizenship in August 2022, 363,179 foreigners were granted citizenship, with Syrians ranking first with 211,908 being granted citizenship. Additionally, there were 104, 976 Meshetian Turks (Ahiska Turkleri), 7,001 Uyghur Turks, and 39,294 Afghans who obtained Turkish citizenship, although there is no information on how many of them did so under normal and exceptional circumstances. Those known to stakeholders who were granted citizenship were largely university students or married to Turkish citizens.⁶⁵⁹

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:⁶⁶⁰

- a. Voluntarily re-avails him or herself of the protection of their 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, PMM shall assess whether the change in the country of origin or habitual residence is significant and permanent.⁶⁶¹

Subsidiary protection may also be ceased where circumstances have changed to such an extent that protection is no longer needed.⁶⁶²

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid.

⁶⁵⁹ Gunebakis, 'İşte yabancılara verilen vatandaşlık sayıları', 21 August 2022, available in Turkish at: <https://bit.ly/44JjuO9>.

⁶⁶⁰ Article 85(1) LFIP.

⁶⁶¹ Article 85(2) LFIP.

⁶⁶² Article 85(3) LFIP.

Cessation is to be decided on an individual basis.⁶⁶³ Where cessation grounds apply, PMM shall communicate the review of status to the beneficiary in writing. The beneficiary shall have the opportunity to present their reasons to continue receiving protection, orally or in writing.⁶⁶⁴ 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 PMM.⁶⁶⁵

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.⁶⁶⁶

6. Cancellation of protection status

Indicators: Cancellation

1. Is a personal interview of the 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

Cancellation (“withdrawal”) of international protection status is governed by Article 86 LFIP. The law provides that status shall be cancelled 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.⁶⁶⁷

While LFIP does not expressly provide the same level of guarantees in cancellation procedures as in Cessation, as it makes no reference to a right of the beneficiary to present their observations,⁶⁶⁸ the possibility to submit oral or written observations “within a reasonable period” is provided in the RFIP.⁶⁶⁹ The remaining rules and procedures are the same as in Cessation.

⁶⁶³ Article 97(3) RFIP.

⁶⁶⁴ Article 85(4) LFIP.

⁶⁶⁵ Article 97(1) RFIP.

⁶⁶⁶ Article 80(1)(a) LFIP.

⁶⁶⁷ Article 86(1) LFIP.

⁶⁶⁸ Article 86(2) LFIP.

⁶⁶⁹ Article 98(1) RFIP.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
☐ Yes ☒ No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?
☐ Yes ☒ No
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement?
☐ Yes ☒ No

Family reunification is governed by Articles 34-35 LFIP. While the law allows **refugees** and **subsidiary protection beneficiaries** to be reunited with family members,⁶⁷⁰ under preferential conditions compared to other foreigners, **conditional refugees** are excluded from family reunification altogether. That is also implied by the fact that international protection beneficiaries are not granted a **Residence Permit**, whereas the law requires the sponsor to have resided in Türkiye for more than one year on a residence permit.⁶⁷¹ Refugees and subsidiary protection holders are expressly exempt from this condition, but conditional refugees are not.⁶⁷²

A refugee or beneficiary of subsidiary protection may reunite with the following family members:⁶⁷³

- Spouse, whereby only one spouse may benefit from family reunification in the case of polygamous marriages;⁶⁷⁴
- Minor children or minor children of the spouse;
- Dependent children or dependent children of the spouse.

The Türk Kızılay had received 110 requests for family reunification as of December 2022, but only 9 instances have been satisfactorily handled. They also provide family tracing and messaging services. Only 8 of 238 family tracing requests were met, and only 33 of 119 family messaging requests were delivered successfully. Türk Kızılay initiated a fund-raising drive in 2022 to support their family reunification activities.⁶⁷⁵

2. Status and rights of family members

Upon arrival in Türkiye, family members receive a “family residence permit” for a maximum duration of validity of 3 years.⁶⁷⁶ Holders of this permit have access primary and secondary education institutions without obtaining a student residence permit.⁶⁷⁷

⁶⁷⁰ Article 34(1) LFIP; Article 30(1)(d) RFIP.

⁶⁷¹ Article 35(1)(ç) LFIP.

⁶⁷² Article 35(4) LFIP.

⁶⁷³ Article 34 LFIP; Article 30 RFIP.

⁶⁷⁴ Article 34(2) LFIP; Article 30(3) RFIP.

⁶⁷⁵ Information provided by a stakeholder, June 2023.

⁶⁷⁶ Article 34(1) LFIP.

⁶⁷⁷ Article 34(4) LFIP.

Adult family members on a family residence permit may apply to transfer to a short-term residence permit after 3 years of residence in Türkiye.⁶⁷⁸ However, this condition may be waived in cases where the spouse has been a victim of domestic violence,⁶⁷⁹ or in the event of death of the sponsor.⁶⁸⁰

C. Movement and mobility

1. Freedom of movement

PMM 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.⁶⁸¹ While LFIP makes no reference to **refugees**, who should enjoy freedom of movement across the territory of Türkiye 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.”⁶⁸²

The RFIP complements Article 82 LFIP by adding criteria such as the “person’s request, their 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.⁶⁸³

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. PMM 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.⁶⁸⁴ Neither the law nor its Implementing Regulation set out a strict duration of validity for refugee travel documents.

Regarding **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.⁶⁸⁵ Article 18 of the Passports Law governs the issuing of special travel documents that may be issued to foreign nationals referred to as “passports with a foreign-nationals-only stamp” (*Yabancılarla Mahsus Damgalı Pasaport*).

As such, conditional refugees and subsidiary protection holders are not issued Convention Travel Documents but “may be” issued another type of travel document referred to as “passport with a foreign-nationals-only stamp”. The wording used in Article 84(2) LFIP suggests that the decision as to whether to grant a travel document upon request by a conditional refugee or subsidiary protection holder is subject to the discretion of PMM 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”:

⁶⁷⁸ Article 34(5) LFIP.
⁶⁷⁹ Article 34(6) LFIP.
⁶⁸⁰ Article 34(7) LFIP.
⁶⁸¹ Article 82(1) LFIP; Article 110(4) RFIP.
⁶⁸² Article 110(5) RFIP.
⁶⁸³ Article 110(1) RFIP.
⁶⁸⁴ Article 104 RFIP.
⁶⁸⁵ Article 84(2) LFIP; Article 104(2) RFIP.

- The type that authorises either a single exit or a single entry and has a 1-month duration of validity; and
- The type that authorises a single exit and a single entry. The duration of validity of this type of passport is subject to Ministry of Interior discretion but “shall not be less than 3 months”.

No reports of “passports with a foreign-nationals-only stamp” issued to conditional refugees or subsidiary protection holders currently in Türkiye have been seen to date.

3. Resettlement

UNHCR works in collaboration with PMM to identify the most vulnerable cases and to assess their eligibility for resettlement. As of 10 September 2018, PMM pre-identifies cases based on vulnerability and refers them to UNHCR, similar to the procedure already followed for temporary protection beneficiaries (see [Temporary Protection: Resettlement](#)). In general, stakeholders have noticed that the criteria and standards of ‘vulnerability’ used now by PMM are different from the ones of UNHCR and NGOs. For instance, LGBTQI+ people or people living with HIV are not considered as vulnerable.⁶⁸⁶ The final decisions on resettlement are taken by the receiving countries.

In 2022, due to the great demand, UNHCR expanded its resettlement team, creating two new interview sites in Istanbul and Gaziantep, and is exploring additional complementary options for refugees through labour mobility and educational opportunities. 11,803 refugees were referred for resettlement consideration to 13 countries in 2022 as of 30 September and 5,927 refugees departed to 12 countries. UNHCR Türkiye invested in upscaling resettlement activities resulting in a submission of over 50 per cent of total quota in the first half of 2022. According to PMM statistics, a total of 21,568 Syrians had been transferred to third countries between 2014 and May 2023, mainly to Canada, the US, the United Kingdom and Norway.⁶⁸⁷

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 Türkiye.

E. Employment and education

1. Access to the labour market

Regarding 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.⁶⁸⁸

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 Türkiye for 3 years, are married to a Turkish citizen, or have a Turkish child.⁶⁸⁹

⁶⁸⁶ Information provided by a stakeholder, May 2023.

⁶⁸⁷ UNHCR, ‘Türkiye Fact Sheet’, September 2022, available at: <https://bit.ly/3PVwT1h>.

⁶⁸⁸ Article 89(4)(b) LFIP; Article 4 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁶⁸⁹ Article 18 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

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.⁶⁹⁰ 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.⁶⁹¹ Data on the matter has not been made public in 2022.

2. Access to education

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to access to education (see [Reception Conditions: Access to Education](#)).

F. Social welfare

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to social assistance (see [Forms and Levels of Material Reception Conditions](#)).

G. Health care

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

⁶⁹⁰ Article 89(4)(a) LFIP; Articles 6 and 9 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁶⁹¹ Refugees International, *I am only looking for my rights: Legal employment still inaccessible for refugees in Türkiye*, December 2017, available at: <http://bit.ly/2ylz434>, 5.

Temporary Protection

Temporary Protection Procedure

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

PMM is designated as the competent agency authorised to decide on the eligibility of persons for temporary protection in Türkiye in light of the scope laid down by the Presidency declaration decision and the general eligibility criteria laid down in the TPR.⁶⁹²

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.⁶⁹³ As such, temporary protection under the TPR is not defined as a form of international protection but a complementary measure used in situations where individual international protection eligibility processing is deemed impractical.

The application of the Temporary protection regime is to be declared by a decision of the Presidency.⁶⁹⁴ The declaration decision shall elaborate the scope of beneficiaries, the start date of the temporary protection regime and its duration, where necessary.⁶⁹⁵ It may or may not designate a limitation on the implementation of the temporary protection regime to a specific region in Türkiye. An existing temporary protection regime in place is to be terminated by a Presidency decision.⁶⁹⁶

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”.⁶⁹⁷ 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 Türkiye’s borders after the limitation or suspension decision. Such very broadly and vaguely defined limitation or suspension measures are different from the actual termination of a temporary protection regime by means of a Presidency decision in accordance with Article 11 TPR.

B. Qualification for temporary protection

1. Eligibility criteria

The principal characteristic and justification of the temporary protection approach generally is to swiftly attend to the protection needs of a large number of protection seekers in a situation of mass influx of refugees where individual processing is considered both impractical and unnecessary. The temporary protection approach is meant to categorically apply to and benefit all persons falling within the scope of beneficiaries formulated by the host Government, without any personalised assessment of international protection needs.

⁶⁹² Article 10 TPR.

⁶⁹³ Articles 1 and 3 TPR.

⁶⁹⁴ Article 9 TPR.

⁶⁹⁵ Article 10 TPR.

⁶⁹⁶ Article 11 TPR.

⁶⁹⁷ Article 15 TPR.

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 Türkiye, whether individually or as part of a mass movement of people, due to events unfolding in Syria, are eligible for temporary protection in Türkiye.

This formulation appears to indicate that in addition to Syrian nationals; 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 also covered by the TPR. Practice is consistent with this interpretation, as stateless Palestinians from Syria are registered as temporary protection beneficiaries.⁶⁹⁸

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 Türkiye from or via a third country.

The provision speaks of persons who “arrive at our borders” or “have crossed our borders”, whether “individually” or “as part of a mass movement of people”. As such, it actually does not articulate a clear requirement of arriving directly from Syria at all. A person taking a plane from a third country and landing in a Turkish airport may be understood to have “arrived at our borders” “individually”. Since 8 January 2016, however, Türkiye 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, PMM only admits into the temporary protection regime Syrians who arrive directly from Syria.⁶⁹⁹ Those arriving through a third country are excluded from the temporary protection regime. Although they should be allowed to apply for international protection under the LFIP, in practice they are not registered as international protection applicants. This includes Syrian nationals who may arrive through another country even if their family members in Türkiye already benefit from temporary protection.⁷⁰⁰

In some cases, PDMM have referred these persons for a short-term visa and then a short-term residence permit.⁷⁰¹ Health care and other benefits are not accessible free of charge on a short-term residence permit.

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.

⁶⁹⁸ Information provided by a lawyer of a Bar Association, March 2019.

⁶⁹⁹ Zeynep Kivilcim, ‘Lesbian, gay, bisexual and transsexual (LGBT) Syrian refugees in Türkiye’, 2016, 29.

⁷⁰⁰ Information provided by NGOs, March 2019.

⁷⁰¹ *Ibid.*

Any persons who had arrived in Türkiye prior to 28 April 2011 and had already made an application for international protection were given the option of choosing whether they wished to remain within the international protection procedure framework or benefit from temporary protection. The number of Syrian nationals concerned by this provision is however very limited, since the population of Syrian asylum seekers in Türkiye in early 2011 before the beginning of the conflict in Syria was low.⁷⁰²

1.4. Syrian nationals with regular residence permits

Similarly, any Syrian nationals who were legally resident in Türkiye 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 Türkiye on this basis, unless they wish to register as temporary protection beneficiaries. In fact, the relatively small number of Syrian nationals who continue to arrive in Türkiye 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 Türkiye, he or she needs to have legally entered the country with a valid passport and either based on a short-stay visa or visa-exemption grounds depending on the nationality. Since 2016, however, Türkiye 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.

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:⁷⁰³

- a. Leaves Türkiye 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 remained a prominent issue and concern in the temporary protection system in 2022. In 2021, return was still high on the authorities' agenda, and in early 2022 the government said that over 500,000 Syrians had returned home. This number was updated as 529,000 in October 2022.⁷⁰⁴ The President Recep Tayyip Erdoğan declared on 31 December 2022 that the Government secured an honourable and safe return for 538,654 Syrians in 2022.⁷⁰⁵ These statements should be read with caution, however, vis-à-vis the voluntariness of returns to Syria, and re-entry to Türkiye of persons who have travelled to Syria. There was Turkish support for Syrians returning with the 'Together we stand with Idlib' programme to build housing. According to officials, 59,679 homes have been constructed by Turkish

⁷⁰² Information provided by a stakeholder, May 2022.

⁷⁰³ Article 12(1) TPR.

⁷⁰⁴ AA, 'İçişleri Bakanı Soyulu: Şu ana kadar 529 bin Suriyeli kardeşimiz geri döndü', 20 October 2020, available in Turkish at: <https://bit.ly/3PTApJA>.

