



# TÜRKIYE





### 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 2023 update of the report draws on desk research and information collected from civil society organisations, academia, and legal practitioners from cities across Türkiye. 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 of receiving 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 2023, 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 I Şartlı Eğitim Yardımı	
CIMER	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 I Avrupa İnsan Hakları Sözleşmesi	
ECtHR	European Court of Human Rights I Avrupa İnsan Hakları Mahkemesi	
ESSN	Emergency Social Safety Net I 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 (İŞKUR)	
LFIP	Law on Foreigners and International Protection   Yabancılar ve Uluslararası Koruma Kanunu (YUKK)	
MUDEM	Refugee Support Centre   Mülteci Destek Derneği	
РММ	Presidency of Migration Management   Göç İdaresi Başkanlığı	
PDMM	Provincial Directorate for Migration Management   Valilik il Göç İdaresi Müdürlüğü	
RFIP	Regulation on Foreigners and International Protection   Yabancılar ve Uluslararası Koruma Kanunu'nun Uygulanmasına Dair Yönetmelik	
SGDD-ASAM	DD-ASAM Association for Social Development and Aid Mobilization   Sosyal Gelişim ve Dayanışma Derneği	
SIHHAT	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 I Birleşmis Milletler Mülteciler Yüksek Komiserliği	
YİMER	Foreigners Communication Centre   Yabancılar İletişim Merkezi	
YKN	Foreigner Identification Number   Yabancı Kimlik Numarası	
YTB	Presidency for Turks Abroad and Related Communities   Yurtdışı Türkler ve Akraba Toplulukları Başkanlığı	
YTS	Foreign Terrorist Fighter   Yabancı Terörist Savaşçı	

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 çalişan 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 I Kaçakçılık
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   İstizanlı vize – milli güvenliğimiz aleyhine faaliyet
N99	Work permit – other activities   İstizanlı 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 Izni 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 dönuş
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
Т2	Invitation to Leave the Country Form   Ülkeyi terke davet formu
Т6	Administrative Surveillance Decision Form ordering release from a Removal Centre and reporting obligation   İdari Gözetim Kararını 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 2023

Total	19,017
Afghanistan	13,068
Iraq	2,776
Iran	1,416
Others	1,757

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

### Registered temporary protection beneficiaries: 16 May 2024

	Beneficiaries	Percentage
Total number	3,115,344	100%
Outside Temporary Accommodation Centres	3,057,632	99.5%
In Temporary Accommodation Centres	57,712	0.5%

Breakdown per fifteen main provinces:

Province	Registered Syrian refugees	Total population in Province	Share of total
İstanbul	530,791	16,186,715	3.28%
Gaziantep	429,687	2,593,821	16.57%
Şanlıurfa	273,257	2,487,221	10.99%
Hatay	257,755	1,802,395	14.30%
Adana	218,638	2,488,936	8.78%
Mersin	202,418	2,140,807	9.46%
Bursa	171,658	3,386,229	5.07%
Konya	121,652	2,441,893	4.98%
İzmir	119,531	4,599,056	2.60%
Ankara	89,772	5,893,254	1.52%
Kahramanmaraş	87,572	1,204,190	7.27%
Kayseri	83,076	1,528,759	5.43%
Kilis	70,245	225,424	31.16%
Mardin	59,653	948,527	6.29%
Kocaeli	52,764	2,155,671	2.45%

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
Law No 6458 on Foreigners and International Protection, 11 April 2013	6458 Yabancılar ve Uluslararası Koruma Kanunu, 11 Nisan 2013	LFIP	http://bit.ly/1fATdsC (EN) https://bit.ly/2ISX0RA (TR)
<i>Amended by:</i> Emergency Decree No 676, 29 October 2016	676 Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararname, 29 Ekim 2016		http://bit.ly/2z0t3wh (TR)
<i>Amended by:</i> Law No 7070, 1 February 2018 on the regulation of emergency provisions	7070 Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabul Edilmesine Dair Kanun, 1 Şubat 2018		http://bit.ly/2S5DZzL (TR)
<i>Amended by:</i> Decree No 703 on the harmonisation of laws, 9 July 2018	703 Anayasada yapılan değişikliklere uyum sağlanması amacıyla bazı kanun ve kanun hükmünde kararname, 9 Temmuz 2018		https://bit.ly/2WAu8nx (TR)
Amended by: Law No 7148 amending several acts, 26 October 2018	7148 Bazı Kanunlarda Değişiklik Yapılması Hakkında Kanun, 26 Ekim 2018		http://bit.ly/2EqekOa (TR)
<i>Amended by:</i> Law No 7196 amending several acts, 6 December 2019	7196 Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun, 6 Aralık 2019		http://bit.ly/2TSm0zU (TR)
Law No 6735 on International Workforce, 13 August 2016	6735 Uluslararası İşgücü Kanunu, 13 Ağustos 2016		http://bit.ly/2jtRexU (TR)
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/2ANIhVE (EN)
Temporary Protection Regulation 2014/6883, 22 October 2014	Geçici Koruma Yönetmeliği 2014/6883, 22 Ekim 2014	TPR	http://bit.ly/1He6wvl (TR) http://bit.ly/1JiGVSI (EN)
Amended by: Regulation 2016/8722, 5 April 2016	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 Nisan 2016		http://bit.ly/209ErLl (TR)
Amended by: Regulation 2018/11208, 16 March 2018	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 Mart 2018		https://bit.ly/2GynE4b (TR)
Amended by: Regulation 2019/1851, 25 December 2019	Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2019/1851, 25 Aralık 2019		https://bit.ly/2WPeM1w (TR)
Prime Ministry Circular 2016/8 on the Implementation of Procedures and Principles of Temporary Protection, 5 April 2016	2019 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 Calışmasına 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	Evlendirme Yönetmeliği, 10 Temmuz 1985		http://bit.ly/1KabY1f (TR)
<i>Amended by:</i> Regulation amending the Regulation on Marriage Procedures, 8 December 2016	Evlendirme Yönetmeliğinde Değişiklik Yapılması Hakkında Yönetmelik, 08 Aralık 2016		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 Altina 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	Türk Vatandaşlığı Kanunun Uygulanmasına Dair Yönetmelikte Değişiklik Yapılmasına Dair Yönetmelik, 12 Mayıs 2022		https://bit.ly/44E6k4V (TR)
Amended by: Regulation amending the Implemeting of Law on Turkish Citizenship Procedures, 12 May 2022			
Ministry of Interior Regulation No 29656 on the Fight against Human Trafficking and Protection of Victims, 17 March 2016	İnsan Ticaretiyle Mücadele ve Mağdurların Korunması Hakkında Yönetmelik, 17 Mart 2016	Anti-Trafficking Regulation	https://bit.ly/1VeEOn5 (TR)

Ministry of Family and Social 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/3pjyu0X (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 Yükümlülüklere Dair Yönetmelik. 14 Eylul 2022		https://bit.ly/44jRMYy (TR)

### Overview of main changes since the previous report update

In 2023, Türkiye hosted a population of over 3.2 million refugees<sup>1</sup> from Syria under the temporary protection regime and 222,000 asylum seekers and beneficiaries of protection of other nationalities, principally originating from Afghanistan, Iraq, Iran, and Ukraine among others<sup>2</sup>. In 2023, 38,725 Ukrainian displaced people were recorded, including 3,230 who applied for international protection<sup>3</sup>. 19,017 asylum seekers applied for international protection; the majority is from Afghanistan (13,068). The number of Russians staying with residence permits has increased significantly over the last two years. Many of the challenges highlighted in the last year's report remain for 2023, however, some events and policy changes in 2023 deepened some of the existing concerns and caused new challenges for displaced people in Türkiye.

In 2023, the main concerns related to migration and asylum were the effects of the devastating earthquakes which increased the need for humanitarian aid in the area hosting almost 1.7 million Syrian temporary protection beneficiaries, growing security-focused policies on migration management with prioritising the voluntary return, deportation, and border management, rising anti-migrant sentiment especially during the election periods, continuous and deepening challenges regarding the registration, increasing number of undocumented people and inconsistency in accessing rights due to the lack of transparency on the implementations of regulations. It is also important to note that the economic situation in the country has negatively affected refugees' access to housing, education, and employment.

### The Effect of the Earthquakes

The population of 11 provinces affected by the earthquakes corresponds to 16.4 percent of the country's total population. Approximately 50 percent of the total number of Syrians in Türkiye live in 11 provinces affected by the earthquakes, and the number of Syrians under temporary protection in the region was 1,738,035 at the time. As a result of the earthquakes, according to official numbers around 50,000 people lost their lives, more than half a million buildings, including houses, workplaces, schools, hospitals, and government offices, were damaged, and significant financial losses occurred<sup>4</sup>. Around 7,000 Syrians who were under temporary protection lost their lives, and around 4,000 were injured<sup>5</sup>. One year after the earthquake, the acute period is not over yet for both home and host communities, some families cannot still access water, basic needs, and shelter.

Refugees have faced discrimination during rescue operations, and competition for access to basic needs between locals and Syrians has created social tension<sup>6</sup>. Efforts to promote integration and social cohesion between the local community and refugees have been negatively affected by increased anti-migrant sentiment and segregated living spaces, which in some cases have led to segregated education. Non-governmental organisations had to shift their efforts from development support to humanitarian support<sup>7</sup>. Integration projects have been slowed down and emergency response activities for temporary protection beneficiaries have been reactivated.

Economic hardships, deepened by the economic crisis, high inflation, and the earthquakes, have dramatically decreased employment, especially in the region, leading to an increase in out-of-school children, child labour, and increasing cases of gender-based violence, including child marriage<sup>8</sup>. The lack of housing in the region makes it almost impossible for refugees to declare their addresses, leading to the inactivation of their IDs and causing many problems in accessing services and rights<sup>9</sup>.

- <sup>1</sup> PMM, Temporary Protection Statistics, available here.
- <sup>2</sup> UNHCR Türkiye Factsheet April 2024, available here.

<sup>&</sup>lt;sup>3</sup> UNHCR, Ukraine Refugee Situation, available here.

<sup>&</sup>lt;sup>4</sup> SBB, 2023 Kahramanmaraş ve Hatay Depremleri Raporu, available here.

<sup>&</sup>lt;sup>5</sup> AA, 2023. "Bakan Soylu: 11 Bölgede 57 Bin Enkazın 50 Bini Bitti." 22 April 2023, available here & Information provided by a stakeholder, April 2024.

<sup>&</sup>lt;sup>6</sup> Sert, Danis, and Sevinin, 2023, GAR Göç ve Deprem – Durum Tespit Raporu, available here.

<sup>&</sup>lt;sup>7</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>8</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>9</sup> Information provided by stakeholders, March – April 2024.

Even though it was not free from challenges, Syrians who temporarily moved to other parts of Türkiye were able to obtain and extend their travel permits during their stay. With this permit, they were allowed to access services and rights such as education and healthcare.

### Security-focused migration policies

After the May 2023 Turkish general elections, the implementation of the security-focused migration policies was exemplified by the introduction of mobile migration points and Kalkan (Shield) operations. According to the statement of Interior Minister Yerlikaya, the primary goal is to fight against irregular migration, through four main strategies: addressing the root causes in the source countries, effective border and security measures, effective detection and capture within the country, and establishing fast-acting deportation processes<sup>10</sup>. According to the 12<sup>th</sup> Development Plan for 2024-2028 submitted to the Presidency of the Grand National Assembly of Türkiye (TBMM), preventive practices will be increased in countries of origin and borders in order to effectively "combat irregular migration"<sup>11</sup>. Because of these policy priorities, integration ceased to be a priority, and funding for projects in this area in particular decreased<sup>12</sup>. There was a shift from social cohesion to social assistance in 2023 due to the economic hardships, earthquake, and anti-migration discourse, among others<sup>13</sup>. Integration is at the bottom of the list in terms of priorities, after return and resettlement.

### Increased anti-migrant sentiments

Since 2022, there has been a noticeable rise in anti-migrant sentiment, with increased discussions during the election campaign in 2023 General Election centering on issues such as voluntary return<sup>14</sup>, unwanted immigrants<sup>15</sup>, and border protection<sup>16</sup>. During the election periods in Türkiye, as well as in the policies implemented after the May 2023 elections, anti-migrant sentiment created challenges for migrant and refugee communities to force them to be more invisible and leading to instances of social tension. The deepening economic crisis, along with the political discourse or criminalisation of migration, utilised by some especially by the newly established anti-immigrant political party, have led to the strengthening of anti-immigrant sentiment. The earthquakes in February 2023 further fuelled anti-immigrant sentiments. Studies show that the portrayal of refugees and migrants in media reporting often includes biased and discriminatory narratives, which contribute to the spread of disinformation in numerous ways<sup>17</sup>.

### Asylum procedures

Asylum statistics: In 2023, there were 19,017 applicants for international protection, which corresponds to a 43% decrease compared to 2022. Afghans were the most represented number of applicants with 13,068, followed by Iraqis (2,776) and Iranians (1,416). With regards to irregular arrivals, according to PMM statistics, the number of irregular arrivals was 254,008 in 2023, which constitutes a decrease compared to 2022 (285,027). Afghans remained the top nationality of persons apprehended after an irregular border crossing in 2023.68,687 out of the total number were Afghan nationals, despite the percentage of Afghans among irregular arrivals decreasing from 40% to 27%. Syrians are the second highest nationality among the irregular arrivals with 58,621.

<sup>&</sup>lt;sup>10</sup> CNN, 2024, İçişleri Bakanı Ali Yerlikaya, önemli bütün çalışmaları CNN TÜRK'te anlattı-TarafsızBölge 28.02.2024.

<sup>&</sup>lt;sup>11</sup> AA, Düzensiz göç, kaynak ülkelerde ve sınırlarda önlenecek, 17 October 2023, available here.

<sup>&</sup>lt;sup>12</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>13</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>14</sup> AA, 20.05.2024, Cumhurbaşkanı Erdoğan: Suriyeli mültecilerin ülkelerine dönmesini sağlayacağız, available here.

<sup>&</sup>lt;sup>15</sup> BBC News, 06.09.2022, İYİ Parti "Milli Göç Doktrini"ni açıkladı, Akşener tarih verdi, available here.

<sup>&</sup>lt;sup>16</sup> Euronews, 14.03.2024. 'Kılıçdaroğlu: Suriyeli ve Afganları göndereceğiz, demografik yapının değişmesini istemiyoruz', available here.

<sup>&</sup>lt;sup>17</sup> Heinrich Böll Stiftung Thessaloniki & Media and Migration Association, Media Representation of Refugees and Migrants in Turkey, available here & Medya ve Göç Derneğiç 2023 Nefret Döngüsü Gündem Izleme Serisi, available here.

The other main nationalities represented are Palestinian, Turkmenistan, Moroccan, Uzbekistan, Iraqi, Iranian, and Yemeni.

- Integrated and Increased Border Control: The building of 80 percent of the borders of Iran and Syria, and a 1234-kilometer patrol road was completed including 341 electro-optic towers monitor 740 km of the Eastern border and 350 km of the Western border<sup>18</sup>. The border is also equipped with thermal cameras, elevator towers, armoured surveillance vehicles, and seismic sensor systems. The increased border control prevented 203,437 irregular immigrants from entering the borders in Türkiye during the 11 months in 2023<sup>19</sup>. Additionally, the Department of Border Management, which was previously under the General Directorate of Provincial Administration, was abolished and replaced by the General Directorate of Border Management under the Presidency of Migration Management<sup>20</sup>, which will carry out the works related to investments and projects for border management and security. This development indicates a shift towards integrated border management to address irregular migration.
- Access to the territory and pushbacks at the borders: Despite the building of border walls and increasing surveillance along Türkiye's Eastern border, it did not prevent irregular crossings and instead led to crossings shifting to more dangerous, and mountainous routes or taking place during winter months when the weather conditions are very harsh. At the eastern border with Iran, the pushback practices continued in 2023, particularly targeting single men coming from Afghanistan, Pakistan, and Bangladesh who faced more pushback to Iran than other groups. In some cases, they were held for months before being subjected to pushback without being taken to removal centres or the possibility of applying for protection. There are no clear or individual assessments at the border with Iran, and the migrants are often not informed about their rights. In 2023, there some worrying reports emerged of groups on the Iranian side capturing migrants, beating and torturing them, and demanding a ransom from their families. The border with Syria is closed, and crossings are only allowed for individuals who require specific medical treatments and their attendants, for the duration of the treatment period.
- Registration: The registration of applications remained one of the most significant barriers to people seeking international protection in Türkiye in 2023<sup>21</sup>. PDMMs in numerous large cities, along the coast, and near borders did not accept new applications during the year. In a total of 1,169 neighbourhoods in 63 provinces where the foreign population exceeds 20% of the Turkish citizen population, have been closed to new registrations of foreigners<sup>22</sup>. Although registrations did not cease entirely notably for vulnerable persons, they were reported as 'almost impossible' in numerous places. Inconsistencies in PDMM practices also caused difficulties. In addition to the registration problems, PDMM address verification procedures continued for both international and temporary protection holders. When they were not found at their place of registration, and their IDs became inactive. The situation leads to an increasing number of people becoming undocumented<sup>23</sup>.
- Voluntary Return: Voluntary, safe, and dignified returns have continued to be a priority policy area for the PMM in 2023, which established its voluntary return programme in 2021. This process is less transparent, and it is unknown how many people are returned. Previous Minister of Interior, Soylu stated that 554 thousand voluntary returns have been carried out by May 2023, and the return of 1 million refugees in Türkiye will be ensured with the 240 thousand permanent houses to

PMM, December 2023, İçişleri Bakanı Ali Yerlikaya: "Düzensiz Göçmenlere ve Göçmen Kaçakçılığı Organizatörlerine Asla Geçit Vermiyoruz", available here.

<sup>&</sup>lt;sup>19</sup> Ibid.

<sup>&</sup>lt;sup>20</sup> T.C lçişleri Bakanlığı, Göç İdaresi Başkanlığı'nda "Sınır Yönetimi Genel Müdürlüğü" Kuruldu, 21.11.2023, available here.

<sup>&</sup>lt;sup>21</sup> Information provided by stakeholders, March – April 2024.

PMM, "İstanbul'da 39 İlçenin Yabancıların İkamet İzinlerine Kapatıldığı" İddialarına İlişkin Basın Açıklaması, 16 July 2023, available here.

<sup>&</sup>lt;sup>23</sup> Information provided by stakeholders, March – April 2024.

be built in northern Syria<sup>24</sup>. The Minister of Interior Affairs, Yerlikaya, stated that the number of Syrian refugees who voluntarily returned from Türkiye to Syria reached 625,000 by February 2024<sup>25</sup>. However, stakeholders have concerns whether they are voluntary or forced returns.

- Increasing number of deportations: Deportations of Afghans increased by 146% over 2022<sup>26</sup>, and continued during 2023. In the first quarter of 2023, the number of migrants deported from all nationalities was 21,211. 2,319 people were deported to Afghanistan with 15 charter flights, and 4,526 with scheduled flights<sup>27</sup>. From the beginning of 2023 to May 2023, 40,480 persons considered to be irregular immigrants were caught and 93% of them (37,785) were deported. New Minister of Internal Affairs, Ali Yerlikaya stated that between 1 June and 22 September 2023, 42,875 irregular immigrants were deported, and 105,488 third country nationals whose visas and residence permits expired boarded the plane and left the country<sup>28</sup>.
- Operations: By December 2023, 234,092 migrants in an irregular situation were caught, and 9,256 individuals accused of migrant smuggling were detained (3,068 of them were arrested, and judicial control orders were given for 1228 of them) by various Kalkan (shield) operations. 309,485 third country nationals with violation of visa or residence exited and returned to their countries from the airports in Istanbul<sup>29</sup>. In 2023, the minimum penalty for the crime of "migrant smuggling" regulated under Article 79 of the Turkish Penal Code No. 5237 has been increased from 3 years to 5 years.
- Mobile migration points: The total number of mobile migration points is 162 in 30 metropolitan cities, 103 only in Istanbul<sup>30</sup> to conduct ID checks. Foreigners without proper identification are subjected to fingerprinting and database checks by personnel. Those found to be residing without documentation are transported to removal centres with police assistance, where deportation proceedings are initiated for international protection (IP) applicants. Undocumented temporary protection applicants are taken to temporary accommodation centres. These mobile points are primarily situated in busy squares, streets, and transportation hubs. However, such stringent measures have instilled a sense of insecurity among refugees, prompting them to become more invisible<sup>31</sup>. Minister Yerlikaya stated that since July 19, 2023, (until February 2024) 286,102 foreigners have been checked throughout Türkiye in Mobile Migration Point vehicles, and deportation procedures of 61,429 foreigners who were determined to be irregular immigrants were initiated and they were sent to removal centres<sup>32</sup>.
- Increased number of rejection decisions. PMM took 94,506 decisions in 2023 which constitutes a significant increase compared to the 51,472 taken in 2022.
- Annulment of deportation decisions: In 2023 there were some positive decisions to annul deportations. For the case of an Afghan asylum seeker, the Istanbul 15<sup>th</sup> Administrative Court<sup>33</sup> found that the authorities did not conduct an adequate and legally acceptable investigation into the risks to the asylum seeker' life if returned to Afghanistan and noted the lack of consent to return. Erzurum Administrative Court<sup>34</sup> annulled the deportation decision for an Afghan family, as the

<sup>&</sup>lt;sup>24</sup> AK PARTİ | Bakanımız Soylu "Gönüllü, Güvenli, Onurlu Geri Dönüş Projesi Temel Atma Töreni"nde konuştu 24-05-2023, available here.

<sup>&</sup>lt;sup>25</sup> IHA, 16.02.2024, İçişleri Bakanı Yerlikaya: "Huzurumuzu bozanları 112'yi arayarak ihbar edin", available here

<sup>&</sup>lt;sup>26</sup> PMM, 'Yılbaşından Bugüne 72.578 Kaçak Göçmen Sınır Dışı Edildi', 23 August 2022, available in Turkish here

<sup>&</sup>lt;sup>27</sup> TRT Haber, 13.03.2023, Sınır dışı edilen düzensiz göçmen sayısı 21 bin 211'e ulaştı - Son Dakika Haberleri, available here.

<sup>&</sup>lt;sup>28</sup> Bakan Yerlikaya: 42 bin 875 düzensiz göçmen sınır dışı edildi - Son Dakika Haberleri (trthaber.com), available here, 27 September 2023.

<sup>&</sup>lt;sup>29</sup> İçişleri Bakanı Ali Yerlikaya: "Düzensiz Göçmenlere ve Göçmen Kaçakçılığı Organizatörlerine Asla Geçit Vermiyoruz", available here.

<sup>&</sup>lt;sup>30</sup> Düzensiz Göçmenlerin Tespitini Kolaylaştıran ve Hızlandıran Mobil Göç Noktası Araçlarının Sayısı 162'ye Çıktı, available here.

<sup>&</sup>lt;sup>31</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>32</sup> Düzensiz Göçmenlerin Tespitini Kolaylaştıran ve Hızlandıran Mobil Göç Noktası Araçlarının Sayısı 162'ye Çıktı, available here.

<sup>&</sup>lt;sup>33</sup> T.C. Istanbul 15. Idare Mahkemesi, Esas No : 2022/1043, KARAR NO : 2023/3169.

<sup>&</sup>lt;sup>34</sup> T.C. Erzurum, 1. Idare Mahkemesi, Esas No : 2023/Karar No : 2023/1633.

deportation decision did not sufficiently investigate if they fell under the exceptions in Article 55 of Law No. 6548 and as deportation based solely on violating the entry ban is contrary to the relevant legal provisions. **Edirne** and Erzurum Administrative Courts decided to cancel the deportation decisions for Afghan nationals who or whose families worked in or with the military before due to the lack of a sufficient investigation to identify whether they faced a real risk of violation if returned.

### Reception

- End of the 'satellite cities' concept. Previously, applicants were referred to cities depending on their profile, in case of having any vulnerability, however recently this implementation is no longer in practice in 2023. The PMM is responsible for informing which cities are open or closed to new registrations. According to the last available list, 62 provinces in Türkiye were listed as open/closed cities for the referral of international protection applicants<sup>35</sup> However, they are mostly closed to international protection applications.<sup>36</sup>
- Agreement between the European Commission and the Government of Türkiye to support the most vulnerable refugees. The European Commission and the Government of Türkiye signed a €781 million contract to fund a social safety net for vulnerable refugees, marking the largest EU contract with Ankara to date<sup>37</sup>. This new Social Safety Net (SSN) contract extends the Emergency Social Safety Net program, the EU's largest humanitarian initiative, launched in 2016. Over the next three years, the funding will support the basic needs of around two million refugees and benefit the local economy. This brings the total EU assistance to refugees and host communities in Türkiye to nearly €10 billion since 2011.

### Detention

- Detention facilities: As of October 2023, there were 29 removal centres in 25 provinces with a total detention capacity of around 16,000 places, the building of 8 additional centres is planned<sup>38</sup>. izmir (Harmandalı), Kırklareli, Gaziantep, Erzurum, Kayseri and Van (Kurubaş) were initially established as Reception and Accommodation Centres for applicants for international protection under EU funding, prior to being re-purposed as Removal Centres (see Types of Accommodation). The facility located in Iğdır is listed as temporary Removal Centres. The Bayburt Removal Centre with a capacity of 400 was opened on October 13, 2023. Following the earthquake disaster on February 6, 2023, the Hatay removal centre with a capacity of 190 was closed and remains close, and the Malatya temporary removal centre with a capacity of 2,100 was converted into a temporary shelter for earthquake victims.<sup>39</sup>
- Increasing number of transfers: The number of transfers between the centres increased significantly in 2023. Uninformed, sudden transfers are happening form one centre to another centre in different cities. This practice is problematic and potentially in violation of the right to legal representation, as lawyers are unable to locate their clients. Since the PDMM does not share information on where the person is being held, lawyers must proactively search for their clients in each removal centres, which may take to a couple of days.

Content of international protection

<sup>&</sup>lt;sup>35</sup> 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 here, 409.

<sup>&</sup>lt;sup>36</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>37</sup> EU signs a €781 million agreement with Türkiye to continue support to most vulnerable refugees, September 2023, here

<sup>&</sup>lt;sup>38</sup> European Migration Law Blog, 17.01.2024, The EU support for alternatives to immigration detention in Türkiye: a curious case at odds with EU's external migration policy, available here

<sup>&</sup>lt;sup>39</sup> PMM, Faaliyet Raporu 2023, available here

- Increasing anti-migrant sentiment. Since 2022, there has been a noticeable rise in anti-migrant sentiment, with increased discussions during the election campaign in 2023 General Election focusing on issues such as voluntary return<sup>40</sup>, unwanted immigrants<sup>41</sup>, and border protection<sup>42</sup>. During the election periods in Türkiye, as well as in the policies implemented after the May 2023 elections, anti-migrant sentiment created challenges for migrant and refugee communities to force them to be more invisible and leading to instances of social tension. The deepening economic crisis, along with the political discourse or criminalisation of migration, utilised by some especially by the newly established anti-immigrant political party, have led to the strengthening of anti-immigrant sentiment. The earthquakes in February 2023 further fuelled anti-immigrant sentiments. Studies show that the portrayal of refugees and migrants in media reporting often includes biased and discriminatory narratives, which contribute to the spread of disinformation in numerous ways<sup>43</sup>.
- Policy changes in the issuing of permits. Due to a policy change in 2023 regarding the issuing of residence permits, a number of short-term residence permits applications were denied<sup>44</sup> causing difficulties in accessing to the international protection application. 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. Migrants from Africa who held residence permit previously face difficulties to renew their permits, consequently they found themselves as undocumented migrants who cannot access basic rights and services due to the fear of deportation<sup>45</sup>.
- Resettlement: UNHCR expedited resettlement processing of the most vulnerable refugees particularly unaccompanied children and women at risk in earthquake-affected locations. More than 16,800 resettlement submissions were made in 2023, 94 percent of which were from the earthquake region<sup>46</sup> As of June 2024, 66,876 Syrians had been resettled (since 2016) to the EU, USA, Canada, Australia, New Zealand, UK, Switzerland, and Norway.<sup>47</sup> Implementation of the 'one-for-one' resettlement scheme continued. Between April 2016 and February 2023, 37,397 Syrian refugees were resettled from Türkiye to the EU<sup>48</sup>.