⁷⁰⁵ Recep Tayyip Erdoğan, *Twitter*, 31 December 2022, available at: <https://bit.ly/3Ocdt7d>.

organisations and institutions in the Idlib, Euphrates Shield and Olive Branch Operations regions. Türkiye is also building mosques, hospitals and schools in the area.⁷⁰⁶

2.1. Voluntariness of repatriation

The TPR does not specify how the cessation criterion of voluntary departure from Türkiye is to be assessed. In theory, when a temporary protection beneficiary indicates the intention to return to Syria, he or she is interviewed by a panel consisting of PMM, 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.⁷⁰⁷

The campaign that began in 2019 has been extended through 2022. According to the Istanbul PDMM, 68,210 irregular migrants were removed, and 9,105 were sent to deportation centres. It was also announced that the total number of foreigners in Istanbul decreased from 1,309,394 in April 2022 to 1,271,279 in October 2022. This figure includes 551,829 registered Syrians, 715,651 people with short- and long-term resident permits and work permits, and 3,799 registered non-Syrians.⁷⁰⁸ One of the returnees who had lived in Istanbul for ten years stated that he returned to Syria due to the cost of living crisis in Türkiye.⁷⁰⁹

Human Rights Watch reported that Turkish authorities arbitrarily arrested, detained, and deported hundreds of Syrian men and boys to Syria between February and July 2022 and urged the EU to recognize Türkiye as unsafe for asylum seekers.⁷¹⁰ Turkish authorities have been arguing that returns are “voluntary” and the Minister of National Defense Hulusi Akar has claimed that more than 1 million Syrians have voluntarily, safely and respectfully returned to their homes and territory after the operations in northern Syria in 2022.⁷¹¹ Syrians consistently say they are being misled about the “voluntary return” forms they are being told or forced to sign, i.e. through intimidation, threats and beatings.

After the operations carried out in Istanbul in 2022, attorneys in **Antakya** reported that deportation cases increased, roughly of 20%-30% compared to the previous year. The number of Syrian refugees whose temporary protection was revoked increased substantially, as did litigation pertaining to the matter. Voluntary returns and “the serious suspicion that they are involved in a criminal act” were the primary reasons for cancellation. This is contrary to the presumption of innocence, and authorities frequently interpret it when a Syrian refugee is a plaintiff, witness, or subject of a criminal investigation. Therefore, Syrian victims fear deportation and do not dare lodge complaints with the authorities.⁷¹²

UNHCR continued to monitor voluntary returns in 2022. In June 2022, the UNHCR reported that 15,149 Syrian refugees had returned to Syria voluntarily. The local authorities who control the Bab al-Hawa and Bab al-Salam border crossings publish monthly counts of the number of persons entering Syria from Türkiye through their respective checkpoints. Between February and August 2022, 11,645 individuals were returned via Bab al-Hawa and 8,404 individuals were returned via Bab al-Salam.⁷¹³

⁷⁰⁶ MEMO, ‘Türkiye: half-million Syrians return voluntarily to their country’, 2 June 2022, available at: <https://bit.ly/3nA8H5n>.

⁷⁰⁷ Information provided by an NGO, February 2019.

⁷⁰⁸ T.C. İçişleri Bakanlığı, *Twitter*, available at: <https://bit.ly/3rue5MI>.

⁷⁰⁹ Cumhuriyet, Türkiye’den Suriye’ye gönüllü olarak dönen mülteci: ‘Türkiye’de hayat çok pahalılaştı, o yüzden dönüyorum’, 8 June 2022, available at: <https://bit.ly/44GFzNi>.

⁷¹⁰ Human Rights Watch, Turkey: Hundreds of Refugees Deported to Syria, 24 October 2022, available at: <https://bit.ly/3Dgjz09>.

⁷¹¹ Milliyet, ‘Bir milyondan fazla Suriyeli evine döndü’, 21 January 2022, available at: <https://bit.ly/3XPRdDg>.

⁷¹² Information provided by a stakeholder, May 2023.

⁷¹³ UNHCR Türkiye: 2021 Operational Highlights, available at: <https://bit.ly/3yuZMIK>. Page 9.

Some INGOs - such as IHH - and their contractors are active in the Azzez region. Even though people are settled in the region, the conditions are quite harsh due to the extreme conditions. For instance, hospitals do not function properly; given that the lack of schools and employment opportunities in the area, Syrians do not wish to return to Turkish-controlled territories. Residing in containers is not sustainable either. Stakeholders view Turkish policy as unsustainable, and an international consensus must eventually be reached. Syrians who are deported to Syria either obtain a visa to enter Syria or are deported to Turkish-controlled territory.⁷¹⁴

Where temporary protection is terminated based on cessation, PMM 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.⁷¹⁵ 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.⁷¹⁶ This practice remained the same in 2022.

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 Türkiye.⁷¹⁷ This policy has changed for holiday permits granted to Syrians during religious holidays. The Minister of Interior Affairs announced in April 2022 ‘holiday permits are not given and Syrians can only visit and stay at the safe zones namely, Cobanbey, Azez, El Bab and Mare. Those who want to go to Syria for the holiday will not be allowed re-entry to Türkiye.’⁷¹⁸

Admission to the temporary protection regime of persons who previously benefitted from temporary protection in Türkiye but their status was ceased is assessed on an individual basis by PMM.⁷¹⁹ PMM is authorised to grant or deny renewed access to temporary protection status upon repeat arrival in Türkiye.

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 Türkiye. PMM issued a Circular on 7 January 2019, instructing PDMM to lift the “V87 code” in respect of persons returning to Türkiye 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.⁷²⁰ The Circular also requires PDMM to provide detailed information to temporary protection beneficiaries on the legal implications of signing a “voluntary return document”.

In 2019, high requests for reactivation of temporary protection in **Antakya** and **İzmir** were reported and in 2022, it was observed that this practice has dramatically changed. Deportation for registered Syrians was deactivated, and a code called C-114 was issued. Deportations are mostly on weekends, and people sign voluntary return forms without knowing their purpose. The 'V-87' circular had a positive effect, but interviews for those whose temporary protection had been cancelled were held mainly for vulnerable refugees with no criminal record in Türkiye.⁷²¹

⁷¹⁴ Information provided by a stakeholder, May 2023.

⁷¹⁵ Information provided by a stakeholder, May 2023.

⁷¹⁶ Information provided by a stakeholder, May 2023.

⁷¹⁷ Information provided by a stakeholder, May 2023.

⁷¹⁸ Hürriyet, ‘Bayrama giden kalacak’, 2022, available at: <https://bit.ly/3DdNKVS>.

⁷¹⁹ Article 13 TPR.

⁷²⁰ PMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.

⁷²¹ Information provided by a stakeholder, May 2023.

The question of cessation has also arisen in the context of the readmission of Syrian nationals from **Greece** to Türkiye under the EU-Türkiye statement. An amendment to the TPR was introduced on 5 April 2016 to clarify that Syrian nationals, who entered Türkiye after 28 April 2011 and who transited irregularly to the Aegean islands after 20 March 2016, “may” be provided temporary protection.⁷²² PMM statistics refer to 412 Syrian “irregular migrants” readmitted by Türkiye from 4 April 2016 to 5 April 2021 – an increase of 8 persons in 2020.⁷²³ These returns were still suspended in 2022, as far as stakeholders were aware.

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 Türkiye:⁷²⁴

- 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 Türkiye;
- 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 Türkiye;
- 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 Türkiye, committed crimes that would be punishable with a prison sentence in Türkiye, 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.⁷²⁵ In some cases, PMM has also ordered cancellation on the basis of Article 8(1)(e) TPR.⁷²⁶ 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 PMM.⁷²⁷

PMM is responsible and authorised to carry out and finalise the exclusion assessments and to communicate exclusion decisions to the persons concerned. Where it is identified that an existing beneficiary falls within

⁷²² Provisional Article 1(6) TPR, as inserted by Article 1 Regulation 2016/8722 of 5 April 2016.

⁷²³ PMM, *Return statistics*, available at: <https://bit.ly/3wm3j97>.

⁷²⁴ Article 8(1) TPR.

⁷²⁵ Information provided by various stakeholders, May and June 2023.

⁷²⁶ See e.g. Administrative Court of İzmir, Decision 2018/692, 29 November 2018, which quashed a cancellation decision on the basis that the conviction had not been established.

⁷²⁷ Information provided by a stakeholder, May 2023.

the exclusion grounds listed above, their temporary protection status shall be cancelled. PMM can delegate this power to governorates as of 25 December 2019.⁷²⁸

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.

Beneficiaries of temporary protection were not informed by the authorities of the cancellation of their protection in 2022. They did not receive any written document providing the grounds for such cancellation; thus preventing any possibilities to appeal. Most of them learned about the cancellation of their temporary protection when going to a PDMM for other reasons, such as updating data or when their General Health Insurance (GSS) was deactivated.

Address verification has been in place as from 2019 nationwide. If it is determined that the person is not in the province where they are registered, their registration is deactivated, but it is not canceled. In 2022, the Ministry of Interior Affairs announced that 122,000 Syrians were not found at their registered address and 3,791,198 addresses got verified.⁷²⁹ It is legally impossible to deport many of the people so PMM has difficulty imposing a sanction. If the Syrian applicant cannot be found at the specific address, their IDs can be cancelled which renders access to rights and services in Türkiye virtually impossible. Their IDs were reactivated when they went to PDMM, but those who could not go to PDMM lost their IDs. It is estimated by Syrian led NGOs and activists that 150 000 IDs have been cancelled as of April 2022.⁷³⁰ At the same time, it is difficult to get an appointment from the Syrian Embassy, and people have to pay.

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 Türkiye's borders without a valid travel document may be admitted to territory within the discretion of the provincial Governorate.⁷³¹

Furthermore, either the Presidency has the discretion to order "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 Türkiye's borderline and beyond Türkiye's borderline".⁷³² This formulation appears to indicate that the Turkish Government may choose to seal Türkiye's borders to persons seeking temporary protection in Türkiye, either for a specific period or indefinitely, where considerations of national security, public order, public security and public health are deemed to require so.

⁷²⁸ Article 12(2) TPR.

⁷²⁹ Independent Turkey, İçişleri Bakan Yardımcısı Çatak: Suriyeli mültecilerden 122 bini kayıp, 22 June 2022, available at : <https://bit.ly/3OesYvx>.

⁷³⁰ Rudaw, 'Algazi: The annulment of the identity of 150 thousand Syrians marks a change in policy', 20 April 2022, available at: <https://bit.ly/3OR05U0>.

⁷³¹ Article 17(2) TPR.

⁷³² Article 15 TPR.

The Turkish-Syrian land border has been restricted due to various restrictions. In 2018, Türkiye built a 764km concrete wall along the border, with cameras and lighting systems.⁷³³ In 2019, Türkiye opened the "Olive Branch" border-crossing point in Afrin, reinforced with new technology.⁷³⁴ In 2020, Türkiye began using surveillance balloons to patrol the border.⁷³⁵ 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,⁷³⁶ or to bribe border guards to enter Türkiye.⁷³⁷ There are also reports of tunnels and that the wall has increased smugglers' prices.⁷³⁸ PMM figures for 2022 refer to a total of 285,027 apprehended irregular migrants countrywide, of whom only 8,860 were Syrian nationals. The largest group at 115,775 were Afghans.⁷³⁹ This represents a dramatic increase from 2021, where a total of 162,996 persons were apprehended.

Allegations of pushbacks and violence along the Turkish-Syrian border persisted, although the rhetoric used by Turkish authorities changed in 2021. Despite the construction of a wall on the eastern border, some people managed to cross and enter Türkiye. When caught, they were pushed back, however the majority of attempts were labelled as "blocking" by Turkish police, rather than "pushing back." According to PMM, 258,115 persons were blocked at borders in 2022, with 7,899 irregular migrants apprehended.⁷⁴⁰ Applications for temporary protection are not accepted at the border.⁷⁴¹

Türkiye's handling of the situation and concerns for the human rights of migrants and refugees continued in 2022. These incidents are further described in [Access to the territory and pushbacks](#), along with allegations of sexual violence and harassment committed by Turkish soldiers and security guards against Syrian women crossing the Turkish border.⁷⁴² No specific incident was brought to the author's attention and Turkish media did not report on similar issues in 2022, but it is possible to speculate that incidents occurred at the border and women were unable to report them out of fear of deportation, prevalent impunity culture, and cultural norms.

2. Registration under temporary protection

The PDMM are formally in charge of registering temporary protection beneficiaries and referring them to cities.

However, the list of available cities changes according to capacity and if there is a health or education emergency, both groups of protection holders can be directed to other cities. İstanbul is closed to registration of both non-Syrians and Syrians except for justified reasons such as education, health or employment. However, İstanbul PDMM is reportedly not accepting registrations due to educational needs as it would mean registering the whole family which leads to an increase in numbers.⁷⁴³ In İstanbul, ten

⁷³³ Daily Sabah, 'Türkiye finishes construction of 764-km security wall on Syria border', 9 June 2018, available at: <https://bit.ly/2l2bOD0>; Hürriyet, 'Türkiye improves border security with smart system', 6 January 2019, available at: <https://bit.ly/2EqALRx>.

⁷³⁴ CNN Turk, 'Suriye sınırına akıllı güvenlik', 13 January 2020, available in Turkish at: <https://bit.ly/2UNgY73>; Hürriyet, 'Turkish surveillance balloon patrolling Syria border', 21 July 2020, available at: <https://bit.ly/3hivXD4>.

⁷³⁵ Middle East Monitor, 'Türkiye to open border gate with Syria's Afrin next week – minister', 5 March 2019, available at: <https://bit.ly/2ukw1s9>.

⁷³⁶ Hürriyet, 'Footage shows Syrians scaling Turkish border wall with ladders', 7 September 2018, available at: <https://bit.ly/2EEp0bl>.

⁷³⁷ International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Türkiye's Şanlıurfa*, February 2019, available at: <https://bit.ly/2tSkVdX>, 5-6.

⁷³⁸ Information received from stakeholders from Ankara and Şanlıurfa, March 2020.

⁷³⁹ PMM, *Irregular migration statistics*, available at: <https://bit.ly/3ng8bjb>.

⁷⁴⁰ Twitter, available at: <https://bit.ly/3ryzap1>.

⁷⁴¹ Information provided by a stakeholder, June 2023.

⁷⁴² The Women's Solidarity Foundation, *Gender Based Violence and Discrimination: Syrian Women Living In Ankara*, 2020, available at: <https://bit.ly/3dPB4r2>, 26.

⁷⁴³ Information provided by a stakeholder, May 2023.

districts, Kucukcemece, Bagcilar, Basaksehir, Avclar, Bahcelievler, Sultangazi, Esenler, Zeytinburnu, Esenyurt and Fatih are closed to the new registration of foreigners.

As of 6 June 2022, a protection seeker can be referred to a temporary accommodation center for registration, or registered by PDMM if it falls under one of the following categories:

- If the applicant has a family member who is already registered under temporary protection and not obliged to stay at Temporary Accommodation Centers. This category would include the spouses with civil marriage, new-born babies, underage children and dependents of the individuals who are already registered under temporary protection and not obliged to stay at Temporary Accommodation Centers;
- If the applicant has travel restrictions due to medical conditions, and if the applicant has no self-care ability;
- If the applicant has a family member (spouses who can furnish a civil marriage certificate, children, dependents) of Turkish nationals and foreign nationals holding residence permit, work permit or registered under international protection;
- If the applicant is deemed not suitable to be accommodated in Temporary Accommodation Centers due to a specific need, and their spouses, children and dependents.

If the applicant has any substantiating document of the above-mentioned situations, they should provide the PDMM with the relevant supportive documents. The applicant is registered at the Temporary Accommodation Centers if they do not fall under these categories. At the Temporary Accommodation Center that they are referred to, the applicant is fingerprinted, and a security check is conducted. The applicant is required to stay at the Temporary Accommodation Centre during the procedure. The applicant is issued the Temporary Protection Identification Card after the security check. If the applicant cannot pass the security check, they are interviewed by the PDMM prior to any other action. PDMM issues a decision on an individual basis if the applicant is assessed to be excluded from temporary protection.⁷⁴⁴

In 2022, registration of temporary protection continued, although not in all cities. For some stakeholders, all registrations were stopped, including temporary protection registrations. At the end of the year there were 3,535,898 people registered under temporary protection.⁷⁴⁵ This is a decrease of 201,471 compared to 2021. Registrations are closed in many cities. For example, due to the increase in population density in İstanbul and people's concerns, registrations have been closed in İstanbul since 2019, except for some instances (family reunification, access to treatment, having a work permit, vulnerable groups). Another problem widely encountered is when the father of the family has temporary protection, but his wife and children come to Türkiye illegally, try to register in İstanbul but have difficulties in accessing registration.⁷⁴⁶ The new 25% rule or 'deconcentration policy'⁷⁴⁷ will also affect cities with larger populations of Syrians such as Kilis where over 38% of the population is made up of Syrians under temporary protection.⁷⁴⁸

After changes to the LFIP in December 2019, the law now foresees an administrative fine for those who provide accommodation to unregistered foreigners even unknowingly.

PMM collects biometric data, including fingerprints, during registration and maintains electronic files for each beneficiary in the agency's electronic file management system named "Göç-Net" – an internal database available to PMM staff to facilitate registration procedures.⁷⁴⁹

⁷⁴⁴ UNHCR, Registration with the Turkish authorities, available at: <https://bit.ly/3PWivMU>.

⁷⁴⁵ See PMM website, 'Temporary Protection', available in English at: <https://bit.ly/3wKyPOK>.

⁷⁴⁶ Information provided by a stakeholder, April 2022.

⁷⁴⁷ Turkish Government, Mahalle Kapatma Duyurusu Hk., available at: <https://bit.ly/3PXaBfM>.

⁷⁴⁸ See PMM website, 'Temporary Protection', available in English at: <https://bit.ly/3wKyPOK>.

⁷⁴⁹ Turkish Government, Mahalle Kapatma Duyurusu Hk., available at: <https://bit.ly/3PXaBfM>.

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. It aims to conduct security checks within 30 days. Syrians readmitted to Türkiye from Greece under the EU-Türkiye statement were also channelled through pre-registration. However, due to the high numbers of applicants, the lack of interpreters, and lengthy security checks, applicants face delays and difficulties in registration. Delays can lead to difficulties accessing healthcare and services, which require a Temporary Protection Identification Card and Foreigners Identification Number.⁷⁵⁰

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.⁷⁵¹ 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.⁷⁵²

3. Appeal

Since the TPR itself does not have a dedicated provision listing specific remedies for persons concerned against negative decisions, all acts and actions of competent authorities within the scope of the TPR are subject to general rules of accountability derived from Turkish administrative law, unless there is a dedicated specific remedy provided in the LFIP itself.

As mentioned in [International Protection: Removal and Refoulement](#), there is a specific dedicated remedy provided by the LFIP against deportation decisions. According to Article 53 LFIP, deportation decisions can be challenged at competent Administrative Court within 7 days. Appeals against deportation decisions have automatic suspensive effect. The competent Administrative Court is required to finalise the appeal within 15 days. Administrative Court decisions on deportation appeals are final, may not be appealed onward in a higher court.

All other scenarios of possible unfavourable decisions and practices are subject to general rules of accountability derived from Turkish administrative law. Under Article 125 of the Turkish Constitution, all acts and actions of the administration are subject to judicial review. According to Article 7 of the Law on

⁷⁵⁰ Information provided by a stakeholder, May 2023.

⁷⁵¹ PMM Circular 2017/10 of 29 November 2017 on principles and procedures for foreigners under temporary protection.

⁷⁵² *Ibid.*

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 Türkiye, 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 Türkiye 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.

In 2022 there were some problems for Syrians accessing legal aid. The legal aid service did not look for a poverty certificate from the refugee applicant, but some courts did. If the applicant could not submit a poverty certificate issued by the neighborhood authority (*muhtar*), the request was immediately rejected. Family and civil courts of the first instance have not accepted legal aid requests without this document. Even if the legal aid request was accepted, in cases where the client had to be heard before the court, the judge asked for a translator, and the client paid the translator fee. The legal aid budget should typically cover this cost.⁷⁵³

D. Detention in the temporary protection framework

As a rule, temporary protection beneficiaries should not be detained. The TPR does not feature any explicit provision governing administrative detention of persons within the scope of temporary protection laying down grounds and procedural safeguards that apply. Article 35 TPR does, however, provide that beneficiaries who fail to comply with the obligations set out in the Regulation may be temporarily or

⁷⁵³ Information provided by a stakeholder, May 2022.

permanently prevented from residing outside a Temporary Accommodation Centre. Where this provision is applied, beneficiaries are forbidden from leaving the camp, thereby being *de facto* in a state of detention.

In addition, detention has also been – arbitrarily – imposed in some cases as a sanction against temporary protection beneficiaries who violate their obligation to stay in their assigned province, although practice in this regard is not uniform.

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](#)).

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 Türkiye;⁷⁵⁴ protection from punishment for illegal entry or presence⁷⁵⁵ and protection from *refoulement*.⁷⁵⁶

The evolution of the debate about and policies for integrating Syrian refugees can be stated as follows: The first four years was an 'emergency period,' until the announcement of the EU-Türkiye statement in 2015. The time following 2016 was designated as the period of integration policies, implying that integration became a focal point of debate.⁷⁵⁷ This period saw increased migration in Türkiye as a result of the expectation that the crisis would not be addressed quickly. Participation in educational possibilities, specific needs of women and children, child marriage, child labour, and problems of persons with chronic diseases, the disabled, and the elderly were the focus areas of this period. In this setting, protection has gained relevance, as has access to livelihood and the labour market. 2019 instead marked the start of a third period, focusing on social cohesion and returns.⁷⁵⁸ PMM published the Cohesion Strategy and National Action Plan, which addressed six subject areas: social cohesion, information, education, health, labour market, and social support.

However, events in Istanbul in the summer of 2019 fuelled the Turkish authorities' return strategy directed at limiting the increase of irregular arrivals: undocumented non-Syrians were taken to removal centres, while unregistered Syrians were sent to temporary accommodation centers.⁷⁵⁹ Several of these refugees were also mistreated by the Turkish security services or denied access to medical care.⁷⁶⁰ With the conclusion of the COVID-19 pandemic and the Taliban's takeover of Afghanistan, 2021 became the year of anti-migration rhetoric and severe limitations on registration and protection. The year 2022 marked the institutionalisation of return policy and the mainstreaming of anti-refugee rhetoric at the political, social, and economic levels. This rise of anti-immigrant sentiment is related to many factors. Turkey's current economic crisis has resulted in immigrants' being made scapegoats and competitors in an increasingly narrowing labour market while their presence is seen as an unnecessary burden on the welfare state. Furthermore, rising anti-government sentiment has encouraged increased criticism of the government's open-door policy towards refugees.⁷⁶¹ In 2022, both the opposition and the government have launched anti-refugee campaigns to obtain more votes and display their sympathy for host communities ahead of the national and presidential elections in May 2023. Regarding **Gaziantep**, it was reported that Syrians are heavily employed in the local industry that is why there is no apparent anti-refugee sentiment in comparison to other cities.⁷⁶²

In terms of integration, Türk Kızılay runs 18 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. Municipalities' infrastructure in terms of water supply and sanitation, solid waste management, and recreational facilities has been developed with the aid of EU-funded initiatives. Only two EU-backed projects in the water supply and sanitation sector were finished in 2022: a wastewater treatment

⁷⁵⁴ Article 25 TPR.

⁷⁵⁵ Article 5 TPR.

⁷⁵⁶ Article 6 TPR.

⁷⁵⁷ İçduygu, Ahmet and Simsek, Dogus (2016) Syrian refugees in Türkiye: towards integration policies. *Turkish Policy Quarterly*, 15(3), 59-69, available at: <https://bit.ly/3pCa7Bb>.

⁷⁵⁸ SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Türkiye*, June 2018, available at: <https://bit.ly/2z8zb5k>, 65.

⁷⁵⁹ Information provided by a lawyer from a Bar Association, February 2020.

⁷⁶⁰ See 11, 'Durable solutions for the Syrian Refugees in Türkiye', December 2019, available at: <https://bit.ly/33asT3C>.

⁷⁶¹ Evren Balta Ezgi Elçi Deniz Sert, Political Party Representation Of Anti-Immigration Attitudes: The Case Of Turkey, December 2022, available at: <https://bit.ly/3pMWsXY>.

⁷⁶² Information provided by a stakeholder, May 2023.

plant in Hatay and a facility in Kilis for solar drying (of sanitary waste). Both facilities are currently in use, and 33 new water supply and sanitation facility subprojects (new builds or upgrades to existing facilities) have been added to the FRIT pipeline. 17 municipalities in total, primarily in the South-East, are the focus of this help.⁷⁶³ 26 of the 33 additional facilities were still in the first stages at the end of 2022. The construction of six solid waste management facilities was completed and all are currently operational. Four additional solid waste management facilities are currently being developed. Approximately 180,000 people have benefitted from the two completed sanitation sub-projects (4% target achievement rate) whilst almost 600,000 benefitted from the completed solid waste management facilities (20% target achievement rate). In addition, 28 recreational facilities (sub-projects) were to be built as part of the original proposal throughout 12 provinces. However, the funding is now only anticipated to cover 22 sub-projects due to the quickly rising expenses of development.⁷⁶³

An interesting report from March 2022 on urban refugees in **Marmara**⁷⁶⁴ gave the municipality view of integration in Türkiye. The report studied the situation for Syrian temporary protection holders in thirteen provinces and 94 municipalities and challenges. It found that the three most common problems that municipalities encounter regarding immigrants and refugees are the lack of a budget and legal problems arising from the limitations in the legislation related to their jurisdiction, a lack of data, and negative reactions from local people. The main problems experienced by Syrian temporary protection holders are poverty, being employed as unqualified, cheap labour and housing. Syrian refugees most often request help from municipalities with financial and other aid, employment and shelter.

The **Istanbul** Metropolitan Municipality (IMM) has prepared a strategy plan that was developed through a participatory process in order to produce an effective and permanent policy in migration governance. A people-oriented strategy with the perspective of leaving no one behind has been prepared to be implemented in 2020-2024. In the scope of the strategy, 4 main objectives have been determined: coordination, capacity building, research and data collection, social cohesion.⁷⁶⁵

International NGOs have also been active in border provinces since the beginning of the Syrian conflict. Currently, 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 Türkiye and renew it regularly.⁷⁶⁶ According to the list published and updated on 26 April 2023 by the Ministry of Interior Affairs, there are 60 registered INGOs operating in migration sector in Türkiye.

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

⁷⁶³ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

⁷⁶⁴ Marmara Municipalities Union, *Urban Refugees of Marmara: Process Management of Municipalities*, 9 March 2022. Summary of the report available in Turkish at: <https://bit.ly/3udnJBX>.

⁷⁶⁵ UNHCR, Migration and Social Cohesion Action Plan (2020-2024) | The Global Compact on Refugees, available at: <https://bit.ly/3Dd8xZv>.

⁷⁶⁶ For a list of active organisations, see Ministry of Interior, *Foreign CSOs permitted to operate in Türkiye*, available at: <https://bit.ly/2TZyYgU>.

defined by international institutions and organisations.⁷⁶⁷ The reform was consolidated by Law No 7070 on 1 February 2018. According to changes to the LFIP in December 2019, entry bans shall be applied to those who are in the country,⁷⁶⁸ and Syrians that are under temporary protection shall be deported if they do not comply with their notification duty three times consecutively.⁷⁶⁹

Since 2018, deportation decisions have been increasingly issued to registered Syrians based on the abovementioned provisions, similar to persons seeking international protection in Türkiye. In 2022, the European Court of Human Rights found a violation of article 3, 5 and 13 of the ECHR in *Akkad v. Türkiye* judgement on the ground of expulsion of the temporary protection holder applicant to Syria.⁷⁷⁰

In 2021, Türkiye initiated talks with the UN about returning Syrians, but deportation decisions are still being issued. The İzmir Administrative Court developed jurisprudence in late 2021, allowing Syrians to be deported to a safe country. This policy encourages irregular status, leading to parents not enrolling children in school and some irregular refugee workers losing their lives in İzmir.⁷⁷¹

For a discussion on case law of Administrative Courts and the Constitutional Court on the derogation from *non-refoulement*, see also International Protection: Removal and *Refoulement*. For more information on the safe third country concept as applied to Syrians in 2022, see the section on the [Safe third country](#).

2. Temporary protection identification document

The TPR provides a registration procedure and envisions the issuing of Temporary Protection Identification Documents (*Geçici Koruma Kimlik Belgesi*) to beneficiaries upon registration.⁷⁷² 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 Türkiye. 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 Türkiye 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 Türkiye, all legally resident foreign nationals are assigned YKN which serve to facilitate their access to all government services. International protection applicants and status holders within the framework of LFIP are also given such YKN. Currently, YKN assigned to all categories of legally resident foreign nationals, including temporary protection beneficiaries, categorically start with the digits of 99.

A verification and update process of data of Syrians under temporary protection was completed at the end of 2018, in close cooperation with UNHCR.⁷⁷³ The process called 'address verification,' is about identifying whether the person is present in the province where they are registered. If not, their registration is deactivated, but not cancelled. UNHCR reported that 96% of the verification objective in Türkiye was met

⁷⁶⁷ 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.

⁷⁶⁸ Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Türkiye, 4 December 2019, available at: <http://bit.ly/2lRYoVQ>.

⁷⁶⁹ Evrensel, 'Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya', 25 December 2019, available in Turkish at: <http://bit.ly/2lL7kwp>.

⁷⁷⁰ HUDOC, available at: <https://bit.ly/3rxFop9>.

⁷⁷¹ Information provided by a stakeholder, May 2022.

⁷⁷² Article 2 TPR.

⁷⁷³ PMM, 'Türkiye'de Geçici Koruma Kapsamında Bulunan Yabancıların Kişisel Verilerinin Doğrulanması', 22 March 2018, available in Turkish at: <https://bit.ly/2plttBt>.

through this exercise.⁷⁷⁴ However, in April 2022, the PPM announced that Syrians who received an appointment for address verification online via Goc-Net or by calling 157 have to visit their registered PDDM within 45 days of receiving the SMS notification and update their personal information such as date of birth, marital status, and address. To change their address, the applicant must provide an electric or gas bill from their new residence. If the applicant does not have a registered address, they have to first register their address with the mayorality and then visit their registered PDDM to verify their address. If a person needs or desires to reside in a city or neighbourhood other than their city of registration but was closed to registration due to deconcentration policy after February 2022, they can still be registered in one of these cities or neighbourhoods if they can submit a rental agreement or bill dated prior to February 2022; otherwise, they have to register in their city of registration.⁷⁷⁵

In 2019, it was stated that Syrians would be deported if they failed to go to the provinces where they were registered. However, it was legally impossible to deport many of the people so PMM had difficulty imposing a sanction. Plus, it is difficult to prove that administrative detainees were coerced into returning voluntarily, despite their claims.⁷⁷⁶ Forms for voluntary return have to be signed under the supervision of the Red Crescent and UNHCR, but in the majority of cases, this is not the case. If the Syrian applicant cannot be located at the specified address, their identification documents may be revoked. When they visit PDDM, their IDs get reactivated, but those who were unable to visit PDDM lose their IDs. Syrian-led NGOs and activists estimate that 150,000 IDs have been revoked as of April 2022.⁷⁷⁷

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; (c) having a Turkish descent; (d) adoption; or (e) the exceptional circumstances procedure.