### Temporary protection

Detention of Syrian nationals: Following a policy change in 2022, Syrians who enter the country are transferred to temporary accommodation centres in Gaziantep, Kahramanmaraş, Hatay, Kilis, and Malatya. Admission to the temporary accommodation centre is at the discretion PDMM and if 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 facility for Syrians who are either not registered under the temporary protection regime or have had their temporary protection status revoked. Individuals detained in the temporary accommodation centres often face indefinite detention, unlike those in regular detention centres, which have a maximum detention period of up to 12 months. Immigration lawyers believe that the indefinite detention in these centres aims to hinder Syrians from appealing deportation decisions or to coerce them into signing voluntary return

<sup>&</sup>lt;sup>40</sup> AA, 20.05.2024, Cumhurbaşkanı Erdoğan: Suriyeli mültecilerin ülkelerine dönmesini sağlayacağız, available here

<sup>&</sup>lt;sup>41</sup> BBC News, 06.09.2022, İYİ Parti "Milli Göç Doktrini"ni açıkladı, Akşener tarih verdi, available here

<sup>&</sup>lt;sup>42</sup> Euronews, 14.03.2024. 'Kılıçdaroğlu: Suriyeli ve Afganları göndereceğiz, demografik yapının değişmesini istemiyoruz', available here

<sup>&</sup>lt;sup>43</sup> Heinrich Böll Stiftung Thessaloniki & Media and Migration Association, Media Representation of Refugees and Migrants in Turkey, available here & Medya ve Göç Derneğiç 2023 Nefret Döngüsü Gündem Izleme Serisi, available here

<sup>&</sup>lt;sup>44</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>45</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>46</sup> Bi-annual fact sheet, 2024, available here

<sup>&</sup>lt;sup>47</sup> See PMM, Temporary protection, available here

<sup>&</sup>lt;sup>48</sup> European Commission, Seventh Annual Report of the Facility for Refugees in Turkey, Brussels, 22.9.2023

forms<sup>49</sup>. It is claimed that majority of Syrians who stay in Kilis and Nizip temporary accommodation centres are returned back to Syria and there are concerns among stakeholders about the voluntariness of these returns<sup>50</sup>.

Registration. Registration continues to be one of the main issues faced by applicants. This has resulted in a decrease in the registered number of beneficiaries of temporary protection from 3,535,898 in 2022 to 3,214,780 in 2023. The reasons for the decreasing number of temporary protection beneficiaries might be the individual exits, return, changes in their status (to different residence permits or gaining citizenship) and resettlement<sup>51</sup>, although the lack of publicly available information makes the reasons difficult to determine.

### Content of temporary protection

- Increased EU funding: For 2023 and 2024, the EU has pledged over 2 billion EUR in support for Syrian refugees and their host communities. It was stressed that the EU would continue to collaborate with Turkiye to ensure the delivery of cross-border aid to Syria. As part of the MFF midterm review package, the European Council on 1 February 2024 agreed to increase by 1.5 billion EUR the Solidarity and Emergency Aid Reserve for the period 2024-2027<sup>52</sup>.
- Increasing numbers of apprehensions of temporary protection beneficiaries: By the end of 2023 around 58,621 Syrians accounted of the total number of 254,008 apprehensions across the country. The number increased in 2023, more than doubled comparing to 2021.<sup>53</sup>
- 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 the EU Member States for each Syrian national returned from Greece to Türkiye, taking into account the UN vulnerability criteria. As of December 2023, there are 39,647 persons have been resettled under this "1:1 scheme", with primary resettlement destinations being Germany, France, the Netherlands, and Sweden<sup>54</sup>.
- Reception: As of December 2023, nine large-scale camps are accommodating a total of 63,881 temporary protection beneficiaries, spread across five provinces in Southern Türkiye (Hatay, Kahramanmaraş, Adana, Malatya, and Osmaniye) in the larger Syria border region.<sup>55</sup> In two months after the earthquake, the number of Syrians residing in the temporary accommodation centres increased from 47,467 to 63,730<sup>56</sup>. After the earthquake, these camps were opened to Turkish citizens as well, as they could provide essential facilities such as shelter, heating, showers, toilets, and infirmaries. For instance, in the temporary accommodation centre in Kahramanmaraş, where 10,000 Syrians holding Temporary Protection Identification Cards resided before the earthquake, it was reported that the camp's population, including Turkish citizens, increased to 16,500 for a period.

Global Detention Project, Türkiye: Submission to the Committee against Torture, 12 June 2024, available here
 Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>51</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>52</sup> Euroepan Commission, Commission signs €400 million agreement with Türkiye to support its recovery after the 2023 earthquakes, 07.02.2024, available here

<sup>&</sup>lt;sup>53</sup> PMM, *Irregular migration statistics*, available here

<sup>&</sup>lt;sup>54</sup> IOM, Migrants' Presence Monitoring Situation Report, December 2023

<sup>&</sup>lt;sup>55</sup> IOM Quarterly Report: Migrant Presence Monitoring Türkiye, Overview of the Situation with Migrants, 2023.

<sup>&</sup>lt;sup>56</sup> Deprem Sonrası Göç ve İnsan Hareketlilikleri: Durum Değerlendirme Raporu AYBÜ-GPM Rapor Serisi Güncellenmiş 2. Baskı: 15 Nisan 2023.

### Introduction to the asylum context in Türkiye

Türkiye currently hosts a population of around 3,214,780 million refugees from neighbouring **Syria<sup>57</sup>** and 258,416 international protection applicants and status holders, most principally originating from **Afghanistan**, **Iran**, **Iraq**, and **Ukraine** among others<sup>58</sup>. 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.<sup>59</sup> The law also made the Directorate General of Migration Management (DGMM) 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) – as it was called at that time, 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.<sup>60</sup> As of 29 October 2021, DGMM became the Presidency of Migration Management (PMM).<sup>61</sup>

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"<sup>62</sup> 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 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.

<sup>&</sup>lt;sup>57</sup> PMM, Statistics, available here

<sup>&</sup>lt;sup>58</sup> UNHCR Turkiye, 2024, available here

<sup>&</sup>lt;sup>59</sup> 11.Report, 'Long Road to Return II Durable Solutions for the Syrian Refugees in Türkiye,' December 2019, available here p. 13. The information was obtained through an interview with UNHCR that took place in September 2019.

<sup>&</sup>lt;sup>60</sup> UNHCR, 'Türkiye: Operational Update 2018 Highlights', available here

<sup>&</sup>lt;sup>61</sup> Presidential Decree No 85 amending several presidential decrees, 29 October 2021, available in Turkish here

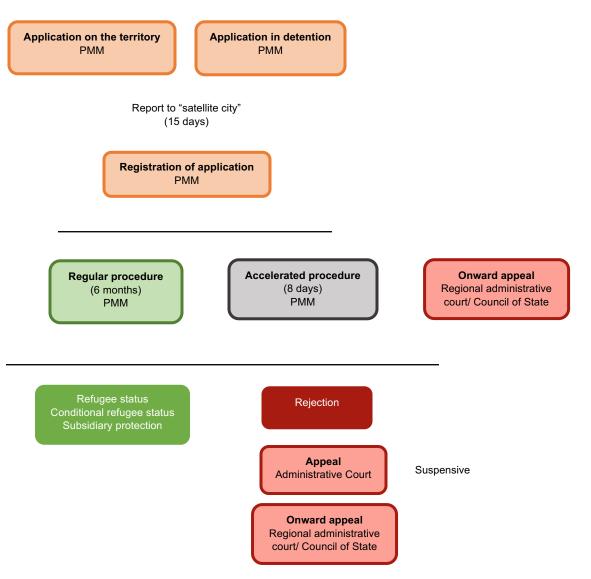
<sup>&</sup>lt;sup>62</sup> For the purpose of "geographical limitation" with regards to the interpretation of the 1951 Convention, Government of Türkiye considers Council of Europe member states as 'European countries of origin'.

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

# **Asylum Procedure**

### A. General

### 1. Flow chart



### 2. Types of procedures

hich type	es of procedures exist in your country?		
	Regular procedure:	🛛 Yes	🗌 No
	<ul> <li>Prioritised examination:<sup>63</sup></li> </ul>	🖂 Yes	No
	<ul> <li>Fast-track processing:<sup>64</sup></li> </ul>	Yes	No
*	Dublin procedure:	🗌 Yes	🛛 No
	Admissibility procedure:	🛛 Yes	🗌 No
	Border procedure:	🗌 Yes	🖾 No
	Accelerated procedure: <sup>65</sup>	🛛 Yes	No
	Other	_	

### 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)

### 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 <b>)</b>	13,500 <sup>66</sup>	Ministry of Interior	🛛 Yes 🗌 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 (*Ilçe Göç İdaresi Müdürlüğü*) in 16 provinces, under the

<sup>&</sup>lt;sup>63</sup> For applications likely to be well-founded or made by vulnerable applicants.

<sup>&</sup>lt;sup>64</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>&</sup>lt;sup>65</sup> Labelled as "accelerated procedure" in national law.

<sup>&</sup>lt;sup>66</sup> PMM, Göç İdaresi Başkanlığı Faaliyet Raporu 2023, available in Turkish here.

responsibility of the respective PDMM.<sup>67</sup> The number of staffs working in provincial and district directorates is 12,698, and 802 staffs serve in the headquarter of PMM in Ankara<sup>68</sup>.

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, which 'facilitates exchanges of best practices on asylum related- legislation, effective asylum procedures and reception system.<sup>69'</sup>In addition, ICMPD, IOM and the Council of Europe have been carrying out a technical cooperation project with PMM as of 2023<sup>70</sup>. According to the Annual Report, within the scope of projects financially supported and completed by international institutions and organisations, 12 projects have been completed in 2023:

	Name of the Project	Date
1.	Türkiye'de Sosyal Uyum Projesi (Social Cohesion Project in Türkiye)	February 2023
2.	SUYE - Sosyal Uyum ve Yaşam Eğitimleri (the Social Harmonization and Life in Türkiye Training)	March 2023
3.	Düzensiz Göçmenlerin Yönetimi, Kabulü ve Barınması Konusunda GİB'in Desteklenmesi (Supporting PMM in the Management, Reception and Accommodation of Irregular Migrants)	June 2023
4.	SUPPORT PMM - Göç İdaresi Kapasitesinin Desteklenmesi (Support capacities of the Presidency of Migration Management)	June 2023
5.	COMMIT- Türkiye'de İdari Gözetime Alternatif Tedbirlerin Uygulanmasına İlişkin Göçmenlerle İletişim (Communication with Immigrants Regarding the Implementation of Alternative Measures to Administrative Detention in Türkiye)	June 2023
6.	ReCONNECT - Phase 1: Türkiye'de Geri Dönüş Danışmanlığı Kapasitesinin Geliştirilmesinin Desteklenmesi (Supporting the Development of Return Counselling Capacities in Türkiye)	End of 2023
7.	Sınır Yönetimi Alanında İş Birliği (Cooperation in the Field of Border Management)	End of 2023
8.	COMPLEMENT - Düzensiz Göçü Tamamlayıcı Faaliyetler Aracılığıyla Önlemek İçin Menşe Ülke ve Stratejik Ortaklarla İşbirliğini Güçlendirme Projesi (Strengthening Cooperation with Countries of Origin and Fostering Cooperation with Strategic Partners to Prevent Irregular Migration Through Complementarity Actions)	End of 2023
9.	ANAPOL - Türkiye'de Düzenli Göç Politika Çerçevesini Geliştirmek amacıyla Analiz ve Operasyonel Kapasitenin Güçlendirilmesi (Enhancing Analysis and Operational Capacity to Improve Legal Migration Policy in Türkiye)	End of 2023
10.	REN-PMM Göç İdaresi Başkanlığının Kapasitesinin Güçlendirilmesi (Strengthening the Capacity of the Directorate of Migration Management)	End of 2023
11.	RETOUR - Türkiye'de Destekli Gönüllü Geri Dönüş Koordinasyon Merkezlerinin Kurulması (Establishment of Assisted Voluntary Return Coordination Centres in Türkiye)	End of 2023
12.	İl Göç İdaresi Müdürlüklerinin Desteklenmesi – Aşama V	End of 2023

<sup>&</sup>lt;sup>67</sup> 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 here.

<sup>&</sup>lt;sup>68</sup> PMM, Göç İdaresi Başkanlığı Faaliyet Raporu 2023.

<sup>&</sup>lt;sup>69</sup> EUAA & PMM, 'Roadmap for Cooperation between the EUAA–PMM (2022-2023), 2002, available here.

<sup>&</sup>lt;sup>70</sup> PMM, 'Göç İdaresi Genel Müdürlüğünün Devam Eden Projeleri, last accessed 20 May 2024, available in Turkish here and here.

Similar to 2022, in 2023, PMM published its performance programme and annual report based on the 2019-2023 Strategy Plan, providing for the details regarding its human resources, organisational structure, resources and performance indicators.<sup>71</sup>

Stakeholders mentioned that due to turnover among the staff especially in PDMMs, creating and maintaining sustainable dialogues with migration authority is sometimes challenging<sup>72</sup>.

### 5. Short overview of the asylum procedure

To register an international protection application, potential applicants must 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 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 for assistance. Practice is not standardised, and persons are often refused registration by the PDMM without being referred to another PDMM.

When they are referred to another proviences, the potential applicants are not given any proof of their intention to apply for asylum, which may be an issue if they are controlled by police on their way to referred provience, as they could be treated as irregular migrants<sup>73</sup> and transferred to removal centre as they are.

An international protection applicant has the right to remain on the territory throughout the asylum procedure, although derogations apply 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 had received stemmed from a structural problem to protection from refoulement and, if so, what measures could be taken. In its decision, published in July 2019<sup>74</sup> the Court stated that the application of Articles 53(3) and 54 of LFIP should be revised and that appeals against deportation should have suspensive effect especially where deportation could create severe human rights violations. The Court gave the governmental authorities one year to make the necessary legal changes or it would examine all applications filed requesting an interim measure to stop deportations in substance. The authorities adopted the legal amendment in December 2019.<sup>75</sup> If the authorities respect the ruling and appeals now often have a suspensive effect meaning that rights to prevent refoulement have been strengthened, there have been concerns that this had a knock-on effect of increasing 'voluntary returns' (see section on Removal and refoulement). 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.<sup>76</sup> In the absence of concrete evidence, the Court almost always decides to reject objections to deportation decisions.

Under the LFIP, the PDMM shall aim to issue a first instance decision within 6 months in the regular procedure. This time limit is not binding and may be extended if deemed necessary. In practice, the procedure might take years<sup>77</sup>. 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

<sup>&</sup>lt;sup>71</sup> PMM, Göç İdaresi Başkanlığı 2023 Performans Programi, 2023, available in Turkish here.

<sup>&</sup>lt;sup>72</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>73</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>74</sup> Constitutional Court, Decision 2016/22418, 30 May 2019, in Turkish here.

<sup>&</sup>lt;sup>75</sup> Articles 53(3) and 54 of LFIP that were amended by Law No 7196 amending several acts, 6 December 2019, available in Turkish here

<sup>&</sup>lt;sup>76</sup> Information provided by a stakeholder, May 2022.

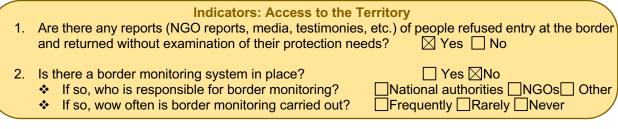
<sup>&</sup>lt;sup>77</sup> Information provided by stakeholders, March – April 2024.

negative decisions under the accelerated procedure and inadmissibility decisions have to be filed within 7 days. The reduction of the time limit for objecting to deportation decisions from 15 days to 7 days has sparked concerns regarding its constitutionality. Many argue that this shortened period does not afford enough time for individuals in deportation centres to understand their right to appeal or to access legal counsel. Various challenges, such as difficulties in locating individuals, or accessing to removal centres, further compound the issue, often making it logistically impossible to meet the seven-day deadline. Consequently, there are very few cases where appeals are lodged. Despite these concerns, the Constitutional Court has ruled that the continuation of the seven days is not unconstitutional.

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



### 1.1. Access at the land border

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

According to PMM statistics, the number of irregular migrants decreased in 2023, from 285,027 to 254,008, one of the main reasons mentioned by authorities is increased border controls. The percentage of Afghans among those considered as irregular migrants decreased from 40% to 27% in 2023, yet Afghanistan remains the top nationality of persons apprehended for irregular migration in 2023 with 68,687 Afghan nationals, and in the first four months of 2024, with 26,710 Afghan nationals. As in the previous year, in 2023, with 58,621, Syrians are the second highest nationality among those registered as irregular migrants. The other main nationalities are Palestinian, Turkmenistan, Morocco, Uzbekistan, Iraq, Iran, and Yemen. This represents a slight decrease in the total number of irregular migrants apprehended from 2022, it is still far from 2019 (454,662) which had seen the highest number since records began.<sup>78</sup> According to the statement of Interior Minister, 80,946 irregular migrants were prevented from entering the borders, as of October 2023<sup>79</sup>. According to the statement of PMM on 20 May 2023<sup>80</sup>, 93,148 irregular immigrants have been prevented from entering the country since the beginning of 2023, and a total of 2,836,775 to date.

<sup>&</sup>lt;sup>78</sup> PMM, *Irregular migration statistics*, available here.

<sup>&</sup>lt;sup>79</sup> Hürriyet, İçişleri Bakanı Yerlikaya açıkladı: Önlemler işe yaradı, artık yeni göç rotası arıyorlar, 13.10.2023, available here.

<sup>&</sup>lt;sup>80</sup> PMM, 20.05.2023, available here.

There has been some dialogue or cooperation in certain areas with Frontex<sup>81</sup>, such as risk management, training, capacity building on fundamental rights, monitoring, SAR, and exchange of experience and knowledge<sup>82</sup>.

In 2023, applying for international protection remained problematic for irregular migrants who faced pushback. Another worrying trend is increased number of crossing attempt of migrants who have status in Türkiye<sup>83</sup>. Registered migrants attempting to cross lose their rights in Türkiye due to the inactivation of their IDs.

### Eastern Borders:

Türkiye constructed a wall on its Iranian border in 2018-2019.<sup>84</sup> The wall was extended along the southern and eastern borders and in 2021 trenches and wire fences were added. The number of watchtowers and police stations also increased, and the border was controlled with technological devices, including surveillance by unmanned aerial vehicles (UAVs). In 2023, a wall of 1160 kilometers, corresponding to 80 percent of the borders of Iran and Syria, and a 1234-kilometer patrol road have been completed, and the work on the remaining 20 percent continues. 341 electro-optic towers, 250 of which are on eastern borders were established, serving with high technological capacity along the borders, which allows monitoring 740 km of the Eastern border. In addition, 284 thermal cameras, 151 elevator towers, 139 armoured surveillance vehicles, and seismic sensor systems were used in the borders<sup>85</sup>. It is estimated that the increased border control prevented around 230,000' migrants from entering borders in Turkiye in 2023<sup>86</sup> and 38,000 in the first quarter of 2024. Based on the profiles of groups arriving in Türkiye, it is estimated that most of these interceptions are from the Iranian border and the interceptions on the Syrian border continue to be small numbers as per the apprehension numbers published by the Turkish authorities.<sup>87</sup> There is no official information about how many migrants are affected regarding their nationality and which border.

The presence of the wall has led to crossings shifting to more dangerous, rugged, and mountainous routes or taking place during winter months when the snow level is elevated. This situation increases the risk to people's lives by forcing them to cross more hazardous routes. As a result, migrants and smugglers favour steep and risky paths with no gendarmerie or police oversight<sup>88</sup>.

Increasing numbers of arrivals through the Iranian border have led to restrictive measures and arbitrary detention and deportation practices (see Place of Detention), with mainly single Afghan men being issued deportation ("T1") forms<sup>89</sup>, or being pushed back without being provided any official form<sup>90</sup>. The "T1" forms are usually issued following administrative detention in a Removal Centre or at 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.<sup>91</sup> It was claimed that some people who left Van and Ağrı Removal Centres with T1 forms were sent across the border in 2023; however, it was claimed that this practice was temporary.<sup>92</sup>

In 2022, those who are forced back into Iran risked becoming stuck in the mountains separating Iran from Türkiye and suffering brutal treatment from Iranian state authorities, including shooting and injuries. Iranian

<sup>&</sup>lt;sup>81</sup> Yıldız, A., & Turhan, E. (2022). Entegre sınır yönetimi ve Frontex ile ilişkiler bağlamında Türkiye'nin farklılaştırılmış entegrasyonu. AB ile harici İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi Türkiye'nin Göç Siyaseti Özel Sayısı, 21 (Özel Sayı), 211-231. doi: 10.46928/iticusbe.1110418

<sup>&</sup>lt;sup>82</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>83</sup> Information provided by a stakeholder, April 2024.

<sup>&</sup>lt;sup>84</sup> TRT, 'Wall set to improve security along Türkiye-Iranian border', 8 November 2018, available here

<sup>&</sup>lt;sup>85</sup> PMM, December 2023, İçişleri Bakanı Ali Yerlikaya: "Düzensiz Göçmenlere ve Göçmen Kaçakçılığı Organizatörlerine Asla Geçit Vermiyoruz", available here.

<sup>&</sup>lt;sup>86</sup> Information provided by stakeholder, March – April 2024

<sup>&</sup>lt;sup>87</sup> Information provided by stakeholder, March – April 2024

<sup>&</sup>lt;sup>88</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>89</sup> 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 here.

<sup>&</sup>lt;sup>90</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>91</sup> Information provided by a stakeholder in March 2019.

<sup>&</sup>lt;sup>92</sup> Information from a stakeholder, March 2024.

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 pushed 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.<sup>93</sup> In 2023, there were some reported incidents of groups on the Iranian side capturing the migrants, beating, and torturing them, and demanding a ransom from families. Due to the fear of these groups, some migrants declare that they prefer to be sent back to Afghanistan, rather than Iran<sup>94</sup>.

Among the apprehended migrants, single male migrants, especially those coming from Afghanistan, Pakistan and Bangladesh face more pushback, and Iraqi and Iranians are more likely to be sent to removal centres, which gives the possibility for them to apply for international protection<sup>95</sup>. Some of people who cross the border, including families, women, and children, are sent to removal centres, and the majority are pushed back to Iran<sup>96</sup>. In some cases, they may be held for 3-4 months before being subjected to pushback without being taken directly to removal centres. There were some incidents where Afghan migrants were transferred from the towns which have land borders with Greece to the border with Iran in 2023<sup>97</sup>. There are no clear or individual assessments, including for UAMs, regarding who will be transferred to removal centres, and the migrants are often not informed about their rights. It is important to note that among the groups crossing the border, there were unaccompanied minors aged from 12 to 17. There were some incidents that the records show that migrants are released after being held in removal centres, but they might be pushed back to Iran. It is very hard to follow the location of people and almost impossible to have any proof of the pushback<sup>98</sup>.

Another common pushback method occurs within cities. In Van, it is reported<sup>99</sup> that undocumented Afghans caught in the city or while traveling to western parts are detained at police stations for up to a few days without official registration. They are then carried back to the Iranian border, despite this practice being illegal under domestic and international law. Such pushbacks, especially in Van, Iğdır, Erzurum, and Ağrı, create unofficial borders within cities guarded by checkpoints.

While crossings have decreased during the summer months due to the wall and heightened border measures, migrants often travel through mountains and over high cliffs, particularly in the winter season. Due to harsh cold, blizzards, avalanches, frostbite, and accidents, each year people lose their lives during this dangerous journey, and many are injured by loss of limb due to hypothermia or frostbite<sup>100</sup>. Usually, detection is made by drones, due to the high level of snow during winter times. In an incident that occurred in March 2023<sup>101</sup>, 17 irregular immigrants suffered frostbite and were hospitalised. During the 6 months of the winter period of 2023-2024, there have been 8 separate incident reports, including babies, children, and women due to weather conditions<sup>102</sup>.

With the completion of the wall of a height of 3.5 m on the southeastern border with Syria, monitored 24/7 by cameras and drones, irregular crossings are limited.<sup>103</sup>. Crossings are only allowed for individuals who require specific medical treatments and their attendants, for the duration of the treatment period<sup>104</sup>.

Access to the territory through the Syrian land border is discussed in detail in Temporary Protection: Admission to Territory.

<sup>&</sup>lt;sup>93</sup> Information from a stakeholder, May 2023.

<sup>&</sup>lt;sup>94</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>95</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>96</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>97</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>98</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>99</sup> GAR Report No. 9, Actors and Mechanisms of (Non-)Reception of the Afghans in Turkey, October 2023, available here.

<sup>&</sup>lt;sup>100</sup> Information from a stakeholder, March 2024.

<sup>&</sup>lt;sup>101</sup> Van Barosu Faaliyet Raporu 2023, available here.

<sup>&</sup>lt;sup>102</sup> Van Barosu Göç ve İltica Komisyonu (@Vaniltica) / X (twitter.com) Van ili sınır bölgesinde yaşanan donma olayları ve hak ihlallerie ilişkin basın açıklaması.

<sup>&</sup>lt;sup>103</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>104</sup> Ibid.

#### Western Borders:

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.<sup>105</sup> At the beginning of 2023, Greece announced a further extension of its border fence with Türkiye to be extended by another 35 kilometers and ultimately wants the five-meter high steel fence on the Evros River (Meric) to cover most of the 192-kilometer border<sup>106</sup>. On the other side of the border, 91 electro-optic towers were established by Turkish authorities which allows monitoring 350 km of the western border. Edirne Governor reported irregular crossings through the land border between Greece and Türkiye have decreased by more than 95%, and Turkish authorities stopped 1,452 irregular migrants trying to cross<sup>107</sup>. Since the improvement of the relationship and cooperation between Greece and Türkiye, mobile immigration points have been located in Edirne, and police control at the entrances and exits of the city has increased. The crossing attempts in Edirne are lower than the attempts to cross the sea.

The Bulgarian-Turkish border has seen a growing number of pushbacks and violence against migrants in the 2023<sup>108</sup>. From January to the end of October, the Bulgarian Border Police reported the prevention of 170,000 border crossings on the Bulgarian-Turkish border<sup>109</sup>. There are also incidents of chain pubbacks from Greece to Bulgaria and from Bulgaria to Türkiye<sup>110</sup>.

As in previous years, the main route of crossing has been to Greek islands, there was also another route to Italy. There have been reports of pushback in Aegean from **Greece** to Türkiye for several years. 11,715 migrants were pushed back off the coast of western İzmir province, which has a meandering coast stretching over 460 kilometers and close to the Greek islands<sup>111</sup>. İzmir was followed by other western provinces, Muğla, Çanakkale, Aydın and Balıkesir.

20 people died while crossing from the Turkish coast, and 11 went missing in the Aegean Sea<sup>112</sup>. According to the Aegean Boat Report, in the Aegean Sea, 904 pushback incidents were recorded in 2023, involving 25,855 women, men, and children attempting to reach in Europe<sup>113</sup>, corresponding to a slight decrease from the last year, which may be attributed in part to the improvement of relations between the two countries. While there was an increase in the number of crossing incidents and of people trying to cross, a decrease in the number of deaths and pushback incidents was noted. According to the announced figures, the number of irregular migration cases were 1,607 in 2022 and 1,879 in 2023. The number of migrants who were rescued while attempting to cross and pushed back into Turkish territorial waters was 49,312 in 2022, and 56,289 in 2023<sup>114</sup>. The trend regarding the multiple crossing attempts continues in 2023.

According to Turkish Coast Guard<sup>115</sup>, in the first eight months of 2023, there were 751 irregular migration incidents, and 78 organisers apprehended. According to joint data from the Coast Guard, Gendarmerie, and Police, in the first eight months of the year, there were 66 irregular migration incidents, 1,736 irregular migrants, and 82 organisers caught. With the amendment made to Article 79, paragraph 1 of the Turkish Penal Code in 2023, the minimum penalty for the crime has been increased from 3 years to 5 years imprisonment. It is noted that while the minimum prison sentence has been increased, there has been no changes regarding the fines.

<sup>&</sup>lt;sup>105</sup> Euronews, 'Yunanistan, göçmen akınına karşı Türkiye sınırındaki çitleri 140 km daha uzatma kararı aldı',6 June 2022, available in Turkish here

Info Migrants, 23.01.2023, Greece expands border fence with Turkey and urges EU support - InfoMigrants.
 Daily Sabab. 18.02.2024, Türkiya'a main land border accordrop in migrants booding to Europa I Daily Sabab

Daily Sabah, 18.02.2024, Türkiye's main land border sees drop in migrants heading to Europe | Daily Sabah.
 Info Migrants, 21.08.2023, Bulgaria migrant pushbacks: What's behind the rise in violence at the Bulgarian-Turkish border? (1/4) - InfoMigrants.

<sup>&</sup>lt;sup>109</sup> 11.11.11. Illegality Without Borders Pushback Report 2023, February 2024, available here.

<sup>&</sup>lt;sup>110</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>111</sup> Daily Sabah, 18.02.2024, Türkiye's main land border sees drop in migrants heading to Europe | Daily Sabah

<sup>&</sup>lt;sup>112</sup> Ibid.

<sup>&</sup>lt;sup>113</sup> Annual report for 2023 from Aegean Boat Report, available here.

<sup>&</sup>lt;sup>114</sup> IHA, 30.12.2023, 2023'te bin 879 düzensiz göç olayı yaşandı, available here.

<sup>&</sup>lt;sup>115</sup> Sahil Güvenlik Dergisi Ekim Sayısı, October 2023, available here.