Time spent in Türkiye under a Temporary Protection Identification Document may not be interpreted to count towards the fulfilment of the requirement of 5 years uninterrupted legal residence as a precondition in applications for Turkish citizenship. The Ministry of Interior stated on 19 December 2022 that there were 223,881 naturalised Syrians in Türkiye and on 15 April 2023 that 130,914 of them would vote in the 2023 elections.⁷⁷⁸ This number was previously announced as 120,133 on 19 August 2022.⁷⁷⁹

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 Türkiye. Generally, citizenship is granted to highly qualified Syrians in practice, although other categories can also obtain it.⁷⁸⁰

The process to acquire citizenship is not clear. There are reportedly four phases but there are applicants who have been waiting for a very long time.⁷⁸¹ As of January 2021 there were concerns that applications for citizenship from Syrian nationals had been indefinitely postponed.⁷⁸²

⁷⁷⁴ UNHCR, *Türkiye: Operational Update 2018 Highlights*, available at: <https://bit.ly/2Cr3tBB>.

⁷⁷⁵ Hayata Destek Online, 'Adres Kayıt ve Güncelleme İşlemleri Nasıl Yapılır?', 12 April 2022, available at: <https://bit.ly/43oBSeb>.

⁷⁷⁶ Information from a stakeholder, April 2022.

⁷⁷⁷ Ömer Sönmez, 'Algazi: The annulment of the identity of 150 thousand Syrians marks a change in policy', *Rudaw*, 28 April 2022. Available in Turkish at: <https://bit.ly/3OR05U0>.

⁷⁷⁸ Multeciler, *Türkiyedeki Suriyel Sayısı*, 20 June 2023, available at: <https://bit.ly/3XQLq0e>.

⁷⁷⁹ Obianet, 'News List', 2023, available at: <https://bit.ly/44F7MEg>.

⁷⁸⁰ Information provided by various stakeholders, May and June 2023.

⁷⁸¹ Information from a stakeholder, February 2020.

⁷⁸² See, Stockholm Centre for Freedom, *Syrians in Türkiye in precarious situation as citizenship applications indefinitely suspended by authorities*, 12 January 2021, available at: <https://bit.ly/3yHbXQX>.

The legal status of children born in Türkiye has been extensively debated. As of March 2022, it was reported that 750,000 children born in Türkiye were stateless (*haymatlos*) because they lacked both Syrian and Turkish identification documents. There are no available statistics on the number of non-Syrian children.⁷⁸³ Türkiye is not a party to the 1961 Convention on the Reduction of Statelessness or the 1997 European Convention on Nationality. Stakeholders have expressed concerns that Türkiye does not currently provide these children unconditional birth-right citizenship and that the Regulation on Temporary Protection does not include time spent in Türkiye under temporary protection towards the five years' uninterrupted legal residence as a precondition for applications for Turkish citizenship by naturalisation. In addition, nationality legislation in Syria does not guarantee women the right to transmit their Syrian nationality to their children. This with the loss of documentation due to the Syrian conflict; and the lack of birth-right citizenship in Türkiye combine to deny the children's right to a nationality and create the risk of statelessness for children born to Syrian refugees in Türkiye.⁷⁸⁴

Despite the difficulties, more new-born Syrians become Turkish citizens every year. As of December 2022, 97,095 children had been granted Turkish citizenship.⁷⁸⁵

B. Family reunification

Article 49 TPR appears to grant temporary protection beneficiaries the possibility of “making a request” for family reunification in Türkiye with family members outside Türkiye. While the article provides that PMM 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 PMM.

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 Türkiye, while AFAD manages family reunification requests in the border regions. According to Türk Kızılay, it had received 110 requests for family reunification as of December 2022, but only 9 instances were satisfactorily handled. They also provide family tracing and messaging services. Only 8 of 238 family tracing requests were met, and only 33 of 119 family messaging requests were delivered successfully. Türk Kızılay initiated a fund-raising drive in 2022 to support their family reunification activities.⁷⁸⁶

⁷⁸³ Obianet, 'News List', 2023, available at: <https://bit.ly/44F7MEg>.

⁷⁸⁴ Institute on Statelessness and Inclusion and the European Network on Statelessness, *Joint Submission to the Human Rights Council at the 35th Session of the Universal Periodic Review, (Third Cycle, January 2020), Türkiye*, July 2019 page 6, available at: <https://bit.ly/2xxr8kX>.

⁷⁸⁵ Obianet, 'News List', 2023, available at: <https://bit.ly/44F7MEg>.

⁷⁸⁶ Information provided by Türk Kızılay, June 2023.

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 Türkiye as opposed to countrywide implementation.⁷⁸⁷ 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”.⁷⁸⁸

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 PMM to limit freedom of movement of temporary protection beneficiaries to a particular province, a particular camp or another location.

In August 2015, the Turkish government imposed controls on the movement of Syrians within Türkiye. Stricter restrictions were enforced for temporary protection beneficiaries after an EU-Türkiye statement. Failure to comply with reporting obligations could lead to the withdrawal of temporary protection status and the issuance of a “V71” code indicating an unknown location.

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. PMM statistics on apprehensions for irregular migration do not discern irregular entries from irregular exits from Türkiye, yet indicate that the majority of apprehensions occur in western and southern provinces. By the end of 2022 around 40,000 Syrians accounted of the total number of 285,027 apprehensions across the country. The largest group at 115,775 were Afghans. The number had nearly doubled comparing to 2021.⁷⁸⁹

Temporary protection beneficiaries may also move between provinces *inter alia* to seek employment. To reduce informal employment, the Ministry of Family and Social Services has provided employers with the possibility to make one official declaration before a public notary that a beneficiary is starting employment, in order for that beneficiary to transfer their 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

⁷⁸⁷ Article 10(1)(ç) TPR.

⁷⁸⁸ Article 15(1) TPR.

⁷⁸⁹ PMM, *Irregular migration statistics*, available at: <https://bit.ly/3ng8jbj>.

make the necessary official declarations, they are not able to change their address from the place of first registration to Ankara. In addition, work permits were previously considered a valid reason for address changes; however, after 2022, address changes based on work permits became nearly impossible in cities closed to registration.⁷⁹⁰

In October 2022, the Governor of İstanbul reported that the number of Syrians living in İstanbul under temporary protection had been slightly increased to 551,829.⁷⁹¹ The Turkish authorities reportedly arrested about 143,457 irregular migrants in İstanbul.⁷⁹² In early 2022, it was formalized in the “25% rule”, whereby from May 2022 it is against the law for any region or area in Türkiye to have a population of foreign nationals that is more than one-quarter of the total population. This includes both people who have made Türkiye their permanent home and those who are merely visiting the country. As of 1 July 2022, 1,169 neighbourhoods in different provinces are now closed to foreign nationals seeking address registrations for temporary protection, international protection, and residence permits, as well as changes to their city of residence if they are foreign nationals with residence permits or are under temporary or international protection, with the exception of newborns and instances of nuclear family reunification. In total, 58 cities got impacted by this new policy and **Aydin, Antalya, Ankara, Bursa, Canakkale, Duzce, Edirne, Hatay, İstanbul, İzmir, Kırklareli, Kocaeli, Muğla, Sakarya, Tekirdag and Yalova** are some of the cities that fall into this category.⁷⁹³

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” (*Yabancılar Mahsus Damgalı Pasaport*) with different durations of validity. Therefore, the current temporary protection framework does not foresee the provision of (Refugee) Travel Documents to temporary protection beneficiaries within the meaning of the 1951 Convention.

Stakeholders are not aware of any such “passports with a foreign-nationals-only stamp” issued to a temporary protection beneficiary. That being said, there are cases of temporary protection beneficiaries being allowed to travel on their Syrian passports to third countries for private purposes, although in some cases these individuals encounter difficulties in entering Türkiye upon return.⁷⁹⁴

In 2022, Ministry of Interior Affairs issued a circular to PDMs regarding the imposition of a new duty on taxi drivers to check the travel permits of foreigners when transporting passengers between cities. The taxi driver would otherwise be accused of human trafficking.⁷⁹⁵

⁷⁹⁰ Hayata Destek Online, ‘Adres Kayıt ve Güncelleme İşlemleri Nasıl Yapılır?’, 12 April 2022, available at: <https://bit.ly/43oBSeb>.

⁷⁹¹ T.C. İçişleri Bakanlığı, *Twitter*, available at: <https://bit.ly/3rue5MI>.

⁷⁹² Ibid.

⁷⁹³ Mülteciler Derneği, ‘Türkiye’deki Suriyeli Sayısı Haziran 2023’, 2023, available at: <https://bit.ly/3JXlpFF>.

⁷⁹⁴ Information provided by a stakeholder, May 2023.

⁷⁹⁵ AA, ‘İçişleri Bakanı Soylu: Taksicilere yabancı yolcuların il dışı seyahat izin belgelerini kontrol yükümlülüğü getiriyoruz’, 2022, available in Turkish at: <https://bit.ly/44poaJ9>.

3. Resettlement and family reunification departures

3.1. The general procedure

PMM 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. As of 2021, PMM and European Union Agency for Asylum (EUAA) has started to work together in terms of resettlement to the EU countries.⁷⁹⁶

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.⁷⁹⁷

Departure of temporary protection beneficiaries to third countries for the purpose of resettlement is subject to the permission of PMM.⁷⁹⁸ A so-called “exit permission” must be issued in order for a beneficiary to be allowed to exit Türkiye to a third country either for the purpose of a temporary visit or on a permanent basis for the purpose of resettlement.

The same exit permission requirement also applies to temporary protection beneficiaries in the process of departing from Türkiye for the purpose of family reunification with family members in third countries. Syrians seeking a family reunification departure from Türkiye must first register with PMM as a temporary protection beneficiary before they can subsequently request and obtain an “exit permission” to leave Türkiye to a third country.⁷⁹⁹ IOM supports more than 20 countries including USA, Canada and EU countries in these efforts.⁸⁰⁰ In Türkiye, many refugees want to reunite with family members in Europe. IOM conducts family reunification interviews. Often a Syrian family has some members in Germany, with other family members in neighboring countries such as Lebanon and Türkiye. The person in Germany receives refugee status or subsidiary protection status. In Türkiye, family members apply for a family reunification visa through the German Consulates and can migrate to Europe.

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

According to PMM statistics, a total of 21,568 Syrians had been transferred to third countries between 2014 and May 2023, mainly to Canada, the US, the UK and Norway.⁸⁰¹

3.2. The 1:1 resettlement scheme

The EU-Türkiye statement of 18 March 2016 established a specific resettlement procedure (“1:1 scheme”), under which one Syrian national would be resettled from Türkiye to EU Member States for each Syrian national returned from Greece to Türkiye, taking into account the UN vulnerability criteria.⁸⁰² Since 2021,

⁷⁹⁶ Information provided by a stakeholder, June 2023.

⁷⁹⁷ IOM, ‘Yeniden yerleştirme’, 2023, available at: <https://bit.ly/3XPYsuW>.

⁷⁹⁸ Article 44 TPR.

⁷⁹⁹ UNHCR, ‘Üçüncü Ülkeye Yerleştirme’, last accessed 13 July 2022, available at : <https://bit.ly/3PVvXKA>.

⁸⁰⁰ IOM, ‘Yeniden yerleştirme’, 2023, available at: <https://bit.ly/3XPYsuW>.

⁸⁰¹ PMM, *Temporary protection*, available at: <https://bit.ly/3wKyP0K>.

⁸⁰² Council of the European Union, *EU-Türkiye statement*, 18 March 2016, para 2.

the European Union Agency for Asylum (EUAA) has collaborated with PMM to facilitate resettlement in EU member states. In its Istanbul office, EUAA handles resettlement cases and conducts cultural interviews and orientation trainings. However, certain countries in the EU, such as Germany, manage the entire resettlement process on their own. The German consulate in Istanbul is solely responsible for the resettlement procedure.⁸⁰³

As of 12 May 2023, the following numbers of refugees had been resettled to the EU under the 1:1 scheme:

Resettlement of Syrian refugees under 1:1 scheme	
Country of destination	Number of resettled persons:12 May 2023
Germany	15,596
France	5,745
Netherlands	5,520
Sweden	3,152
Finland	2,749
Belgium	1,795
Spain	1,000
Portugal	456
Italy	396
Croatia	250
Austria	213
Luxembourg	206
Lithuania	102
Romania	108
Bulgaria	85
Estonia	59
Latvia	46
Slovenia	34
Denmark	31
Malta	17
Total	37,560

Source PMM, *Temporary protection*, 12 May 2023: <https://bit.ly/3wKyP0K>.

From 2016 up until May 2023, a total of 37,560 Syrians had been resettled to the EU through the one-to-one policy.⁸⁰⁴ Resettlement procedures were suspended from March until July 2020 in the context of COVID-19 and the suspension had continued in 2022 as the numbers were not dramatically changed.

In the first eight months of 2022, Frontex recorded nearly 188,200 irregular entries at the external frontiers of the European Union, the highest total since 2016. In the first eight months of 2022, irregular entries into

⁸⁰³ Information provided by a stakeholder, June 2023.

⁸⁰⁴ PMM, *Temporary protection*, available at: <https://bit.ly/3wKyP0K>.

the EU increased by 75 percent compared to the same period in 2021, according to data published on 9 September by the EU border agency Frontex. It is the highest figure for January-August since 2016 was recorded. Frontex reported that the Western Balkan and Central Mediterranean routes remained the busiest, while the Western Mediterranean route and the eastern terrestrial border saw a decline in arrivals. In August alone, European Union member states recorded approximately 32,600 irregular border crossings, a 35% increase over the same month in 2021.⁸⁰⁵

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 11 May 2023	62,489

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 PMM to build camps to accommodate temporary protection beneficiaries.⁸⁰⁶ These camps are officially referred to as Temporary Accommodation Centres.⁸⁰⁷ A further amendment to the LFIP in 2018 sets out provisions on the financing of camps set up by PMM.⁸⁰⁸

Articles 23 and 24 TPR authorise PMM to determine whether a temporary protection beneficiary shall be referred to one of the existing camps or allowed to reside outside the camps on their own means in a province determined by the Ministry of Interior Affairs. Amended Article 24 TPR authorises PMM to allow temporary protection beneficiaries to reside outside the camp in provinces to be determined by the Ministry of Interior Affairs⁸⁰⁹. 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 May 2023, there are nine large-scale camps accommodating a total of 62,489 temporary protection beneficiaries, spread across five provinces in Southern Türkiye in the larger Syria border region.⁸¹⁰ The number of residents thus increased from 49,346 to 62,489 in May 2023. The policy applied by the Turkish government to new arrivals from Syria changed as of 6 June 2022; since then, a protection seeker can be referred to a temporary accommodation center for registration, or registered by PDMM if it falls under one of the following categories:

- If the applicant has a family member who is already registered under temporary protection and not obliged to stay at Temporary Accommodation Centers. This category would include the spouses with civil marriage, new-born babies, underage children and dependents of the individuals who are already registered under temporary protection and not obliged to stay at Temporary Accommodation Centers.
- If the applicant has travel restrictions due to medical conditions, and if the applicant has no self-care ability,
- If the applicant has a family member (spouses who can furnish a civil marriage certificate, children, dependents) of Turkish nationals and foreign nationals holding residence permit, work permit or registered under international protection,

⁸⁰⁵ Info Migrants, 'Migrant arrivals in EU up 75% in 8 months, Frontex', 2023, available at: <https://bit.ly/3pJELZI>.