Compared the previous years, more families, with children were trying to cross via sea. It is worrying that the number of people who have been registered in Türkiye, and lived there for longer periods increased among the people who attempted to cross to Europe in 2023<sup>116</sup>. This means that these people will lose their rights to access education, healthcare, employment and others, as a consequence more children will be out of school and an increasing number of people will find themselves inprecarious situations in Türkiye. Predicted reasons can be listed as, earthquakes, deepening economic crisis with a high inflation rate, discourses used in the election campaign on "sending migrants back" increased anti-refugee sentiments, and problems on accessing housing<sup>117</sup>. Concerns have been raised about the possible negative impact of the EU Pact on migration and asylum on asylum seekers attempting the crossing, as it is started to be heard that EU policies will be getting more restricted<sup>118</sup>. The top nationalities among the migrants attempting to cross the Aegean are Afghans, Syrians, and Palestinians. In 2023, there were increases in the numbers of Congolese and Yemenis, in 2024 Sudanese people are also using this route<sup>119</sup>. There are also unaccompanied minors among those who are rescued at sea, mainly Syrian, Afghan, and Egyptian, there are cases when they are registered as adults<sup>120</sup> the number of crossing attempts increased following the general election. After settling of the mobile migration points in the main crossing cities, the numbers decreased. For instance, in İzmir, mobile migration points were introduced in October 2023, and there is mobile migration vehicle moving through the main crossing points by the coast<sup>121</sup>.

The Ombudsman Institution in Ankara has monitored the pushbacks in İzmir, Aydın, and Van and published a report in June 2022.<sup>122</sup> 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.

The Facility for Refugees in Turkey previously has funded a project under the first tranche for a total of EUR 80 million to strengthen the capacity of the Turkish Coast Guard to carry out search and rescue operations<sup>123</sup>.

### **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. The main airport is now the new İstanbul Airport. It should be noted that visa restrictions have applied to Syrian nationals arriving from third countries by air and sea since 2016. 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.

According to the legal framework, the conditions for foreigners who are not allowed to enter Türkiye should not be interpreted or applied in a way that prevents them from applying for international protection. However, it is very difficult to apply for international protection at airports, and individuals are often unable to submit their applications. Similarly, to previous years, in 2023, it continues to be difficult to apply for asylum at the airport. The conditions worsened in transit zones, especially at the Istanbul Airport. In airport transit

<sup>&</sup>lt;sup>116</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>117</sup> Information provided by stakeholders, March - April 2024.

Information provided by stakeholders, March - April 2024.
 Information provided by a stakeholder. March 2024.

<sup>&</sup>lt;sup>119</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>120</sup> Information provided by a stakeholder, Macrh 2024.

<sup>&</sup>lt;sup>121</sup> Information provided by stakeholders, March – April 2024.

Republic of Türkiye The Ombudsman Institution, "Pushbacks" on Human Rights", June 2022, available here.

<sup>&</sup>lt;sup>123</sup> EC, Seventh Annual Report of the Facility for Refugees in Turkey, COM(2023) 543 final, 22 September 2023, Brussels.

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 no longer grant.

The common practice appears to be either explicitly or implicitly rejecting applications by not processing them. Finding a contact person to apply for international protection and receiving a response is particularly challenging at the airport. Even if lawyers manage to submit a file, receiving a response is unlikely. This issue remains one of the blind spots. When it is not possible to reach immigration authorities, files are not processed, effectively blocking the right to petition.

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**.

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.<sup>124</sup> A Syrian was returned to Lebanon at Sabiha Gokcen Airport based on the issuance of an entry code. However, as he had never entered Türkiye before, his lawyer challenged the decision.<sup>125</sup> In one case, the person stayed in the transit area for 7-8 months, an international protection application was received but ultimately rejected. The meetings with lawyers take place in a publicly accessible space, without any attorney-client privacy<sup>126</sup>.

The Constitutional Court of Türkiye unanimously rejected the claim of a Cameroonian applicant, who was held in the inadmissible passenger waiting area at Istanbul Airport for about seven months after attempting to enter the country with a fake passport, that his right to liberty and security under Article 19 of the Constitution was violated. The rejection was based on the grounds that legal remedies had not been exhausted. The decision, published in the Official Gazette on February 1, 2023,<sup>127</sup> highlights that such detentions in airport transit zones are not considered administrative detention by authorities, as the foreigner can theoretically return to their home or a third country at any time. Consequently, no administrative detention orders are issued, and applications to review the legality of such detentions are often dismissed by judges for this reason.

The airline company which 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 people were kept in a place with no windows, no ventilation, with the lights were on 24 hours for nine months, and only cold airline sandwiches given to eat.<sup>128</sup>

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 Istanbul 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 limitations of that area as it is very difficult to access. If the applicant needs to apply to the court after receiving a decision, a lawyer can meet with that person at the border at the airport.

In 2023, stakeholders confirmed that it has been still difficult to obtain permission from the airport administration for a private interview with clients. Even when a lawyer manages to meet the client, it is almost impossible to submit an international protection application at the airport.<sup>129</sup> Accessibility to transit zones at **istanbul** airport remains a problem. Even if the person contacts an NGO or a lawyer, the transit

<sup>&</sup>lt;sup>124</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>125</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>126</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>127</sup> T.C. Resmî Gazete, 01.02.2023, https://www.resmigazete.gov.tr/01.02.2023.

<sup>&</sup>lt;sup>128</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>129</sup> Information from a stakeholder, May 2023.

zone administrator does not frequently inform lawyers and NGOs accurately.<sup>130</sup> To meet with migrants, lawyers are not allowed to enter the transit zone and are even some cases advised to buy a ticket to gain access to the area. There is a window in the middle of the meeting place, where passport control occurs, and lawyers can only meet with their clients while standing in a publicly accessible space, without any attorney-client privacy. Although meeting places were planned, the meetings have been made difficult for security reasons<sup>131</sup>.

If the person arrives with a fake passport, they are taken to a room called 'problematic passengers' room. 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.<sup>132</sup>

The report prepared by the Turkish Human Rights and Equality Institution (TİHEK)<sup>133</sup> in 2023, based on their unannounced visits to the Izmir Adnan Menderes Airport Transit Center, indicates overall positive improvements in the conditions at the center in the transit area. Passengers who are denied entry to Türkiye for reasons such as lack of valid travel documents, entry bans, or expired passports are directed to the Airport Working Group Directorate. Here, they are informed of the reasons for their denial and their legal rights and obligations, fingerprinted, and have their identity, country of origin, and airline recorded. Denied passengers undergo searches, with their belongings documented and stored securely. Searches are conducted by security personnel of the same gender. The waiting area includes three rooms: one for staff and two for passengers, separated by gender. Additional beds can be requested during busy periods, though the center typically holds no more than six passengers at a time. Unaccompanied minors are kept with family members or accompanying passengers, and denied passengers are usually quickly sent back to their country of origin or a third country they agree to.

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.<sup>134</sup>

### 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.<sup>135</sup> However, an exception to this rule was introduced by way of emergency decree in October 2016, providing that a deportation decision "may be taken at any time during the international protection proceedings" against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.<sup>136</sup> Law No 7070 on 1 February 2018 consolidated the reform. In 2022, it was reported that since 2011, 9,000 Foreign Terrorist Fighters from 102 different nationalities have been deported.<sup>137</sup>There is no specific data shared regarding 2023.

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.<sup>138</sup>

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

<sup>&</sup>lt;sup>130</sup> Information provided by a stakeholder, April 2023.

<sup>&</sup>lt;sup>131</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>132</sup> Information from a stakeholder, May 2023.

<sup>&</sup>lt;sup>133</sup> Turkish Human Rights and Equality Institution Reports, 2023, available here.

<sup>&</sup>lt;sup>134</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>135</sup> Article 80(1)(e) LFIP.

<sup>&</sup>lt;sup>136</sup> 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.

<sup>&</sup>lt;sup>137</sup> Daily Sabah, 'Turkey deports thousands of foreigners who disrupt public order', 21 July 2022, available here.

<sup>&</sup>lt;sup>138</sup> Article 77 Regulation No 28578 on Conditions of Probation, 5 March 2013, as amended by Article 1 Regulation No 30631 of 20 December 2018.

introduced by the Decree has been criticised for facilitating and exacerbating risks of arbitrary deportations jeopardising the life and safety of refugees.<sup>139</sup>

Amendments to the LFIP in 2019 allow for the travel costs for removal to be born by the deportee. If the individual does not have sufficient means, 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".<sup>140</sup> 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.

The country of deportation is not specified in deportation orders, which makes it questionable as to how assessment of the risk of refoulement is carried out as this assessment inherently requires an 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 assess risk of refoulement based on this assumption. However, there are some positive decisions problematise the non-specification of country of removal. In 2023, Kırklareli Administrative Court found a deportation decision of an Iranian national unlawful because the deportation order did not clearly specify the country to which the foreign national would be deported. The absence of a specified destination creates legal uncertainty for the foreign national, undermining the protections intended by the non-refoulement principle<sup>141</sup>.

There are also instances where the absence of a specified country of removal is used as an excuse to avoid conducting a risk assessment, assuming that the removal will adhere to the principle of non-refoulement. Administrative practice of non-specification of country of removal and its judicial oversight renders an effective risk assessment difficult.<sup>142</sup>

According to the Bar Association's statement<sup>143</sup>, there have been numerous complaints that migrants are being deported despite the administrative appeal period not having expired, or even after having filed a lawsuit against the deportation orders in accordance with Article 53/3 of the LFIP. An extensive survey among 47 bar associations revealed that these unlawful deportations are not isolated incidents but systematic administrative practices. Specifically, 376 lawyers reported that deportations were carried out before their clients could file an appeal within the 7-day period, and 314 lawyers noted that deportations proceeded despite notifying the authorities about the filed lawsuits. Furthermore, cases were documented where deportations occurred even after the Constitutional Court issued stay orders. Over half of those deported in such a manner were Syrian nationals, with others from Afghanistan, Iran, Iraq, and other

<sup>&</sup>lt;sup>139</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>140</sup> Aricle 60/3 (I) LFIP.

<sup>141</sup> T.C. Kırklareli idare mahkemesi, ESAS NO : 2023/322, KARAR NO : 2023/581

<sup>&</sup>lt;sup>142</sup> 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.

<sup>&</sup>lt;sup>143</sup> Barolar Birliği, 22.10.2023, Yabancı Müvekkillerinhaklarında Kesinleşmiş Bir Karar Olmaksızın Sınır Dışı Edilmelerine İlişkin Açıklama, here.

countries. Lawyers have taken multiple legal actions, including filing complaints with the Prosecutor's Office. Additionally, it was reported that different deportation methods are used, with particular concern for Afghans being pushed back at the Iranian border into dangerous situations involving criminal gangs. Ankara Bar Association published a statement to draw attention to unlawful deportations despite the fact that a lawsuit was filed for the annulment of the deportation decision and the relevant authority was notified<sup>144</sup>. According to LFIP, if a lawsuit is filed against the deportation decision, people cannot be deported until the final decision has been taken by the court.

PDMM has been using a 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 there was no information on Syrians being deported to Iran or another country based on this document.<sup>145</sup> As of the end of 2021 this form was still valid, but the country names had been changed; for example, **Russia** was included.<sup>146</sup> Another stakeholder mentioned that these countries are Dominican Republic, Malaysia, Sudan, and Ecuador in 2023<sup>147</sup>. According to stakeholders, no individual was deported to one of these countries. However, this practise might result in the cancellation of international protection and prevents individuals from re-applying for international protection.<sup>148</sup> In the case of an Afghan from the Hazara region, the 1<sup>st</sup> Administrative Court of Izmir discussed whether the deportation decision was suitable for his family and if the country of deportation was to be considered safe for him.<sup>149</sup>

### Security codes

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 and publicly available criteria.<sup>150</sup> 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 **İstanbul**.<sup>151</sup> The assessment of risks, conducted by the Risk Analysis Department as far as airports are concerned,<sup>152</sup> 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.<sup>153</sup> 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.<sup>154</sup>

Security codes can be only appealed before the 1<sup>st</sup> Administrative Court of **Ankara**, since they are issued by PMM Headquarters. In appeals against the issuance of security 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.<sup>155</sup> The court generally leaves a wide margin of discretion to PMM regarding 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 lack of evidence and others upholding them.<sup>156</sup> In Gaziantep, two rulings annulling the issuance of codes were recorded in 2022.<sup>157</sup> In one case, a Syrian resident challenged the G-87 code, deportation, and detention orders issued by the PMM in 2017. He won initially but lost at the regional court. His deportation was halted in 2018, and he regained his residence

<sup>&</sup>lt;sup>144</sup> Barosu, "Hukuka Aykiri Sinir Dişi Etme İşlemleri Durdurulmalidir!", 27.10.2023, available here.

<sup>&</sup>lt;sup>145</sup> Information provided by a stakeholder, March 2021 and March 2024.

<sup>&</sup>lt;sup>146</sup> Information from a stakeholder, May 2022.

<sup>&</sup>lt;sup>147</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>148</sup> Information from a stakeholder, May 2023.

<sup>&</sup>lt;sup>149</sup> Information from a stakeholder, May 2023.

<sup>&</sup>lt;sup>150</sup> Information provided by multiple stakeholders, May 2023.

<sup>&</sup>lt;sup>151</sup> Information provided by a stakeholder, May 2022 and March 2024.

<sup>&</sup>lt;sup>152</sup> Karar, 'Risk analiz merkezi kapılarını KARAR'a açtı', 28 April 2016, available in Turkish here.

<sup>&</sup>lt;sup>153</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>154</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>155</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>156</sup> For examples of decisions cancelling a "G87" code due to lack of evidence, see 1<sup>st</sup> Administrative Court of Ankara, Decision 2018/2207, 13 February 2019; Decision 2018/524, 14 March 2018.

<sup>&</sup>lt;sup>157</sup> Information provded by a stakeholder, May 2023.

permit. In January 2022, the PMM reissued the orders, but he won his cases as the PMM provided no specific evidence for the G-87 code. He received a humanitarian visa instead of a residence permit. In another case, a G-82 code was issued to an INGO employee due to alleged terrorist links of her employer. She was detained for a year, her deportation was suspended in 2021, but the administrative court upheld the deportation in 2022. She reapplied for temporary protection, with 15-20 others in similar situations in Gaziantep.<sup>158</sup>

Reports from lawyers suggest that individuals labelled with the code G-89 are often from Chechnya or the Caucasus, with most of them having entered Türkiye legally and valid residency permits for many years<sup>159</sup>. 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 explanation of this practice.<sup>160</sup> 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.<sup>161</sup> In many cases,<sup>162</sup> 1<sup>st</sup> Administrative Court of Ankara rulings annulling the issuance of a security restriction code are later overturned by higher instance courts.<sup>163</sup>

#### Operations targeting irregular migration

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 foreign citizens were known to stay, 127 organizers, 72 of whom were foreign nationals, were detained, and 2,028 irregular migrants were caught.<sup>164</sup> PMM regularly shared the number of irregular migrants caught. 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 between 2016 and 2022.<sup>165</sup> 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.<sup>166</sup>

In 2023, **Kalkan (Shield) operations**, are carried out against migrant smuggling organisers and irregular immigrants, especially in metropolitan and border cities, often where mobile migration points are located. As of June 2024, 24 Kalkan operations were carried out in various cities. Sometimes operations were carried out simultaneously in different cities, while sometimes operations were targeted a specific neighbourhood in a city. For instance, in October 2023, Minister of Interior Ali Yerlikaya announced that the "Kalkan" operations in Izmir, primarily in the Basmane district, resulted in the capture of 309 irregular migrants for deportation, and 1,257 personnel involved in the operation including checks in various locations<sup>167</sup>. In November 2023, it was announced that, 62 operations were carried out in the border towns during 3 days with the support of UAVs, helicopters, and gyrocopters, resulting in the arrest of 82 migrant smuggler and the capture of 1,222 irregular migrants<sup>168</sup>. From the beginning of 2023 to May 2023, 40,480 irregular immigrants were caught, 93% of them (37,785) were deported, and the total number of

<sup>&</sup>lt;sup>158</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>159</sup> Global Detention Project, Türkiye: Submission to the Committee against Torture, June 2024

<sup>&</sup>lt;sup>160</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>161</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>162</sup> See e.g. District of Ankara, Decision 2018/462, 7 September 2018, which overturned the 1<sup>st</sup> Administrative Court of Ankara Decision 2018/524 of 14 March 2018.

<sup>&</sup>lt;sup>163</sup> Information provided by multiple stakeholders, May 2023.

<sup>&</sup>lt;sup>164</sup> Anadolu Agency, 'Peace Practice' was carried out to combat irregular migration', 29 January 2022. Available in Turkish here.

PMM, '2016 Yılından Bu Yana Kolluk Birimlerimizce Toplam 38.117 Göçmen Kaçakçısı Yakalandı, 9.288'i Tutuklandı', 20 April 2022, available in Turkish here.

<sup>&</sup>lt;sup>166</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>167</sup> T.C. İçişleri Bakanlığı, "Kalkan" Operasyonları İle İzmir'de 309 Düzensiz Göçmen Yakalandı, 1 November 2023, available here.

<sup>&</sup>lt;sup>168</sup> T.C. İçişleri Bakanlığı, Türkiye Genelinde "KALKAN Operasyonu" Düzenlendi, 15.11.2023, available here.

deportations since 2016 reached 487,735<sup>169</sup>. The Minister of Interior, Ali Yerlikaya stated that between 1 June and 22 September 2023, 42,875 irregular immigrants were deported, and 105,488 foreigners whose visas and residence permits expired boarded the plane and left the country<sup>170</sup>. In 2023, 10,482 smugglers and 254,008 irregular migrants were apprehended, majority of whom were Afghan, Syrian, and Palestinian national<sup>171</sup>.

**Mobile migration points**<sup>172</sup>, which were first stated as İstanbul model, carry out identity checks of foreigners they suspect of being irregular migrants by law enforcement units (police, and gendarmerie) and if the document that allows the legal stay cannot be shown or if any issues arise, they are being taken to mobile migration points where the PMM staff can query data with fingerprints. When foreigners who do not have a legal right to stay in Türkiye are identified, they are sent to the removal centres and the administrative detention and deportation process is initiated. The total number of mobile migration points is 162 in 30 metropolitan cities, 103 only in Istanbul<sup>173</sup>. In practice, according to observation of some stakeholders, there are some unofficial quotas for each police to capture certain numbers of migrants<sup>174</sup>.

Afghans have been labeled as 'illegal migrants' by the press and government officials, facing restrictive measures. In January 2022, Türkiye resumed deporting 'illegal Afghans' via Ariana Airlines and charter flights. Former Minister Soylu mentioned that five charter flights were departing every 3-5 days<sup>175</sup>. By September 2022, 186 charter flights had returned 44,786 Afghans, and by October 2022, 78,716 irregular migrants had been deported since January 2022. Deportations of Afghans increased by 146% over 2022<sup>176</sup>, and continue during 2023. The detailed data regarding the charter flights have not been shared in 2023. In the first quarter of 2023, the number of immigrants deported from all nationalities was 21,211. With the 15 charter flights 2,319 migrants and with scheduled flights, 4,526 migrants were deported to Afghanistan<sup>177</sup>. Sometimes Afghans are deported to Pakistan with the charter flights with Pakistan nationals<sup>178</sup>. The other statements regarding deportations did not provide the details regarding the nationalities.

The vast majority of returns from removal centres are believed not to be voluntary andthere are serious concerns about people being forced to sign voluntary return forms.<sup>179</sup> Detained migrants also frequently criticised the conditions in detention centres.<sup>180</sup> As defined in a report<sup>181</sup> the conditions in the removal centres 'contribute the degradation of the individual's dignity and constituting forms of mistreatment, violating the rights of detainees and perpetuating their suffering'. Although legally lawyers can appeal a deportation decision and applicants are allowed to remain in the territory until the time for exercising their right to an effective remedy expires, in practice this rule is not always applied, and the risk of deportation remains<sup>182</sup>.

## 2.2. Appeal before the Administrative Court

<sup>&</sup>lt;sup>169</sup> PMM, 20.05.2023, Son Günlerde Sınırlarımızda Çekildiği İddiasıyla Dolaşıma Sokulan Gerçek Dışı Paylaşımlara İlişkin Basın Açıklaması available here.

<sup>&</sup>lt;sup>170</sup> TRT Haber, Bakan Yerlikaya: 42 bin 875 düzensiz göçmen sınır dışı edildi - Son Dakika Haberleri, available here 27 September 2023.

<sup>&</sup>lt;sup>171</sup> PMM, Statistics, 2023, available here.

<sup>&</sup>lt;sup>172</sup> Haber Turk, Göç İdaresi Başkanı Toros: 1 Haziran'dan bu yana 45 bin 454 göçmen sınır dışı edildi, 5 October 2023, available here.

<sup>&</sup>lt;sup>173</sup> PMM, 27.02.2024, Düzensiz Göçmenlerin Tespitini Kolaylaştıran ve Hızlandıran Mobil Göç Noktası Araçlarının Sayısı 162'ye Çıktı available here.

<sup>&</sup>lt;sup>174</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>175</sup> Duvar, 'Minister Soylu: Süleyman Soylu: We will not give temporary protection to those coming from Damascus', available in Turkish here.

<sup>&</sup>lt;sup>176</sup> PMM, 'Yılbaşından Bugüne 72.578 Kaçak Göçmen Sınır Dışı Edildi', 23 August 2022, available in Turkish here

<sup>&</sup>lt;sup>177</sup> TRT Haber, 13.03.2023, Sınır dışı edilen düzensiz göçmen sayısı 21 bin 211'e ulaştı, available here

<sup>&</sup>lt;sup>178</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>179</sup> Information provided by multiple stakeholders, May 2023 & Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>180</sup> Asya Robins, 'Sınır dışı kararı verilen İranlı mülteciler geri gönderme merkezindeki koşulları anlattı: 'Şiddet normal bir şey'', *BBC News*, 16 February 2022, available here.

<sup>&</sup>lt;sup>181</sup> Global Detention Project, Türkiye: Submission to the Committee against Torture, June 2024.

<sup>&</sup>lt;sup>182</sup> Bianet, 21.09.2023, "Bir Geri Gönderme Merkezine günde 6 bin kişi götürülüyor" available here.

The appeal against a deportation decision is a remedy separate from remedies in the international protection procedure.<sup>183</sup> It has an 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.<sup>184</sup> Appeals are made with legal counsel or by a direct petition to the court.

However, removal decisions must be appealed before the Administrative Court within seven days of notification.<sup>185</sup> Deportation decisions are often poorly communicated to individuals, hindering their ability to notify legal representatives or family members, this lack of communication obstructs timely appeals. In practice, detainees face obstacles in accessing legal representation, as lawyers are frequently misinformed about the detainee's location or case status, significantly delaying legal assistance<sup>186</sup>. In 2023, the practice of frequent transfer of individuals, including unaccompanied minors whose age appeared to be over 18 on paper<sup>187</sup>, from one centre to another centre made it very hard for the lawyers to trace the location and to reach out to the person<sup>188</sup>. Accessing information about foreigners detained is very difficult due to the lack of a centralised system<sup>189</sup> and Lawyers reported difficulties in trying 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<sup>190</sup>. 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, which creates significant problems, 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. The 1st Administrative Court of **Izmir** requested the Constitutional Court to conduct a normative review of the seven-day limit in January 2023.<sup>191</sup>

The Constitutional Court of Türkiye reviewed a petition challenging the reduction of the appeal period for deportation orders from 15 days to 7 days as stipulated in Article 53, Paragraph 3 of the LFIP. The arguments highlighted that the shortened appeal period is of vital importance because it undermines constitutional guarantees, making deportation easier and preventing foreigners in removal centres from adequately understanding their right to appeal or accessing a lawyer. Difficulties in determining the location of detained foreigners and other obstacles, such as not speaking Turkish, lack of financial means, and being under surveillance in removal centres, were cited as reasons why the 7-day period is insufficient, thus excessively restricting the right to seek legal remedy and defend against deportation, potentially leading to ill-treatment in their home countries. The Constitutional Court found that the reduction was justified by the need to limit the freedom of foreigners and reduce accommodation costs. Referring to the European Convention on Human Rights Protocol No. 7, it noted that while it mandates an opportunity to challenge deportation decisions, it does not specify a minimum appeal period. Concluding that the 7-day period was not excessively short to the extent that it prevents the preparation of an appeal or securing legal representation, it ruled that the 7-day appeal period did not violate the Constitution, without addressing the mentioned challenges<sup>192</sup>.

The mere existence of a criminal 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

<sup>&</sup>lt;sup>183</sup> Article 53 LFIP.

Law No 7196 amending several acts, 6 December 2019, available in Turkish here.

<sup>&</sup>lt;sup>185</sup> 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 here.

<sup>&</sup>lt;sup>186</sup> Global Detention Project, Türkiye: Submission to the Committee against Torture, June 2024 & Information provide by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>187</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>188</sup> Information provided by stakeholders, March 2024.

 <sup>&</sup>lt;sup>189</sup> Global Detention Project, Türkiye: Submission to the Committee against Torture, 12 June 2024, available here.
 <sup>190</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>191</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>192</sup> Resmi Gazete, 27.06.2023, available here.

whose trial was pending and brought before the court due to a summary offense.<sup>193</sup> The quality of decisions often depends on the judges. For instance, with the appointment of a judge to the **Gaziantep** Magistrates' Court, the quality of decisions improved slightly. For instance, if a criminal proceeding is pending against the applicant, the judge ruled that the deportation must halt until its conclusion.<sup>194</sup> At the same time, however, the quality of criminal cases' decisions in which the defendant is a foreigner appeared to drop.<sup>195</sup>

There are data verification centres for refugees in **İzmir** where individuals can update the information on their ID cards as well as 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 require the existence of a final judgment - it is sufficient to identify a criminal file linked to the foreigner. In the past, in data verification centres, deportation procedures could be initiated 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.<sup>196</sup>

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 2023 there were some positive decisions to annulle deportations. In the case of an Afghan asylum seeker, the **Istanbul** 15<sup>th</sup> Administrative Court<sup>197</sup> found that the authorities did not conduct an adequate and legally acceptable investigation into the risks to the asylum seeker' life if returned to Afghanistan and noted the lack of consent to return. Thus, the deportation decision was deemed unlawful and annulled. It was determined that the deportation decision was made without sufficient investigation into whether the asylum seeker was among those who could not be deported. **Erzurum** Administrative Court<sup>198</sup> annulled the deportation decision for an Afghan family, which lacked legal compliance as it did not sufficiently investigate if the person fells under the exceptions in Article 55 of Law No. 6548 and as deportation based solely on violating the entry ban is contrary to the relevant legal provisions. **Edirne** and Erzurum Administrative Courts decided to cancel the deportation decisions for Afghan nationals who or whose families worked in or with the military before due to the lack of a sufficient investigation to identify whether they would not be sent back to their country and whether there was a real risk of violation in the country in question.

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.<sup>199</sup> 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 of transparency.<sup>200</sup> Problems regarding voluntary returns and the process remained the same in 2023. (For more details, see Temporary Protection Procedure section) Voluntary returns are ongoing and those who returned are mostly Syrians.<sup>201</sup> According to Human Rights Watch<sup>202</sup>, since 2017, thousands of Syrian refugees have been often coerced into signing "voluntary" return forms and deported to northern Syria, in July 2023 alone, Türkiye sent back over 1,700 Syrians into the Tel Abyad area. PMM mentioned in the Annual Report 2023 there was 30% increase in voluntary and safe returns<sup>203</sup>.

<sup>&</sup>lt;sup>193</sup> Information provided by a stakeholder, May 2022.

<sup>&</sup>lt;sup>194</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>195</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>196</sup> Information provided by a stakeholder, May 2022.

<sup>&</sup>lt;sup>197</sup> T.C. Istanbul 15. Idare Mahkemesi, Esas No : 2022/1043, KARAR NO : 2023/3169.

<sup>&</sup>lt;sup>198</sup> T.C. Erzurum, 1. Idare Mahkemesi, Esas No : 2023/Karar No : 2023/1633.

<sup>&</sup>lt;sup>199</sup> Mülteci-Der, *Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Türkiye*, 4 December 2019, available here.

<sup>&</sup>lt;sup>200</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>201</sup> Information provided by a stakeholder, May 2023 & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>202</sup> HRW, "Everything is by the Power of the Weapon", 29 February 2024, available here.

<sup>&</sup>lt;sup>203</sup> PMM, Faaliyet Raporu 2023, available here.

Stakeholders kept reporting that people who had been persuaded to sign a voluntary return form from removal centres came back to Türkiye in 2023. 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, people either cannot access registration or their applications are rejected, and they have to appeal against the decision.<sup>204</sup>

## 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.<sup>205</sup>

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 the 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.<sup>206</sup> Lawyers no longer directly apply to the Constitutional Court when an administrative entity unlawfully deports their client but to the relevant administrative court.