⁸⁰⁶ Article 37(3) TPR, as amended by Regulation 2018/11208.

⁸⁰⁷ Article 3 TPR.

⁸⁰⁸ Article 121A LFIP, inserted by Article 71(e) Decree 703 of 9 July 2018.

⁸⁰⁹ Article 24 as amended by Regulation 2019/30989.

⁸¹⁰ PMM, *Temporary protection*, available at: <https://bit.ly/3wKyP0K>.

- If the applicant is deemed not suitable to be accommodated in Temporary Accommodation Centers due to a specific need, and their spouses, children and dependents.

If the applicant has any substantiating document of the above-mentioned situations, they should provide the PDMM with the relevant supportive documents. The applicant is registered at the Temporary Accommodation Centers if they do not fall under these categories. At the Temporary Accommodation Center that they are referred to, the applicant is fingerprinted, and a security check is conducted. The applicant is required to stay at the Temporary Accommodation Centre during the procedure. The applicant is issued the Temporary Protection Identification Card after the security check. If the applicant cannot pass the security check, they are interviewed by the PDMM prior to any other action. PDMM issues a decision on an individual basis if the applicant is assessed to be excluded from temporary protection.⁸¹¹

By May 2023 less than 2% of Syrians lived in camps: **Adana** (Sarıçam –the most crowded), **Hatay** (Apaydın, Yayladağı, Altınözü), **Kahramanmaraş** (Merkez), **Kilis** (Elbeyli), **Osmaniye** (Cevdetiye), **Gazinatep** (Nizip) and Malatya (Beydagi).⁸¹²

2. Urban and rural areas

The vast majority of the current population subject to Türkiye's temporary protection regime reside outside the camps in residential areas across Türkiye. As of 25 May 2023, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,373,677.⁸¹³

More than half of the Syrians were registered in 4 out of the 81 Turkish provinces (**İstanbul**, **Gaziantep**, **Hatay** and **Şanlıurfa**). While **İstanbul** hosts the largest number of registered temporary protection beneficiaries, this only corresponds to 3.23% of its population. Conversely, temporary protection beneficiaries correspond to 17.09% of the population in **Gaziantep**, 13.53% in **Şanlıurfa**, 15.93 % in **Hatay** and 33.59% in **Kilis**.⁸¹⁴

Refugees rent houses or live in blighted neighborhoods. Many face harsh living conditions and lack healthy housing. Poor economic conditions lead to cramped, unhealthy apartments, affecting their health. The level of inclusion and quality of accommodation of temporary protection beneficiaries varies from one province to another. After 2021, the rising cost of living in urban areas has had a devastating impact on refugees and deteriorated their living conditions.⁸¹⁵ Disputes between property proprietors and Syrian tenants have increased. In **İstanbul**, Syrians feared being deported if they filed a lawsuit against an unlawful rent increase. Frequently, property owners file complaints against Syrian tenants in an effort to evict them and re-rent the property at a higher price. This may result in the deportation of some Syrian nationals.⁸¹⁶ Additionally, CIMER-related complaints about Syrians increased. Particularly, property owners lodge complaints against Syrians to have them deported when they oppose unlawful requests for rent increases.⁸¹⁷

In a study conducted in İzmir in 2022, regardless of gender, education, or occupation, the majority of respondents did not want Syrians in Türkiye and viewed them as a future risk. Due to the economic crisis, cultural differences, low level of social integration, informal employment, the lowering of salaries on the market, and disinformation, public support for refugees in Türkiye has decreased drastically. Disparities in

⁸¹¹ UNHCR, 'Registration with the Turkish authorities', last accessed 13 July 2023, available at: <https://bit.ly/44mxjSJ>.

⁸¹² PMM, 'GEÇİCİ KORUMA', 22 June 2023, available in Turkish at: <https://bit.ly/3NSpvkG>.

⁸¹³ PMM, 'GEÇİCİ KORUMA', 22 June 2023, available in Turkish at: <https://bit.ly/3NSpvkG>.

⁸¹⁴ PMM, 'GEÇİCİ KORUMA', 22 June 2023, available in Turkish at: <https://bit.ly/3NSpvkG>.

⁸¹⁵ Information provided by a stakeholder, May 2023.

⁸¹⁶ Information provided by a stakeholder, May 2023.

⁸¹⁷ Information provided by a stakeholder, May 2023.

language and religion further divide the population. Anti-refugee attitudes are fueled by false claims on social media and sensationalist media headlines. Politicians use these beliefs for their own benefit. There has been an increase in assaults on businesses and even murders against refugees.⁸¹⁸ (See [Reception Conditions](#)).

Prior to the 2023 Turkish elections, the situation of migrants has been grown increasingly challenging and negative attitudes towards refugees have become a major political crisis. According to a poll published in May 2022, respondents rank the refugee issue as the nation's third most pressing concern, after the economy and unemployment.⁸¹⁹ The promises of opposition parties to repatriate refugees has been regarded as 'an election investment' by capitalising on anti-refugee sentiment. This trend has prompted political parties to embrace harder stances on migration, with the emergence of explicitly anti-refugee parties. On the other hand, the ruling coalition, led by President Erdogan, has been supporting the voluntary return of refugees to their home countries and has pursued military operations to establish safe zones in Syria. To facilitate the return of Syrian refugees, they propose repairing relations with the Assad regime, a diplomatic move which has made Syrians quite worried.⁸²⁰ It is projected by the experts that as mass resettlement is not feasible, the issue of migrants will persist beyond the elections despite divergent approaches.⁸²¹ Integration policies are needed to foster social harmony and protect refugees from violence, disinformation, and exploitation.⁸²²

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.⁸²³

⁸¹⁸ Hakan Ömer TUNCA, Altan ÖZKİL, 'Suriyelilere Yönelik Güvenlik Algısı: İzmir Örneği', 2023, available at: <https://bit.ly/43nLZzR>.

⁸¹⁹ Dokuz8haber, 'Anket sonuçlarına göre yurttaşın en büyük sorunu ekonomi', 6 May 2022, available at: <https://bit.ly/3XSJq7Z>.

⁸²⁰ Euronews, 'Türkiye'de Suriyeli sığınmacılar endişeli', 19 May 2022, available at: <https://bit.ly/3DhJsMQ>.

⁸²¹ Merve Tahiroğlu, 'Göç Politikaları: Türkiye'deki Mülteciler ve 2023 Seçimleri', *Heinrich-Böll-Stiftung*. 20 September 2022, available in Turkish at: <https://bit.ly/44lgEsy>.

⁸²² Heinrich-Böll-Stiftung, 'Immigration Politics: Refugees in Turkey and the 2023 Elections', 17 August 2022, available at: <https://bit.ly/3JZ2lYN>.

⁸²³ Article 29 TPR.

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.⁸²⁴ An application for a work permit may be lodged following 6 months from the granting of temporary protection status,⁸²⁵ by the employer through an online system (*E-Devlet Kapısı*) or by the beneficiary him or herself in the case of self-employment.⁸²⁶

The Regulation foresees an exemption from the obligation to obtain a work permit for seasonal agriculture of livestock works.⁸²⁷ In that case, however, beneficiaries must apply to the relevant provincial governorate to obtain a work permit exemption.⁸²⁸ The Ministry of Family and Social Services may also limit the number and provinces where temporary protection beneficiaries may work under seasonal agriculture of livestock jobs.⁸²⁹ 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.⁸³⁰

When deciding on the granting the right to apply for a work permit, the Ministry of Family and Social Services takes into consideration the province where the beneficiary resides as a basis.⁸³¹ 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.⁸³²

The Ministry may also set a quota on temporary protection beneficiaries based on the needs of the sectors and provinces.⁸³³ 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.

As of 2022, the work permit fee for temporary protection applicants was of 1.149,60 TL for jobs lasting more than 1 one year.⁸³⁴ Under the Regulation, temporary beneficiaries may not be paid less than the minimum wage.⁸³⁵ In May 2023, the minimum wage (net) was 8.506 TL (around 420 EUR).

The number of work permits issued to temporary protection beneficiaries has not been updated as from 2021. According to the Ministry of Family and Social services, a total of 168,103 work permits were issued including 91,500 to immigrants from Syria. Around 90% of work permits for Syrians were granted to men and around 5% to women.⁸³⁶ This means approximately more than 1 million Syrians are estimated to be working informally without legal protections and rights.⁸³⁷

⁸²⁴ Article 4(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸²⁵ Article 5(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸²⁶ Article 5(2)-(3) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸²⁷ Article 5(4) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸²⁸ *Ibid.*

⁸²⁹ Article 5(5) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³⁰ Article 6(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³¹ Article 7(1) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³² Article 7(2) Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³³ Article 8 Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³⁴ Ministry of Labour and Social Security, 'Work Permit Fees', last accessed 13 July 2023, available in Turkish at: <https://bit.ly/3XONZjk>.

⁸³⁵ Article 10 Regulation on Work Permit for Foreigners under Temporary Protection.

⁸³⁶ Ministry of Family, Labour and Social Services, Work Permits of Foreigners, available at: <https://bit.ly/3D6eZl7>.

⁸³⁷ Danish Refugee Council, Syrian Refugees' Perceptions of the (Formal) Labour Market in Southeast Türkiye, August 2021, available at: <https://bit.ly/3ummX5r>.

Despite the legal framework, substantial gaps persist with regard to access to employment in practice. Beneficiaries receive little or no information on the work permit system. Additionally, the process to obtain a work permit in Türkiye for Syrians is particularly difficult. In the frame of the EU-funded projects, during the second half of 2022, various initiatives implemented awareness-raising and capacity-building activities for businesses in an effort to improve refugee and vulnerable host community beneficiary access to the labour market. In the second half of 2022, these activities reached over 1,600 businesses, bringing the total number of businesses reached to date to 5,472 by the end of 2022. According to reports, the difficulties employers face in obtaining work permits for refugees, including the costs and waiting times, create significant disincentives to employ refugees.⁸³⁸

1.2. Working conditions

Experiences of temporary protection beneficiaries in Türkiye regarding the integration process differ from city to city. However, "low wages", "having to work informally / without security" and "language barriers" were the most reported problems in all provinces.

Syrians are impacted by the widespread practice of undeclared employment under substandard working conditions and low wages.⁸³⁹ A considerable proportion of Syrian craftsman and farmer Syrians who have been able to join in the labour force on a regular or irregular basis, formally or informally, could work in positions in the agriculture sector that are relevant to their experiences in Syria or the professions they have gained in Türkiye. Syrians with professions such as teachers, lawyers, and engineers, on the other hand, either did not engage in the labour market because they could not find a job that matched their talents and expertise, or they were forced to accept jobs well below their qualifications.⁸⁴⁰ In 2022, the labour force participation rate of Syrians under temporary protection stood at 44% (81% for men and 14% for women) while around 10% of the estimated one million economically active refugees are currently employed formally.⁸⁴¹

There is a serious gap in the legal regulations of municipalities, which are local government units, for Syrian refugees. Metropolitan Municipality Law No. 5216 and Municipal Law No. 5393 do not contain any financial and technical regulations for the areas of providing services and assistance to refugees. This situation leaves the decision of the municipalities to help and provide services to foreign citizens, especially Syrians, living within their borders, to the initiatives of the municipalities.⁸⁴² Refugees and host community members received a variety of employability capacity development and support services in the second half of 2022. During this period, an additional 3,916 beneficiaries were enrolled in short-term vocational training programmes. During the same time frame, nearly 12,000 individuals completed training designed to increase their employability. The majority of those who completed training in the six months preceding December did so through on-the-job training programmes. While very little progress was recorded for training in soft or life skills, outstanding progress was recorded for employment counselling services, with over 7,000 additional people benefiting. Since the project's inception, a total of 111,312 people have benefited from this assistance. In the second part of the year, nearly 1,800 obtained official skill certification, of which 45 percent were Syrian refugees and nine out of ten recipients to date were men. To date, there

⁸³⁸ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

⁸³⁹ Evrensel, 'Kayıt dışı, güvencesiz çalışma ve sömürü kıskacında mülteci işçiler', 2022, available in Turkish at: <https://bit.ly/43oe9ee>.

⁸⁴⁰ Relief Web, 'Türkiye 3RP Country Chapter 2023-2025', 16 March 2023, available at: <https://bit.ly/3XMYAvn>.

⁸⁴¹ UNDP & UNHCR (2021), A Desk Review, Recommendations for Improved Access to Livelihoods in Preparation for Durable Solutions, available at: <https://bit.ly/3O9RsWF>.

⁸⁴² Akyıldız, Ş., Kenanoğlu, M., Güven, S., Kurt, T., Doğanay, C., Kadkoy, O. for TEPAV (Turkish Economic Policy Research Foundation of Türkiye), Supply and Demand-Side Analysis of Syrians in the Labour Market, February 2021, available in Turkish at: <https://bit.ly/3RcYolk>. Page 66.

is little evidence to suggest that the certification has substantially increased the beneficiaries' employment and income levels.⁸⁴³

Poor health and safety conditions at work are also a matter of concern. Health and Safety Labour Watch (İşçi Sağlığı ve Güvenliği Meclisi) is monitoring workplace homicides, including those of refugees and migrants. In December 2022, it was reported that 828 migrants lost their lives between 2013-2022 and 51% of the victims were Syrians. The most cases were reported from Istanbul (148), Sanliurfa (105), Konya (51) Gaziantep (48), Kocaeli (35), Ankara (30), agriculture, and constructions sectors sector were identified as the most dangerous sectors with a 29% and 25% homicide rate in 10 years.⁸⁴⁴ Refugee workers lost their lives in work-related accidents in 2022 including as a result of fires, equipment failure and road accidents.⁸⁴⁵

Women, in particular, face significant challenges in obtaining effective access to the labour market. This is due, on the one hand, legal restrictions such as obstacles to access childcare, lack of information and training opportunities.⁸⁴⁶ On the other hand, traditional gender roles assigned to women as caretakers, especially in southern Türkiye regions such as **Gaziantep**, 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. In addition, where they do take jobs outside their homes, women in the textile sector often face discrimination and ill-treatment.⁸⁴⁷

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 and textile factories.⁸⁴⁸ 2018 was declared as the year of the fight against child labour in Türkiye. The (then) Ministry of Labour and Social Security announced a six-year National Action Plan to Fight Against Child Labour in 2017.⁸⁴⁹ According to the Turkish Statistical Institute's 2019 child labour survey, there were 720,000 children aged 5 to 17 engaged in economic activities in Türkiye however this survey was criticized for widely excluding Syrian child workers in the market. To fill this gap, a research conducted with 884 Syrian refugees and revealed a high proportion of employed Syrian children. 41% of Syrian respondents are aware of child labour in Türkiye, either within their own household (26%) or outside of it (15%) to inflation.⁸⁵⁰ Another report from 2022 revealed that children from undocumented or irregular families have less access to education and are more likely to engage in child labour in Istanbul.⁸⁵¹

Youth unemployment is another critical issue to which attention must be paid. According to TUIK, the youth unemployment rate in Türkiye among 18-29 year olds was of 22.2% in 2019. Average weekly work hours for Syrians are 59 hours, compared to 46 hours for Turkish employees. The majority of Turkish employees (87%) are paid on a monthly basis. Five out of ten Syrians are paid monthly, while four are paid weekly and one is paid daily. Less than half (46%) of Syrian young people reported no instances of mistreatment or violence on the job market. Among those who have been mistreated, financial abuse (22%), neglect (19%), emotional-psychological violence (17%), verbal abuse (11%), age discrimination (11%) and

⁸⁴³ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

⁸⁴⁴ Isig Meclisi, 'Yoksulluğun nedeni sermaye iktidarındır... Son on yılda (2013-2022) en az 828 göçmen/mülteci işçi hayatını kaybetti', 2022, available at: <https://bit.ly/3pLsKT4>.

⁸⁴⁵ Ibid.

⁸⁴⁶ Alternatif Politika, 'Gender Negotiation In Syrian Women's Paid Workforce Participation In The Context Of Forced Migration', 2022, available at: <https://bit.ly/3DeUfYc>.

⁸⁴⁷ IOM, 'Yeniden yerleştirme', 2023, available at: <https://bit.ly/3XPYsuW>.

⁸⁴⁸ Irina Fehr & Conny Rijken, 'Child Labor Among Syrian Refugees in Turkey', *Frontiers*, 2022, available at: <https://bit.ly/3NU5hY0>.

⁸⁴⁹ National Action Plan for the Fight against Child Labour, 29 March 2017, available in Turkish at: <https://bit.ly/2GhE6q0>.

⁸⁵⁰ Irina Fehr & Conny Rijken, 'Child Labor Among Syrian Refugees in Turkey', *Frontiers*, 2022, available at: <https://bit.ly/3NU5hY0>.

⁸⁵¹ Tüses & Heinrich-Böll-Stiftung, 'hak temelli yerel politika bağlamında beyoğlu'ndaki göçmenler: nitel bir araştırma', 2022, available at: <https://bit.ly/3XRQpxR>.

gender-based discrimination (8%) are the most prevalent. Being a woman, Syrian, or possessing a postsecondary degree increases the likelihood of experiencing mistreatment.⁸⁵² The lack of access to education, the economic needs of the family, widespread prejudices against Syrians on the labour market, the language barrier, and inhumane working conditions have been identified as major obstacle by Syrian young people living in Istanbul.⁸⁵³

Additionally, self-employed Syrians have encountered significant difficulties on the labour market. Several initiatives have been enacted beginning in 2021 to enhance the entrepreneurial skills and potential of self-employed Syrians. In the six months from July to December 2022, more than 500 small and medium-sized enterprises (SMEs) received advisory services, bringing the total number of enterprises supported to date to 2,413. During the same time frame, 539 businesses received financial and/or material assistance, bringing the total number of supported businesses to 1,211. Access to financial services remains a persistent obstacle for SMEs due to a number of factors, including inadequate financial transparency, the absence of bankable business plans, low credit scores, and the inability to meet collateral requirements, especially for those with a limited operating history in Türkiye. Due to a lack of access to formal loans, Syrian small and medium-sized enterprises confront severe funding and credit constraints, forcing them to rely on alternative financing channels.⁸⁵⁴

Through livelihood and employment opportunities, ICMPD, Ministry of Industry and Commerce-managed ENHANCER project seeks to facilitate the integration of Syrians under temporary protection in Türkiye into the local host communities. The project aims to increase the entrepreneurial activity of Syrians under Temporary Protection and Host Communities by fostering the development of new products and markets and providing a conducive environment. The initiative has been implemented in 11 provinces, Istanbul, Ankara, Izmir, Bursa, Gaziantep, Adana, Mersin, Konya, Sanlurfa, Kayseri, and Hatay, with a budget of 32,502,242 EUR.⁸⁵⁵ In 2022, an international network called SPARK organised series of activities to enhance the synergy between Syrian and Turkish entrepreneurs networks through round table events and trainings.⁸⁵⁶

From July to September 2022, 848 young people visited the 'Resilience Innovation Facility' (FABLAB), which was created in collaboration with IOM and Gaziantep University, to take use of its co-working space, educational possibilities, and digital manufacturing, design, and prototyping laboratory. Fablab organised a series of training courses on topics such as Entrepreneurship and Innovation, Vocational Training, and Sensitization, as well as workshops and a Mentorship programme on leadership and confidence skills in collaboration with the Gaziantep Regional Industrial Design and Hybrid Modelling Centre (GETHAM). Furthermore, IOM organised group conversations for students of all genders to address various social and gender issues that affected them.⁸⁵⁷

In the frame of the EU-funded projects, in the second half of 2022, 1,299 individuals received entrepreneurship training. As new initiatives expand their training-related activities in the upcoming quarters, it is anticipated that the total number of trained individuals will increase to just over 5,000.⁸⁵⁸

⁸⁵² ILO, 'Youth employment in Turkey: Structural challenges and impact of the pandemic on Turkish and Syrian youth', 2022, available at: <https://bit.ly/46MMq9O>.

⁸⁵³ Tüses & Heinrich-Böll-Stiftung, 'Suriyeli Ve Türkiyeli Genç Kadınlar Ve Erkeklerin Gündelik Yaşamları: Küçükçekmece Ve Sultanbeyli'de Nitel Bir Araştırma', 2022, available at: <https://bit.ly/3Og4iCY>.

⁸⁵⁴ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

⁸⁵⁵ ICMPD & Ministry of Industry and Technology, 'Enhancer Project', last accessed 13 July 2023, available at: <https://bit.ly/3DaseRE>.

⁸⁵⁶ Spark, 'B2B: Syrian and Turkish entrepreneurs network', 2022, available at: <https://bit.ly/43oUf2w>.

⁸⁵⁷ IOM, 'Human Interest Story: Education for a Better Tomorrow', 2022, available at: <https://bit.ly/3OcPuoo>.

⁸⁵⁸ EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: <https://bit.ly/44nbVwT>.

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 Türkiye 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.⁸⁵⁹

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.

The Ministry of National Education was due to build 129 new schools with EU funding under the Facility for Refugees in Türkiye, to increase the enrolment rate.⁸⁶⁰ As of January 2022, the EU facility for refugees in Türkiye factsheet reported 89 new schools built.⁸⁶¹

The education response in Türkiye is led and coordinated by the Ministry of National Education (MoNE). The numbers of Syrian children enrolled in formal education continues to increase. In the statement made by the Ministry of National Education on 8 June 2022, it was announced that 35,707 students in kindergarten, 442,817 students in primary school, 348,638 students in secondary school and 110,976 students in high school. In total, 938,138 children continue their education life. There are 432,956 children of education age who do not go to school.⁸⁶²

UNHCR estimates that as many as 400 thousand children are not in school. High school dropout rates are associated with factors such as the prevalence of child labour in the workforce and early marriage. Bullying in schools remains a significant unresolved issue. Fear of deportation also affects access to education.⁸⁶³

⁸⁵⁹ Information provided by a stakeholder, May 2023.

⁸⁶⁰ Delegation of the European Union to Türkiye, ‘Education for all in times of crisis II’, available at: <https://bit.ly/2JmMNi3>.

⁸⁶¹ European Commission website, ‘EU Facility for Refugees in Türkiye’, January 2022, available at: <https://bit.ly/3bCIPEI>.

⁸⁶² Mülteciler Derneği, ‘Türkiye’deki Suriyeli Sayısı Haziran 2023’, 2023, available at: <https://bit.ly/3JXlpFF>.

⁸⁶³ 3 RP Country Report 2023-2026.

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 and Social Services, the Ministry of National Education, AFAD, Türk Kızılay and UNICEF. The 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.⁸⁶⁴ According to Türk Kızılay, in cases where a child has not attended school for over 4 days, protection officers from 15 centers and 2 mobile protection centers around Adıyaman and Karadeniz region visit the family to identify the cause of absence; child labour, child marriage, peer bullying are the most common factors.⁸⁶⁵ According to data released by UNICEF in April 2022, CCTE benefited 29,111 pre-school children and 335,561 primary school children. Families are compensated 55 TRY (approximately 2.5 EUR) for each boy and 60 TRY (approximately 3 EUR) for each girl who attends pre-school through high school.⁸⁶⁶

In addition, the PIKTES (Project on Promoting Integration of Syrian Kids into the Turkish Education System) is a European Union funded project implemented by the Turkish Ministry of National Education. In its third phase, the main objective of PIKTES + Project is to contribute to refugee children's access to education and social cohesion in Türkiye. In this context, supporting the efforts of the Ministry of National Education in order to increase enrollment, school attendance and transition to a higher level in the formal education system (from pre-school to the end of secondary education) for refugee children in 29 project provinces with a high refugee population density is among the specific objectives of the project. PIKTES Project, which started its third phase in January 2023, will continue until November 2025.⁸⁶⁷

Experts believe that lack of access education is common among the Syrian people in Türkiye. According to the Ministry of Education's 2022 report, 35% of Syrian children (393,547) are deprived of education. The proportion of Syrian girls and boys dropping out of school was similar for 2022. Dropout rates in pre-school and high school are 50% and 50%, respectively. Surprisingly, the number of girls attending high school outnumbers boys by 56,130 to 51,682 which is explained by the prevalent child labor practice among boys. The bulk of schoolchildren (118,391) live in İstanbul, followed by Gaziantep (97,861) and Hatay (71,543). According to the report, low levels of schooling among Syrian children are caused by registration issues, financial challenges, care duties, language barriers, conservative family structures, and early marriages.⁸⁶⁸

In 2022, a stakeholder confirmed that the schooling rate was still very low among Syrians in İstanbul. Access to education had become more difficult which in turn meant that child labour had increased.⁸⁶⁹ In the context of CCTE, a pilot programme for social integration in education has been implemented in İstanbul and Sanliurfa with the assistance of the Maya Association. As of January 2022, it was reported that 11,567 students and school personnel from 351 schools received training on how to end bullying and violence in schools.⁸⁷⁰

⁸⁶⁴ Ministry of Family and Social Services, 'Şartlı Eğitim (ŞEY) ve Şartlı Sağlık (ŞSY) Yardımı', 2023, available in Turkish at: <https://bit.ly/43tYzxs>.

⁸⁶⁵ Toplum Merkezi, 'Toplum Merkezine Hoşgeldiniz', last accessed 13 July 2023, available in Turkish at: <https://bit.ly/43nB0qi>.

⁸⁶⁶ Unicef, 'Suriyeli ve Diğer Mülteciler için Şartlı Eğitim Yardımı (ŞEY) Programı', 2022, available in Turkish at: <https://bit.ly/3JSv6Gr>.

⁸⁶⁷ Piktes, 'about us', last accessed 13 July 2023, available at: <https://bit.ly/44FUGGP>.

⁸⁶⁸ DW, 'MEB raporu: Suriyeli çocukların yüzde 35'i okula gidemiyor', 30 March 2022, available at: <https://bit.ly/3NRpPjL>.

⁸⁶⁹ Information provided by a stakeholder, May 2023.

⁸⁷⁰ <https://www.unicef.org/turkiye/media/14206/file>

2.2. Temporary Education Centres (GEM)

Temporary Education Centre (*Geçici Eğitim Merkezi*, GEM) are specifically defined as schools established and run for the purpose of providing educational services to persons arriving in Türkiye for temporary period as part of a mass influx. They were generally provided to children living in camps, whilst 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. As of 2019 there were 199 GEMs in 11 provinces educating 39,178 Syrian children.⁸⁷¹ The final GEM closed in 2020.

2.3. Higher education

Temporary protection beneficiaries also have the right to higher education in Türkiye. 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.

In Türkiye, 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.⁸⁷² Sometimes there can be problems in the recognition of previous education including qualifications.

In total in the 2022-2023 academic year, 58,213 Syrian students (32,890 male, 25,323 female) were enrolled in Turkish Higher Education Institutions.⁸⁷³ In 2022, tuition fees for Syrian students enrolled in state universities were covered by the Presidency for Turks Abroad and Related Communities (*Yurtdışı Türkler ve Akraba Topluluklar Başkanlığı*, YTB) but this is not the case for private universities. Students still needed 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 Türkiye. 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.⁸⁷⁴ There is a new scholarship launched by ICMPD with EU funding, BEURS, a project aiming to enhance higher education access and employment opportunities for Syrian students under temporary protection, students under international protection and students from the host community in Türkiye. It provides scholarship support, focuses on gender mainstreaming, disability inclusion, and partnerships between universities, municipalities, government institutions, and international organizations⁸⁷⁵.

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 and institutions also provide free language courses and vocational courses to temporary protection beneficiaries in some localities. For example, Anadolu University provides free online Turkish courses for beginners (A1) and elementary students (A2). They are open to anyone who wants to learn Turkish. The Yunus Emre Institute (YEI) offers online Turkish

⁸⁷¹ ERG, *Öğrenciler ve eğitime erişim izleme raporu*, Eğitim izleme raporu, 2019.

⁸⁷² UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁸⁷³ Turkish government, official higher education statistics, available at: <https://istatistik.yok.gov.tr/>

⁸⁷⁴ UNHCR, *Education*, available at: <https://bit.ly/2E5kEXt>.

⁸⁷⁵ ICMPD, 'BEURS', last accessed 13 July 2023, available at: <https://bit.ly/3XOWj2G>.

courses ranging from beginner (A1) to advanced (C1). Since its courses are adaptable, the YEI's 'Distance Turkish Instruction Portal' allows students to learn Turkish at their own speed and from wherever they are.⁸⁷⁶

F. Social welfare

The law draws no distinction between temporary protection beneficiaries and applicants for and beneficiaries of international protection in relation to social assistance (see [Forms and Levels of Material Reception Conditions](#)).