On February 15, 2023, the Constitutional Court General Assembly ruled on the application of Wisam Sulaiman Dawood Eaqadah (Application No: 2021/2831). The Court decided that the claims regarding the violation of the prohibition of ill-treatment and the right to an effective remedy in connection with the freedom of settlement, within the context of procedural safeguards in deportation processes, were clearly unfounded and therefore inadmissible. In the Abdulkerim Hammud decision (Application No. 2019/24388, Decision Date May 2, 2023), the Constitutional Court of Türkiye examined, for the first time, an individual application alleging forced return to Syria. The Court unanimously ruled that there had been violations of the right to life and the prohibition of ill-treatment as protected under Article 17 of the Constitution, as well as the right to an effective remedy under Article 40, in parallel with the European Court of Human Rights decision in Akkad v. Turkey.

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.<sup>207</sup> In 2022, the European Court of Human Rights found a violation of articles 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<sup>208</sup>.

On February 6, 2024, the European Court of Human Rights (ECtHR) delivered its judgment in the case of *J.A. and A.A. v. Türkiye* (case no. 80206/17)<sup>209</sup>. The case involved Iraqi applicants and their four children who entered Türkiye in 2014 with valid tourist visas after ISIS bombed their house in Iraq. They had applied for residence permits but were arrested and faced deportation. They submitted an asylum request and challenged the deportation order. The ECtHR emphasised the obligation of states to thoroughly assess the risk of ill-treatment in the destination country by rigorously examining asylum applications. The Court found

<sup>&</sup>lt;sup>204</sup> Information provided by a stakeholder, May 2023 & Information provided by a stakeholder, April 2024

<sup>&</sup>lt;sup>205</sup> Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.

<sup>&</sup>lt;sup>206</sup> Law No 7196 amending several acts, 6 December 2019, in Turkish here.

<sup>&</sup>lt;sup>207</sup> On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings. ECHR, Akkad v. Turkiye, application number: 1557/19, 21 June 2022 available here.

<sup>&</sup>lt;sup>208</sup> AKKAD/ TÜRKİYE KARARI (Başvuru No : 1557/19) AKKAD v. TURKEY [Turkish Translation] by İstanbul Bar Association, available here.

<sup>&</sup>lt;sup>209</sup> CASE OF J.A. AND A.A. v. TÜRKİYE (Application no. 80206/17), available here.

that Turkish authorities failed to adequately assess the applicants' asylum requests and did not inform them properly about the rejection or the deportation orders. The Istanbul Administrative Court and the Constitutional Court did not sufficiently consider the risk of ill-treatment in Iraq. Consequently, the ECtHR concluded that deporting the applicants to Iraq would violate Articles 2 and 3 of the Convention, which protect the right to life and prohibit torture and inhuman or degrading treatment<sup>210</sup>. On 21 March 2024, another decision ruled by ECtHR<sup>211</sup> (application no. 14820/19) on the deportation of an Iranian applicant faced expulsion to Iran, where she alleged that she would be at real risk of life imprisonment or death due to her conversion from Islam to Christianity. The Court unanimously held that deporting the applicant without a comprehensive evaluation of the risks involved would breach her rights under Articles 2 and 3 of the Convention.

## 3. Registration of the asylum application

1.	Indicators: Registration Are specific time limits laid down in law for making an application? If so, what is the time limit for lodging an application?	□ Yes 🛛 No
2.	<ul> <li>Are specific time limits laid down in law for lodging an application?</li> <li>If so, what is the time limit for lodging an application?</li> <li>The applicant has to register at a PDMM within 15 days.</li> </ul>	🛛 Yes 🗌 No
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 res examination?	ponsible for its ⊠ Yes
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.<sup>212</sup>

## 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.<sup>213</sup> 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 adult children as per Article 3(1)(a) LFIP.<sup>214</sup> 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 to make a request for an international protection request, officials from the PDMM may be directed to the applicant's location in order to process the application.<sup>215</sup> 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

<sup>&</sup>lt;sup>210</sup> Ibid.

ECtHR, CASE OF B.S. v. TÜRKİYE (Application no. 14820/19), Strasbourg, 21 March 2024, available here.

<sup>&</sup>lt;sup>212</sup> 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.

<sup>&</sup>lt;sup>213</sup> Article 65(1) LFIP.

<sup>&</sup>lt;sup>214</sup> Article 65(3) LFIP.

Article 65(1) RFIP.

may be carried out in the locations where they are.<sup>216</sup> 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.<sup>217</sup>

The LFIP states that applications for international protection shall be registered by the PDMM.<sup>218</sup> Applicants can request and shall be provided interpretation services for the purpose of the registration interview and later the personal interview.<sup>219</sup>

Access to the international protection procedure changed substantially in 2018 when the operation of RSD procedures by UNHCR were ceased. Applications for international protection are now registered solely by the PDMM in 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.<sup>220</sup>

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.<sup>221</sup> The trend of not being able to apply for protection in case of residing in Türkiye previously with residence permit continued in 2023.

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.<sup>222</sup> 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.<sup>223</sup>

In practice, the takeover of the process by PMM in September 2018 resulted in obstacles to access to the asylum procedure. Issues persisted in 2023 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.<sup>224</sup> Accessing the application remains very difficult in 2023<sup>225</sup>, the registration system remained the most significant barrier to accessing basic rights and services in 2023. Access to international protection registration became nearly impossible in certain provinces that were identified as closed for new applications and especially for certain groups without any specific vulnerabilities. Single women, people with serious health issues, and families, more often, were able to access the application. However, single men from Afghanistan, Pakistan, and Uzbekistan, faced significant challenges to be able to access

<sup>216</sup> Article 65(2) RFIP.

<sup>217</sup> Article 65(1) RFIP.

<sup>218</sup> Article 69(1) LFIP.

<sup>219</sup> Article 70(2) LFIP.

<sup>220</sup> UNHCR, TÜRKIYE 2021 Operational Highlights', 2022, available at: https://bit.ly/3rwWHGT.

<sup>221</sup> Information provided by a stakeholder, April 2023.

<sup>222</sup> Article 70(4) RFIP.

<sup>223</sup> Article 66(2) RFIP.

<sup>224</sup> Fabrizio Foschini, 'Between the Devil and the Deep Blue Sea: No good options for Afghans travelling to and from Turkey', 16 May 2022, available here & Information provided by stakeholders, March – April 2024. 225

Information provided by stakeholders, March- April 2024.

application. The main public policy has seemed to be to leave people unregistered to push them to leave Türkiye or decrease the official numbers, except in vulnerable cases.<sup>226</sup>

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 a shelter and through the efforts of the Ministry of Family and Social Affairs.<sup>227</sup> For instance, Afghan women with Hazara ethnic identity, and Afghan men who served in the military in Afghanistan (if they could prove their claims) could access applications faster, however, there were some cases who held student residence permits wanted to apply for protection after the Taliban took over were not able to access the application<sup>228</sup>.

The registration interview serves to compile information and any documents from the applicant to identify identity, flight reasons, and experiences after departure from the country of origin, travel route, mode of arrival in Türkiye, and any previous applications for international protection in another country.<sup>229</sup> 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.<sup>230</sup> 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.<sup>231</sup>

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.<sup>232</sup> Information on any special needs shall also be recorded.<sup>233</sup> 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.<sup>234</sup>

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.<sup>235</sup> 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.<sup>236</sup> A printed version of the registration form filled in electronically is also handed to the applicant.<sup>237</sup>

The law states that the applicant will receive an International Protection Applicant Identification Card upon completion of registration.<sup>238</sup> The Ministry carries out the renewal and extension of International Protection Applicant Identification Card.<sup>239</sup> As of 24 December 2019, the LFIP provides that this document is also

<sup>235</sup> Article 65(5) RFIP.

<sup>237</sup> Article 70(7) RFIP.

<sup>&</sup>lt;sup>226</sup> Information provided by a stakeholder, May 2023 & Information provided by stakeholders, March- April 2024.

<sup>&</sup>lt;sup>227</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>228</sup> Information provided by stakeholders, March- April 2024.

<sup>&</sup>lt;sup>229</sup> Article 69(2)-(4) LFIP.

<sup>&</sup>lt;sup>230</sup> Article 69(2) LFIP; Article 69(4) RFIP.

<sup>&</sup>lt;sup>231</sup> Article 69(3) LFIP; Article 69(3) RFIP.

<sup>&</sup>lt;sup>232</sup> Article 69(6) LFIP.

<sup>&</sup>lt;sup>233</sup> Article 70(5) RFIP.

<sup>&</sup>lt;sup>234</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>236</sup> Article 70(6) RFIP.

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

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

issued to applicants falling under the Accelerated Procedure or the inadmissibility provisions,<sup>240</sup> and the obligation to renew Identification Cards every six months was abolished.<sup>241</sup>

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 which 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 to 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<sup>242</sup> (see Detention of Asylum Seekers).

On 30 June 2022, PMM announced that 1,169 districts would be closed to protection seekers registrations as of 1 July 2022 except for newborn registration and family reunifications. In early 2022, the previously unconfirmed 'satellite city' policy was publicly confirmed with the announcement of the 'deconcentration policy.<sup>243</sup> Neighbourhoods with a 25% refugee density had been completely closed to registration, including Fatih, Esenvurt, Avcılar, Bahcelievler, Basaksehir, Bağcılar, Esenler, Kücükcekmece, Sultangazi and Zeytinburnu in **İstanbul**. The percentage later decreased to 20% and it is prohibited by PMM for any region or area in Türkiye to have a population of foreign nationals that is more than one-fifth of the total population. This includes both people who have made Türkiye their permanent home and those who are merely visiting the country. These disticts are disclosed 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. Because of this, no non-Turkish national are 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 58 cities (Adana, Adiyaman, Afyon, Ağrı, Aksaray, Amasya, Ankara, Antalya, Bartın, Batman, Bilecik, Bingöl, Bolu, Burdur, Bursa, Canakkale, Cankırı, Corum, Diyarbakır, Düzce, Elazığ, Erzincan, Gaziantep, Giresun, Gümüşhane, Hatay, Iğdır, İsparta, İstanbul, İzmir, Kahramanmaraş, Karabük, Kastamonu, Kayseri, Kırklareli, Kırşehir, Kilis, Konya, Kütahya, Malatya, Mardin, Mersin, Muğla, Muş, Nevşehir, Niğde, Osmaniye, Rize, Sakarya, Samsun, Sinop, Sivas, Şanlıurfa, Tokat, Trabzon, Uşak, Yalova, Yozgat).<sup>244</sup> According to the latest notice in 2023, the number of districts remains the same, but the number of cities increased to 63 without any details of which cities are added<sup>245</sup>.

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 its 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 marginalised groups such as LGBTIQ+. 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.<sup>246</sup>

In 2023, the procedures varied from one city to another<sup>247</sup>. While the PDMM accepts applications, it refers them to satellite cities, considering factors such as the residence of family members. Recently, applicants were not referred to the cities where crossing into the EU could happen<sup>248</sup>. Sometimes, the PDMM in the city where the application was first registered provides a temporary ID with setting a time limit for the applicant to visit the relevant PDMM in the referred city. In such cases, applicants can often apply for

<sup>&</sup>lt;sup>240</sup> Article 76(2) LFIP.

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

<sup>&</sup>lt;sup>242</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>243</sup> Ikamet, Türkiye Closes 781 Neighborhoods to Foreigners, Addresses, May 22, available in English here

PMM, 'Mahalle Kapatma Duyurusu hk.', 30 June 2022, available in Turkish at: https://bit.ly/44zWSQk.

PMM, "İstanbul'da 39 İlçenin Yabancıların İkamet İzinlerine Kapatıldığı" İddialarına İlişkin Basın Açıklaması, 16 July 2023, available here

<sup>&</sup>lt;sup>246</sup> Information provided by a stakeholder, May 2022.

<sup>&</sup>lt;sup>247</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>248</sup> Information provided by stakeholders, March – April 2024.

protection in the referred city without any significant issues. In Istanbul<sup>249</sup>, accessing the application process is challenging, and referrals to other provinces are sometimes done verbally without providing any official document. While there has been slight improvement over the past year, only a few cases with serious vulnerabilities, such as severe health issues or disabilities, were successfully registered in Istanbul in 2023. Some of the PDMMs<sup>250</sup> requires a rental contract for registration, yet undocumented individuals face fines for renting, creating a paradoxical barrier. In Izmir, applications are rarely accepted except for very vulnerable cases, with applicants directed to provinces like Afyon, Uşak, and Manisa. In Edirne and Kırklareli, accessing registration is comparatively easier and faster. In Van, registration is difficult to access, and interview appointments are scheduled far in the future. Similar to other provinces, in Ağrı access to registration over the past year; however, personal interviews are not conducted promptly making the application impossible.<sup>251</sup> Gaziantep is closed for registration, but Adana and Malatya frequently serve as referral cities. Previously, LGBTIQ+ individuals were referred to certain cities, such as Eskişehir, Yalova, Isparta, and Denizli, it is not the case anymore in 2023<sup>252</sup>.

In some PDMM offices, there is a misconception that only those who arrive irregularly can apply for international protection<sup>253</sup>. This creates difficulties for individuals who previously held any type of residence permit and now need protection due to changes in their home countries, as well as for those under alternatives to detention.

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 traveled 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.<sup>254</sup> Unauthorised departure from the province of registration without a valid excuse and travel permit results in the application for international protection is deemed withdrawn, and in judicial appeals against withdrawal decisions, economic reasons are frequently not regarded as a legitimate excuse.<sup>255</sup>

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, PDMM practices constantly change and even lawyers sometimes have trouble accessing the PDMM premises. The director of the Şanlıurfa 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 Muş PDMM.<sup>256</sup>

The Izmir Bar Association's Migration and Asylum Commission highlighted various issues and rights violations faced by foreigners and lawyers during and after international protection applications in their report. The report<sup>257</sup> pointed out legal irregularities and inconsistencies across different provinces, including: applications not being registered, lawyers and applicants being made to wait for long hours, lack of suitable waiting areas leading to adverse physical conditions for lawyers and vulnerable applicants, applicants being deprived of basic human rights such as education and healthcare due to not being issued international protection applicant IDs.

<sup>&</sup>lt;sup>249</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>250</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>251</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>252</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>253</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>254</sup> Information provided by various stakeholders, May-June 2023

<sup>&</sup>lt;sup>255</sup> 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) 112-120.

<sup>&</sup>lt;sup>256</sup> Gazete Duvar, 'Şanlıurfa İl Göç İdaresi'nde neler oluyor?', 11 July 2022, available in Turkish here.