Cash assistance programmes implemented mainly by Türk Kızılay through a dedicated bank card (*Kızılaykart*), have focused mainly, though not exclusively, on temporary protection beneficiaries. These include the following:

- **Emergency Social Safety Net (ESSN):** The EU-funded ESSN programme was launched on 28 November 2016 by the World Food Programme, Türk Kızılay and the Ministry of Family and Social Services, under the coordination of AFAD.⁸⁷⁷ Families under international or temporary protection and excluded from registered employment are eligible for assistance under ESSN, which extends a monthly allowance of 300 TL (14 €) per family member through the *Kızılaykart*.⁸⁷⁸ Applicants for international protection fall within the scope of this programme. As reported from a stakeholder, Ukrainians under international protection have benefitted from ESSN programme.⁸⁷⁹

The ESSN scheme is the single largest humanitarian project in the history of the EU. 1 April 2021 was the one-year anniversary of a new partnership to deliver ESSN between the Turkish Government, the Turkish Red Crescent (Türk Kızılay), the International Red Cross, and the EU. 2 billion EUR were distributed as of April 2023. As of April 2023 1,541,349 people were being reached.⁸⁸⁰

In the context of the ESSN, the Kızılay Food Card offers a smart card technology developed for people in need to meet all their needs at food stores. International protection applicants who hold a YKN go to the one of the 1,003 Social Assistance and Solidarity Foundations of their satellite city or 9 service centers of Turk Kizilay and fill in an application form for a *Kızılaykart*. 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.⁸⁸¹

- **Complementary Emergency Social Safety Net (C-ESSN):** From 2021 this programme has provided additional support for the most vulnerable people receiving ESSN who cannot be referred to livelihood programmes. It supports them to access basic needs. As of April, 382,277 people were receiving support, for an amount of 22 EUR per month.⁸⁸²
- **In-Camp Food Assistance Programme:** This programme provides assistance to refugees residing in 7 Temporary Accommodation Centres. People receiving assistance receive e-vouchers

⁸⁷⁶ UNHCR, 'Education', last accessed 13 July 2023, available at: <https://bit.ly/451OfhF>.

⁸⁷⁷ European Commission, 'European Civil Protection and Humanitarian Aid Operations', last updated in 2023, available at: <https://bit.ly/46QzEav>.

⁸⁷⁸ Ibid.

⁸⁷⁹ Information provided by a stakeholder, June 2023.

⁸⁸⁰ kizilaykart, 'Monthly ESSN Programme Infographics, 2023, available at: <https://bit.ly/3PQ9ezu>.

⁸⁸¹ Ibid.

⁸⁸² kizilaykart, 'Monthly in Camp Programme Infographics, 2023, available at: <https://bit.ly/3PQ9i2c>.

for the monthly per capita aid (11 EUR) that they can use for food and non-food shopping inside the camp via the Kizilay Card. As of April 2023, 43,270 people were benefiting from it.⁸⁸³

- **Conditional Cash Transfer for Education (CCTE):** The EU-funded programme CCTE aims to support refugee families in sending their children to school (see Access to Education) by providing bimonthly payments. The amounts disbursed on a bimonthly basis vary depending on the level of education. The CCTE is being disbursed to 494,621 beneficiaries and 253,649 householders as of March 2023.⁸⁸⁴ CCTE has mainly focused on primary school children.⁸⁸⁵ It is 5 EUR for boys and 6 EUR for girls attending kindergarten and primary school per month and 7 EUR for boys and 8 EUR per girls attending high school per month.⁸⁸⁶
- **Accelerated Learning Project (ALP):** The Accelerated Learning project (ALP), a non-formal education project focuses on Syrian and other non-Turkish-speaking refugee children who have never attended school or who have not been attending school for at least three years. The programme assists in integrating children into school at a suitable level for their development. ALP is taught at Public Education Centres for 16 months and has a modular framework. Students who pass the equivalence test after completing a module are subsequently transferred to TPSs based on their age. ALP is extremely beneficial in assuring access, availability, community participation, efficacy, efficiency, and sustainability. Since the program's inception in 2018, outreach initiatives have reached out to 63,725 refugee children (including Syrians and other nationalities).⁸⁸⁷

G. Health care

1. Conditions for health care

All registered temporary protection beneficiaries, whether residing in the camps or outside the camps, are covered under Türkiye's General Health Insurance (GSS) scheme and have the right to access health care services provided by public health care service providers.⁸⁸⁸ The health care services are no longer free of charge following a legal amendment of 25 December 2019 and they have to pay a contribution fee determined by the Ministry of Interior Affairs to access primary and emergency health care services and medicines.⁸⁸⁹ This does not apply to vulnerable groups, however. The practice of contribution fees is different in each province with no uniform application. Reimbursement is not foreseen in the law.

Persons who are eligible for temporary protection but have not yet completed their registration have only access to emergency medical services and health services pertaining to communicable diseases as delivered by primary health care institutions.

Temporary protection beneficiaries are only entitled to access health care services in the province where they are registered. However, where appropriate treatment is not available in the province of registration or

⁸⁸³ kizilaykart, 'Monthly CCTE Programme Infographics, 2023, available at: <https://bit.ly/3JX57xN>.

⁸⁸⁴ kizilaykart, 'Monthly CCTE Programme Infographics, 2023, available at: <https://bit.ly/3JX57xN>.

⁸⁸⁵ *Ibid.*

⁸⁸⁶ *Ibid.*

⁸⁸⁷ Unicef, 'Documentation Of The Education Response For Syrian Children Under Temporary Protection In Türkiye - Report', September 2022, available at: <https://bit.ly/46Kqkov>.

⁸⁸⁸ Article 27 TPR.

⁸⁸⁹ Article 27(1)b as amended by Regulation no.30989.

where deemed necessary for other medical reasons, the person concerned may be referred to another province.⁸⁹⁰

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.⁸⁹¹

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.⁸⁹² 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 various cities 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.⁸⁹³

97 million medical services, more over 3 million inpatient treatments, and 2,6 million procedures were delivered to Syrian beneficiaries in primary, secondary, and tertiary public health institutions up until March 2022. In addition, 754,000 Syrian babies were born in these public health institutions.⁸⁹⁴

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.

⁸⁹⁰ Selin Siviş, ‘Who is (un)deserving? Differential healthcare access and the interplay between social and symbolic boundary-drawing towards Syrian refugees in Turkey’, 2021, available at: <https://bit.ly/3XSORnq>.

⁸⁹¹ isvesosyalguvenlik, ‘Gelir Testinde G0 – G1 – G2 – G3 Ne Demek ?’, 2018, available at: <https://bit.ly/3XSORnq>.

⁸⁹² Selin Siviş, ‘Who is (un)deserving? Differential healthcare access and the interplay between social and symbolic boundary-drawing towards Syrian refugees in Turkey’, 2021, available at: <https://bit.ly/3XSORnq>.

⁸⁹³ Information provided by a stakeholder, May 2023.

⁸⁹⁴ Ministry of Health, ‘Avrupa Bölgesi Göç ve Sağlık Yüksek Düzeyli Toplantısı İstanbul’da Gerçekleştirildi’, March 2022, available in Turkish at: <https://bit.ly/3PPNnYY>.

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 Türkiye with limited capacity. Turk Kizilay provided health support including mental health support to 685,973 people as of May 2023.

With EU funding, from 2019 to 2022 in the frame of the “Geçici Koruma Altındaki Suriyelilerin Sağlık Statüsünün ve Türkiye Cumhuriyeti Tarafından Sunulan İlgili Hizmetlerin Geliştirilmesi” (SIHHAT-1) and (SIHHAT-2) projects, 185 Migrant Health Centres (Göçmen Sağlığı Merkezi) were established for Syrian beneficiaries of temporary protection in 29 provinces. Syrians can approach these centres as primary health care institutions. Migrant Health Centres employ 4,000 staff including 787 Syrian doctors, 1149 nurses, 34 dentists.⁸⁹⁵ In 2022, the project's scope has been expanded to include vulnerable populations, such as seasonal migrant workers, and mobile health services. In addition, doctors with origins in Yemen and Palestine have been recruited for the project.⁸⁹⁶

In addition, the “Strengthening Health Care Infrastructure for All (SHIFA)” project aims to construct migrant health centres and provide medical equipment, maternity, health kits and capacity building with EUR 90 millions of support.⁸⁹⁷ The second steering committee meeting was held in July 2022.⁸⁹⁸

In addition, NGOs have operated projects aimed at enhancing vulnerable groups' access to health care. With the aid of ECHO and in collaboration with Relife International, MUDEM opened a community centre in Izmir to assist vulnerable groups.⁸⁹⁹

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.

2. Obstacles to access in practice

The language barrier is one of the primary obstacles temporary protection recipients face when attempting to access health care services. Additionally, the language barrier hinders access to mental health care. Although interpreters are available in some public health institutions in some southern Turkish provinces, such services are unavailable in the majority of health care facilities, including Migrant Health Centres. There have been also reports of translators and interpreters not translating the patient's complaints and making fun of them.⁹⁰⁰

⁸⁹⁵ AA, ‘Bakan Koca: Ayrım yapmaksızın göçmenlerin sağlık ihtiyacına ilişkin ortak bir yol izlemek hepimizin asli görevi’, 17 March 2023, available in Turkish at: <https://bit.ly/3JWGwJt>.

⁸⁹⁶ Delegation Of The European Union To Türkiye, ‘Homepage’, last accessed 13 July 2023, available at: <https://bit.ly/3Oatg6z>.

⁸⁹⁷ Statewatch, ‘Final contracts arranged for €6 billion EU-Türkiye deal’, 22 December 2020, available at: <https://bit.ly/3ooLKBF>.

⁸⁹⁸ Ministry of Health, ‘2nd Steering Committee Meeting of SHIFA Project’, 13 July 2022, available at: <https://bit.ly/3rkelrU>.

⁸⁹⁹ Mudem, ‘Özelleştirilmiş Sağlık Hizmetlerine Erişim ve Hizmetlerin Devrinin Desteklenmesi Projesi’, 2022, available in Turkish at: <https://bit.ly/3XNAHDZ>.

⁹⁰⁰ Information provided by a stakeholder, May 2023.

The fact that Turkish hospitals schedule patients over the phone presents a significant practical barrier for refugees. Foreign nationals require the assistance of a Turkish speaker at the appointment stage, as hospital appointment call centres do not serve prospective patients in any language other than Turkish⁹⁰¹⁹⁰².

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 Numune and Dışkapı State Hospitals in Ankara also have one interpreter each.

Türk Kızılay also runs community centres providing services on health and protection. As of May 2023, 18 centres are currently operational. These centres identify the needs of temporary protection beneficiaries e.g. accessing health care, and offer psycho-social support.⁹⁰³ These centers has reached a total of 1,999,278 people.⁹⁰⁴

Vulnerable and marginalised groups, such as sex workers, face greater obstacles to accessing services, such as information on sexual health, due to the fact that they perform sex work informally, frequently through intermediaries – who, in some instances, are perpetrators of discrimination and violence – and under harsh working conditions. Since 2018, UNFPA has provided multiple services to the 'key refugee population,' including sex workers, LGBTIQ+, and persons living with HIV, through its implementing partners, Poozitif Yasam and Kırmızı Semsiyeye Cinsel Sağlık ve İnsan Hakları Associations, in five cities.⁹⁰⁵

Migrant Health Centres employ Syrian doctors and these centres also provide services to those having no IDs and protection.⁹⁰⁶ However, in practice, undocumented refugees have to wait until their health condition becomes very serious before they can access free healthcare services. Those who cannot afford to pay medical expenses are being reported to the police or the hospital confiscates their passports until they pay.

The regulation on charging a contribution rate to Syrians refugees imposes a serious barrier to access to health but it is rarely applied to vulnerable groups.⁹⁰⁷

In Adana, Syrians with the code G-43 were denied access to healthcare unless they filed a lawsuit against the PMM.⁹⁰⁸

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”.

⁹⁰¹ Information provided by a stakeholder, May 2023.

⁹⁰² Çağla Aydın, ‘Boğaziçi Üniversitesi Sosyal Politikalar Forumu Üyesi Nihal Kayalı: “Türkiye’nin Suriyeli mülteciler için sağlık çalışmaları övgüye değer ama problemler de var”’, 2022, available in Turkish at: <https://bit.ly/3PXyBQ4>.

⁹⁰³ For more information, see Türk Kızılay, *Syria crisis: Humanitarian relief operation*, September 2017, available at: <http://bit.ly/2Fsj2YZ>.

⁹⁰⁴ Toplum Merkezi, ‘Toplum Merkezine Hoşgeldiniz’, last accessed 13 July 2023, available in Turkish at: <https://bit.ly/43nB0qi>.

⁹⁰⁵ Information provided by a stakeholder, June 2023.

⁹⁰⁶ Information provided by a stakeholder, May 2023.

⁹⁰⁷ Information provided by a stakeholder, May 2023.

⁹⁰⁸ Information provided by a stakeholder, June 2023.

The TPR and other related secondary legislation providing the legal framework and procedures for the provision of services to temporary protection beneficiaries identify the Ministry of Family and Social Services as the responsible authority for “persons with special needs”.

As provided by the AFAD Circular 2014/4 on “Administration of Services to Foreigners under the Temporary Protection Regime”, “services such as accommodation, care and oversight of unaccompanied minors, persons with disabilities and other persons with special needs are the responsibility of the Ministry of Family and Social Services. The Ministry is responsible for the referral of vulnerable persons to children centres, women shelters or other appropriate places.”

Being identified and registered as a “person with special needs” entitles beneficiaries to additional safeguards and prioritised access to rights and services. They should be provided “health care services, psycho-social assistance, rehabilitation and other support and services free of charge and on priority basis, subject to the limitations of capacity.”⁹⁰⁹

1. Unaccompanied children under temporary protection

Article 3 TPR defines an “unaccompanied minor” as “a child who arrives in Türkiye 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 Türkiye, provided that he or she did not subsequently come under the active care of a responsible adult”.

Türkiye is a party to the Convention on the Rights of the Child and domestic child-protection standards are generally in line with international obligations. According to Turkish Law, unaccompanied children, once identified, should be taken under state protection with due diligence under the authority of the Ministry of Family and Social Services.

Article 48 TPR provides that unaccompanied children shall be treated in accordance with relevant child protection legislation and in consideration of the “best interests” principle. The 2015 Ministry of Family and Social Policies Directive on Unaccompanied Children provides additional guidance regarding the rights, protection procedures and implementation of services for unaccompanied children. The Directive designates PDMMs as the state institution responsible for the identification, registration and documentation of the unaccompanied children. PDMMs are also entrusted the responsibility of providing shelter to unaccompanied children until the completion of the age assessment, health checks and registration, documentation procedures upon which the child is referred to the Ministry of Family and Social Services.

Once the PDMM refers the child to the relevant Provincial Ministry of Family and Social Services Child Protection Directorate, temporary protection beneficiary unaccompanied children aged 0-12 are to be transferred to a child protection institution under the authority of the Ministry of Family and Social Services.

According to the TPR, unaccompanied children are mainly housed in Ministry of Family and Social Services shelters but may also be placed in Temporary Accommodation Centres if appropriate conditions can be ensured.⁹¹⁰ 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. The Ministry has established child protection centres for

⁹⁰⁹ Article 48 TPR.

⁹¹⁰ Article 30(3) TPR, as inserted by Regulation 2018/11208. The previous provision in Article 23(4) TPR has been repealed by the amendment.

unaccompanied children, but the number of unaccompanied children placed in these institutions has not been made public.⁹¹¹

The psychosocial well-being of Syrian children in Türkiye 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 academic research conducted in 2022 and 2023, the psychosocial needs of Syrian children are largely disregarded by the authorities, and more sustainable activities, such as sport and the arts, should be performed to accelerate their social integration.⁹¹²

2. Women and girls under temporary protection

2.1. Protection from domestic violence

As regards the protection of women, Article 48 TPR refers to Türkiye'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 Türkiye.⁹¹³ Two-thirds of married women who participated in a study conducted in Kocaeli in 2022 reported experiencing one or more forms of gender-based violence in their marriages but only 38% consider divorce.⁹¹⁴

Women subjected to or at risk of domestic violence or sexual or gender-based violence by people other than family members must be protected by the competent state authorities. When a woman contacts the police or any other state institution or a third party informs the authorities, depending on the case, either preventive or protective measures should be taken. Temporary protection beneficiary women can also benefit from these measures.

On the basis of a referral from either the police, women can be referred to Centres for the Elimination and Monitoring of Violence (*Şiddet Önleme ve İzleme Merkezi, ŞÖNİM*), which then refer them to women shelters (*kadın konukevi*) run by the Ministry of Family and Social Services, municipalities or NGOs in accordance with available capacity.

However, the problem is that the total number and capacity of women's shelters in Türkiye falls far short of the demand (see [International Protection: Special Reception Needs](#)). According to data shared by the Ministry of Family and Social Services on 1 April 2022, the Ministry manages 112 women's shelters, a significant decrease from the previous year's total of 145. There have been 61,167 mothers and 26,428 children housed in these facilities.⁹¹⁵ Since women's shelters in the area are intended to house both Turkish and foreign nationals, temporary protection and international protection recipient women are also affected

⁹¹¹ Obianet, 'News List', 2023, available at: <https://bit.ly/44F7MEg>.

⁹¹² Halk Sağlığı Bakışıyla Göçün Ruh Sağlığına Etkileri, 'The Effects of Migration on Mental Health From a Public Health Perspective', 2023, available at: <https://bit.ly/3DceNRf>; Ali Rıza Atıcı, 'Ortaokullarda öğrenim gören mülteci ve göçmen çocukların motor beceri düzeyleri ve beden eğitimi temel psikolojik ihtiyaçlarının incelenmesi' 2023, available at: <https://bit.ly/44pLab0>.

⁹¹³ For 2017 figures on killings and sexual abuse, see Hürriyet, '409 women killed, 387 children sexually abused in Türkiye: 2017 Report', 2 January 2018, available at: <http://bit.ly/2IYHgC6>. See also Observatory for Human Rights and Forced Migrants in Türkiye, *A Year of Impunity: A one year visual database of migration-related human rights abuses*, July 2017, 14.

⁹¹⁴ Birkan Doğan & Hasan H. Taylan, 'Geçici Koruma Altındaki Suriyelilerin Aile İçi Sorunlarının İncelenmesi: Kocaeli Örneği', 2022, available at: <https://bit.ly/43rLYeh>.

⁹¹⁵ Sol, 'Sığınma evleri yetersiz kalıyor', May 2022, available at: <https://bit.ly/3NOOaqA>.

by the capacity issues. In refugee dense areas such as Gaziantep, Adana, and Sanlurfa, there is an urgent need for more women's shelters.

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.

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 human trafficking are housed in two shelters located in Ankara and Kirikkale for one month (see International Protection: Special Reception Needs).⁹¹⁶

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. To admit applicants in 2022, some women's shelters in Istanbul required registration with the municipality and a valid identification number.⁹¹⁷

In 2022, like in previous years, NGOs often have to try to 'convince' police officers in police stations that a woman has been subject to violence. The process at police stations takes a long time, i.e. at least half a day. Conditions in shelters are restrictive and many migrant women leave after 2-3 days due to discrimination and psychological violence from Turkish women. LGBTQI+ women are automatically excluded from these shelters.⁹¹⁸

In **Ankara**, Diskapi and Ulus State hospitals are now well equipped in terms of translators thanks to SIHHAT project's translator support. In 2022, in some cities, women who were victims of SGBV had their applications taken, and they could access protection immediately. In some small towns, some SONIM's (shelters) accept refugee women even without a criminal complaint reported against the perpetrator. However, in **Ankara**, the shelter requires a criminal complaint and the ID card of the applicant.⁹¹⁹

Victims of human trafficking and violence who approached to NGOs to get support, reported that some NGOs do not carefully examine their case.

Discriminatory behavior is common among public officers working at courthouses. Alongside open hate speech, public officers can display other forms of discrimination against refugees, such as not properly informing them or slowing down the judicial process.

Access to justice in the courts is further complicated due to language barriers. Women receive notifications from the courts in Turkish not in Arabic including in SMS messages. Syrian women's cases can be rejected due to a lack of translators in the courts or a lack of knowledge on the part of the legal aid staff.

Courts issue suspension orders in cases of domestic violence, but in 2022, they have been still ineffective because the perpetrators and victims reside in the same household. Violence perpetrated by the Turkish

⁹¹⁶ PMM, 'İnsan Ticareti İle Mücadele 2023', available at: <https://bit.ly/3JVlrPA>.

⁹¹⁷ Information provided by a stakeholder in Istanbul, March 2020.

⁹¹⁸ Information provided by a stakeholder, March 2021 and May 2023.

⁹¹⁹ Information provided by a stakeholder, May 2022 and May 2023.

police or along the migration route is pervasive but completely invisible. Syrian women cannot discuss sexual harassment or assault of this nature.⁹²⁰

In **South-Eastern Anatolia**, the need for women's shelters is very high. Due to capacity problems, some shelters give priority to women with an assault report or a criminal investigation, which is very difficult for refugee/asylum-seeking women. As a rule, women placed in shelters can stay in the facility for up to six months. Even if they are lucky enough to find a place in a women's shelter, they generally return to the house where they experienced violence at the end of six months. Protection and prevention mechanisms in cases of SGBV/GBV against refugee women in Türkiye do not work effectively.⁹²¹

2.2. Polygamous and arranged marriages

In addition to violence, the protection of women and girls under the age of 18 involved in arranged marriages and unofficial polygamous marriages – including "second wives" and girls sold by their families – is a persistent and significant concern. Despite the fact that both practises are illegal under Turkish law, polygamous marriages are lawful in Syria, and women are not always aware of the legal differences between the two countries. These issues have also contributed to an increase in the rate of early divorce among girls under the age of 18, as well as an increase in the number of children whose mothers abandon them after marrying Turkish men.⁹²²

Syrian refugees' mass migration to the provinces next to the Syrian border has resulted in an increased number of child brides and polygamy in Türkiye. To overcome threats posed by prostitution and sexual assault, early marriages and becoming a co-wife (Kuma in Turkish) are considered a means of social protection for refugee women. The rates of early and/or forced marriages, sexual violence, polygamy, unwanted pregnancies, unsafe deliveries, and maternal mortality among Syrian refugees are significantly higher than among Turkish women.⁹²³ As the status of the second wife is not recognised in Turkish Civil Law, in the case of abuse and violence they have difficulties in accessing their legal rights.⁹²⁴

In spite of criminalization in Turkish law, temporary protection recipients have limited opportunities to claim the relevant legal safeguards and protection measures due to a lack of adequate public information and, most importantly, a critical shortage of counselling and legal assistance services available to refugee women. In addition, when treating child brides and mothers, public authorities such as health care institutions frequently fail to fulfil their legal obligation to inform the police of child marriage cases. In cases where they inform the authorities, police officers may not investigate the incidents.⁹²⁵ Statistics on such reports are not available countrywide in 2022. According to a report by Save the Children, the risk of early child marriage for Syrian girls is 50%, compared to 15% for girls from the host community.⁹²⁶

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.

⁹²⁰ Information provided by a stakeholder, May 2023.

⁹²¹ Information provided by a stakeholder, May 2023.

⁹²² Information provided by a stakeholder, May 2023.

⁹²³ *Ibid*, page 7.

⁹²⁴ *Ibid*, page 8.

⁹²⁵ Information provided by a stakeholder, May 2023.

⁹²⁶ Duvar, 'Pandemide çocuk evlilikleri: Mülteci kız çocukları risk altında', 2021, available in Turkish at: <https://bit.ly/3OesVzV>.

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.⁹²⁷

Finally, the issue of arranged marriages is not confined to women in Türkiye. Incidents of refugee women sold into marriage have been also reported in 2022.⁹²⁸

2.3. The situation of sex workers

Since sex work is frequently perceived in Türkiye as behaviour endangering public order or health, certain groups like sex workers are particularly vulnerable. In an evacuation case filed against a Syrian transgender sex worker woman by the end of 2022, it was argued that she was required to leave the property because she engaged in sex work and was a transgender woman, neither of which is unlawful in Türkiye. The case is still pending.⁹²⁹ Due to the small amount of the financial support provided by UNHCR and the inability to access the labour market, their engagement in sex work continued through 2022.⁹³⁰ Syrian cisgender sex workers who are victims of gender-based violence have the right to be placed in SONİM, but due to the language barrier, they typically leave the shelter after three to four days.⁹³¹

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. LGBTIQ+ 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.⁹³² However, it should be noted that when they inform PDMM's protection offices about their gender identity or sexual orientation, they are eligible for a protection interview and resettlement evaluation. UNHCR implementing partners often provide help in this process.⁹³³

In a context of widespread discrimination, LGBTIQ+ refugees feel unsafe and vulnerable. This discrimination is prevalent when they seek accommodation or labour market access. In 2022, Syrian trans women, including trans sex workers, faced discriminatory – and in some instances violent – treatment in their interactions with authorities, ranging from interactions with police to registration with PMM to accessing health care services or housing.⁹³⁴

Because of the PDMMs' referrals, LGBTIQ+ communities living in relatively small cities like Yalova, where approximately 2,000 LGBTIQ+ individuals live encounter significant housing, labour market, and health

⁹²⁷ Information provided by a stakeholder, May 2023.

⁹²⁸ Information provided by a stakeholder, May 2023.

⁹²⁹ Information provided by a stakeholder, June 2023.

⁹³⁰ Information provided by a stakeholder, June 2023.

⁹³¹ Information provided by a stakeholder, June 2023.

⁹³² Information provided by a stakeholder, June 2023.

⁹³³ Information provided by a stakeholder, June 2023.

⁹³⁴ Information provided by a stakeholder, June 2023.

care problems and wish to leave Türkiye as soon as possible.⁹³⁵ Their access to health care, including in Migrant Health Centres (see [Health Care](#)) is hindered by high levels of discrimination and fear of being exposed to a family member and they prefer approaching to public hospitals.⁹³⁶ Trans refugee women often cannot access essential health treatment.

As a result of the change in registration policy, from 6 June 2022 to 6 February 2023, PDMMs referred Syrians seeking protection to temporary accommodation centres. For instance, one transgender person was granted access to the temporary accommodation centre in Kahramanmaraş, while another transgender woman's access was denied by temporary accommodation center in Adana. In these two cases, they were unable to register. However, in cases of gender-based violence registration was accessible. In June 2022, a transgender woman residing in Hatay without registration was subject to sexual violence and could access registration only after lodging a complaint and providing proof of gender-based violence to the PDMM.⁹³⁷

5. Ethnic and other minorities under temporary protection

The number of members of ethnic minorities, such as Roma, Dom and Lom groups from Syria are not known for certain. In **Gaziantep**, these groups generally live in rural areas, work in seasonal agricultural work and refrain from registering out of fear of being discriminated by the public authorities.⁹³⁸ In the **Şirinevler** district of Gaziantep 70% of the population is Dom. In **Gaziantep**, there is a huge industrial area in the Unaldi district where many Syrians including Doms, are employed without a work permit. In rural areas, families generally live together. However, in big cities, they prefer not to be visible and live separated from each other.

These groups are under temporary protection, however they generally have old versions of identity documents such as “guest” cards and YKN cards starting with the digit “98” (see [Temporary Protection Identification Document](#)). One reason for this is the fear of being discriminated in PDMM. They do not comply with their duties of reporting due to perceived and actual institutional discrimination and so have major difficulties in accessing basic services. While improvements with regard to raising awareness were noted in 2019, there is still no standardised practice towards the Dom community in 2022. From 2019 travel documents were issued online which makes it difficult for Dom communities to access.

Access to health is still quite problematic for the Dom community due to discrimination so they prefer going to the Migrant Health Centre funded by UNCHR with Syrian doctors. The Syrian doctors working in these centres earn less than their Turkish colleagues and the quality of the service can be low.

Dom groups traditionally did not get married but they are starting to in order to access social benefits as this is one of the requirements. Women have also begun to be more conscious about their civil rights. The Kirkayak Cultural Centre continue to help Dom communities access services and rights such as registering newborn babies.

Recent reports from the Kirkayak Cultural Centre indicate that problems associated with this minority group persist. It was stressed that the temporary protection programmes for Dom and Abdal groups seeking refuge are still insufficient, and that international humanitarian actors have left these groups behind. The

⁹³⁵ Open Democracy, ‘I Am Not Your Refugee: From All Over: LGBTQ Türkiye’, 6 October 2022, available at: <https://bit.ly/3Obi1d1>.

⁹³⁶ Information provided by a stakeholder, June 2023.

⁹³⁷ Information provided by a stakeholder, June 2023.

⁹³⁸ Information provided by a stakeholder, May 2023.

protection system is unable to address discrimination and devise strategies to facilitate this group's access to rights and services.⁹³⁹

This year, we became aware of a new minority group in Mardin. This community is referred to as 'Kuyubasi refugees' (Wellhead refugees) in Mardin. This group has been studied since 2019 by the Lider Kadın Derneği (Leader Woman Association), a local non-profit. According to their reports, 90% of the agricultural irrigation in the province is carried out through wells indicates the importance of wells for this region, considering the agricultural industry, which is very important for the livelihoods of the region and the ever-increasing drought. Following the mass migration that followed the Syrian civil war, some of the most vulnerable and impoverished Syrian households were housed near these wells to protect the water. While official data regarding the number of Syrians performing irrigation work in the region is unavailable, a field survey conducted by the Association estimates that the number of Syrian refugees in Kızıltepe and Derik well capitals exceeds 10,000.⁹⁴⁰ As these groups are quite economically and socially vulnerable, their primary problems have been identified as congestion, lack of space, electricity-water cuts, hygiene issues, vulnerability to environmental and natural hazards, and spatial and social segregation.⁹⁴¹

⁹³⁹ Examining the Experiences of Syrian Dom and Abdal Refugees in Accessing Fundamental Rights and Services in the Temporary Protection System in the Context of Discrimination, available at: <https://bit.ly/43kxHjC>.

⁹⁴⁰ LKD, Mardin Kuyubaş'larında Yaşanan Elektrik Kesintilerinin Mülteci Topluluğuna Etkileri Araştırma Raporu, 2020, available at: <https://bit.ly/46NKjCP>, (Access Date: 19.08.2021).

⁹⁴¹ Ibid.