<sup>&</sup>lt;sup>257</sup> Uluslararası Koruma Başvurusu Sırasında Yabancıların ve Avukatların Yaşadığı Sorunlar ve Yaşanan Hak İhlalleri İle İlgili Rapor Hazırlandı, available here.

In 2023, 19,017 individuals applied for international protection<sup>258</sup>, a decrease from the registrations in previous year (33,246 applications) potentially due to the above-mentioned difficulties, earthquakes, and deepened economic crisis.

The EU launched a project in April 2022 to be implemented during three years 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) to support the asylum-seeking processes.<sup>259</sup> The expected outcomes are to strengthen and maintain the effectiveness of the procedures, to establish quality assurance for an effective and sustainable system in the 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.<sup>260</sup>

## 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 the border<sup>261</sup>, the PDMM shall be notified "at once" and shall process the application.<sup>262</sup> Applications for international protection indicated by persons in detention shall also be notified to the PDMM "at once".<sup>263</sup> In addition to Removal Centres for pre-removal detention on territory, there is one facility in the transit zone of **Ankara Esenboğa Airport**, which serves to detain persons intercepted in transit or during an attempt to enter Türkiye (see Place of Detention).

Persons whose international protection application are 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". This form requires them to regularly report to a designated PDMM whichmay or may not be the PDMM of their province of residence (see Alternatives to Detention).<sup>264</sup>

Despite the legal safeguards provided by the LFIP to secure access to the asylum procedure, people in Removal Centres continue to encounter some difficulties in having their applications for international protection registered by the PDMM,<sup>265</sup> access to asylum and legal assistance is problematic. In certain centres, there have been testimonies of mandatory signing of return forms, leading to significant rights violations<sup>266</sup>. Asylum seekers lack clear information about the procedures being applied to them while they are in the centres. In **Harmandali**, document registration numbers are not provided for applications, which makes it very difficult to follow the cases; in **Van**, applications are registered however the applications of very few applicants with serious health issues were assessed, on the other hand in **Edirne**, the applications are received and interviews regarding their applications are conducted<sup>267</sup>.

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

<sup>&</sup>lt;sup>258</sup> PMM, Statistics, 2023, available here

PMM, 1 April 2022, 'Ulusal İltica Prosedürlerinin Etkinliğinin Kuvvetlendirilmesine İlişkin Projenin Açılış Toplantısı Gerçekleştirildi', available in Turkish here & UNHRC, 31.03.2022, Press Release: Reinforce Effectiveness of National Asylum Procedures in Compliance with International Standards and National Legislation

<sup>&</sup>lt;sup>260</sup> Ministry of Foreign Affairs, 'Ulusal Sığınma Prosedürlerinin Etkinliğinin Uluslararası Standartlar ve Ulusal Mevzuata Uygun Olarak Kuvvetlendirilmesi ', 14 October 2022, available in Turkish here

<sup>&</sup>lt;sup>261</sup> 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.

<sup>&</sup>lt;sup>262</sup> Article 65(2) LFIP.

<sup>&</sup>lt;sup>263</sup> Article 65(5) LFIP.

<sup>&</sup>lt;sup>264</sup> Information provided by a stakeholder, February 2019.

<sup>&</sup>lt;sup>265</sup> Information provided by multiple stakeholders, May 2023.

<sup>&</sup>lt;sup>266</sup> Information provided by multiple stakeholders, March – April 2024.

<sup>&</sup>lt;sup>267</sup> Information provided by multiple stakeholders, March – April 2024.

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.<sup>268</sup> 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 the end of 2023<sup>269</sup> (See the AIDA Country Report: Greece 2023). As of June 2023, the number of Syrians readmitted by Türkiye is 394.<sup>270</sup>

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).<sup>271</sup>

#### **C. Procedures**

#### 1. Regular procedure

#### 1.1. General (scope, time limits)

1.	Indicators: Regular Procedure: General Time limit set in law for the determining authority to make a decision on t first instance:	he asylum application at 6 months
2.	Are detailed reasons for the rejection at first instance of an asylum applic applicant in writing?	ation shared with the ☐ Yes ⊠ No
3.	Backlog of pending cases at first instance as of 31 December 2023:	Not available

Applications for international protection shall be examined and decided upon by PMM.<sup>272</sup> "Migration experts" from the Department of International Protection oversee the processing of applications at Headquarters and the PDMM.

The interviews shall be held within 30 days after registration and decision shall be issued within 6 months from registration.<sup>273</sup> 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, sometimes for 5 to 8 years<sup>274</sup>, for a decision to be taken on their application.<sup>275</sup>Although their IDs should not be confiscated before a definitive rejection decision, this is done in practice, leading to significant difficulties in accessing rights<sup>276</sup>.

Although the application process is lengthy, rejection responses sometimes come faster, especially for single men, rejections often result from insufficient information and documentation, failure to meet the burden of proof, or inadequate supporting evidence<sup>277</sup>. In 2023, rejections increased significantly. Information about acceptance rates or decision-making times is lacking. In 2023, 94,506, and in 2022, 51, 472 decisions were taken by PMM<sup>278</sup>.

<sup>&</sup>lt;sup>268</sup> UNHCR, *Returns from Greece to Türkiye*, 31 January 2020, available here.

<sup>&</sup>lt;sup>269</sup> International Rescue Committee, 'What is the EU-Türkiye deal?,' 18 March 2021, available here.

<sup>&</sup>lt;sup>270</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>271</sup> Daily News, 'Greek forces pushback dozens of Syrian refugees into Turkey', 31 May 2022, available here.

Article 78 LFIP.

<sup>&</sup>lt;sup>273</sup> Article 78(1) LFIP.

KAOS GL, 10 şehirden avukatlar, mülteci LGBTİ+'ların hakları için buluştu, 6.12.2023, available here.

<sup>&</sup>lt;sup>275</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>276</sup> Information shared by a stakeholder, March 2024.

<sup>&</sup>lt;sup>277</sup> Information shared by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>278</sup> PMM, Faaliyet Raporu 2023, available here.

IP applications of people holding International Protection status from UNHCR and living in Türkiye for 10 years and 12 years were kept on shelves but as of 2021, it was observed that PMM has been rejecting those applications in mass. Stakeholders believe that PDMM's staff does not have the capacity to deal with workload required for international protection applications. For the last 1-2 years, international protection applications have been taken off the shelves and negative decisions have been made.<sup>279</sup> There are some cases of international protection applicants who have been living in Türkiye for 8-10 years, receive rejections.

Overall, practice on the examination and the decision-making at first instance is not uniform across provinces<sup>280</sup>. The quality of interviews, the assessment of evidence, the challenges of identification of vulnerable groups, the lack of available interpreters in certain languages have been reported as particular concerns. For the application process to continue smoothly, more personnel and translators are needed, but there is a lack of capacity<sup>281</sup>. There are too many pending international protection files, authorities are working to fasten the decision process after registration and decrease the waiting time for the decision<sup>282</sup>.

UNHCR provides support to PMM in terms of country-of-origin information and capacity, aiming to contribute to the quality of decisions<sup>283</sup>.

## 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.<sup>284</sup> 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.<sup>285</sup> The number of people with special needs was 80,731 in 2023, earthquake disasters caused disruption in special needs determination procedures in the first half of the year<sup>286</sup>. The number of interviews conducted with potential trafficking victims was 20,260, 223 victims of human trafficking identified in 2023<sup>287</sup>.

## 1.3. Personal interview

1.	Indicators: Regular Procedure: Personal Interview         Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure?
2.	In the regular procedure, is the interview conducted by the authority responsible for taking the decision?
3.	Are interviews conducted through video conferencing? $\Box$ Frequently $\Box$ Rarely $\boxtimes$ Never
4.	Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? $\square$ Yes $\square$ No $\square$
	<ul> <li>♦ If so, is this applied in practice, for interviews?</li> <li>♦ Yes □ No</li> <li>♦ Yes □ No</li> </ul>

<sup>&</sup>lt;sup>279</sup> Information provided by stakeholders, May-June 2023 & Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>280</sup> Information provided by stakeholders, March - April 2024

<sup>&</sup>lt;sup>281</sup> Ibid.

<sup>&</sup>lt;sup>282</sup> Ibid.

<sup>&</sup>lt;sup>283</sup> Ibid.

Article 67 LFIP.

<sup>&</sup>lt;sup>285</sup> Information provided by a stakeholder, February 2019 & Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>286</sup> PMM, Faaliyet Raporu 2023, available here.

<sup>&</sup>lt;sup>287</sup> PMM, Faaliyet Raporu 2023, available here.

Under the regular procedure, the competent PDMM is required to carry out a personal interview with applicants within 30 days from registration,<sup>288</sup> to be conducted by personnel trained in fields such as refugee law, human rights and country of origin information.<sup>289</sup>

Applicants are notified of the assigned place and date of their personal interview at the end of their Registration interview.<sup>290</sup> If the interview cannot be held on the assigned date, a new interview date must be issued.<sup>291</sup> 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.<sup>292</sup> 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.<sup>293</sup>

There are two decision centres located in **İstanbul** and **Ankara**. There are 8 mobile decision teams located in Ankara, Eskisehir, Sakarya, Denizli, Mersin, Samsun, Sivas, and Izmir, with around 60 staff members, including psychologists, and sociologists<sup>294</sup>. The mobile teams are providing support to other cities for refugee status determination, especially for difficult cases and for interpretation support. In 2023, they provided support in around 25 cities, including Kars, Manisa, and Çankırı<sup>295</sup>. In total, more than 550 migration experts work in the procedure of international protection determination. To improve the decision processes, trainings are organised for PMM staff, and random file-checkings are conducted. One of the priorities of PMM in 2023, is fast and efficient procedures.

Although there are some positive efforts, practice is still not uniform across provinces and the quality of the procedure depends on the case officer handling the application.<sup>296</sup> According to civil society and lawyers, however, the quality of interviews remains low in most PDMM. In **Ağrı**, 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 1<sup>st</sup> 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.<sup>297</sup>

Overall, in 2023 stakeholders reported that refugee status determination interviews were often not carried out under proper conditions, vulnerabilities were often not considered and Afghans' applications (especially single men) for international protection seemed to be rejected by default.<sup>298</sup>

Interviews do not depend on credible country of origin information. Since 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.<sup>299</sup> In 2023, it is known that during interviews with LGBTIQ+ refugees, unnecessary and sometimes psychologically abusive questions are asked to determine if individuals were indeed LGBTIQ+<sup>300</sup>. Notably, questions involving violence are often omitted from the interview forms.

In some cases, each adult member of the family is interviewed individually. Often in practice, this is not implemented. If the application is done as a family, interviews often are not conducted separately for adult

<sup>&</sup>lt;sup>288</sup> Article 75(1) LFIP.

<sup>&</sup>lt;sup>289</sup> Article 81(2) RFIP.

<sup>&</sup>lt;sup>290</sup> Article 69(5) LFIP.

<sup>&</sup>lt;sup>291</sup> Article 75(4) LFIP.

<sup>&</sup>lt;sup>292</sup> Article 75(5) LFIP. <sup>293</sup> Article 82(1) PEIP.

<sup>&</sup>lt;sup>293</sup> Article 82(1) RFIP.

Information provided by a stakeholder, March 2024.
 Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>295</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>296</sup> Information provided by various stakeholders, May-June 2023 & March – April 2024.

<sup>&</sup>lt;sup>297</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>298</sup> Information provided by various stakeholders, May 2023 & March- April 2024.

<sup>&</sup>lt;sup>299</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>300</sup> KAOS GL, 10 şehirden avukatlar, mülteci LGBTİ+'ların hakları için buluştu, 6.12.2023, available here.

women and men from the same family<sup>301</sup>. Audio or video records of the interviews may be taken, though in current practice no such audio or video records are used.

In 2023, 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.<sup>302</sup>

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.<sup>303</sup> The interviewer shall inform the interpreter of the scope of the interview and the rules to be complied with.<sup>304</sup>

In 2023, 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 low.<sup>305</sup> Even though gender of the interpreters and the applicants are considered. Lack of sensitivity to and censorship of applicants' statements have also been reported in claims relating to sexual orientation or gender identity.<sup>306</sup> Lawyers have expressed concerns about the quality of interpretation in removal centres including in important interviews on return.<sup>307</sup> However, as a positive development, the number of interpreters increased.<sup>308</sup>

#### Report

The interviewing official shall use a standard template called "International Protection Interview Form" to record the applicant's statements during the personal interview. This form is a template consisting of a predefined set of questions that must be presented to the applicant covering basic biographic information, profile indicators, reasons for flight and fear of return, among others.<sup>309</sup>

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 there 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.<sup>310</sup>

An interview report shall then be drafted at the end of the interview, and the applicant shall sign it and receive a copy.<sup>311</sup> In practice, applicants are not given a copy of the interview report.<sup>312</sup>

#### 1.4. Appeal

1.	Does t	Indicators: Reg he law provide for an appeal again	gular Procedure: Appeal nst the first instance decision in	the regular procedure?
	*	If yes, is it If yes, is it suspensive	⊠ Yes ⊠ Judicial ⊠ Yes	<ul> <li>☐ No</li> <li>☑ Administrative</li> <li>☐ No</li> </ul>
2.	Averag	ge processing time for the appeal	body to make a decision:	Not available

<sup>&</sup>lt;sup>301</sup> Information provided by a stakeholder, March - April 2024.

<sup>&</sup>lt;sup>302</sup> Article 70(2) LFIP.

<sup>&</sup>lt;sup>303</sup> Article 86(2) RFIP.

<sup>&</sup>lt;sup>304</sup> Article 83(3) RFIP.

<sup>&</sup>lt;sup>305</sup> Information provided by a stakeholder, March – April 2024.

<sup>&</sup>lt;sup>306</sup> Information provided by a stakeholder, May 2022.

<sup>&</sup>lt;sup>307</sup> Information provided by a stakeholder, May 2022.

<sup>&</sup>lt;sup>308</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>309</sup> Article 81(5) RFIP.

<sup>&</sup>lt;sup>310</sup> Article 86(3) RFIP.

<sup>&</sup>lt;sup>311</sup> Article 75(6) LFIP.

<sup>&</sup>lt;sup>312</sup> Information provided by a stakeholder, February 2019 and March 2021.

Decisions must be communicated in writing.<sup>313</sup> 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.<sup>314</sup> In practice, the decisions are in Turkish but translated by the PDMM into the language of the applicants.<sup>315</sup>There are some concerns about the lack of verbal or written notification and lack of referral to organisations providing support for the appeal<sup>316</sup>.

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:<sup>317</sup>

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

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 provided by LFIP against negative decisions,<sup>318</sup> subject to the derogation discussed in Removal and *Refoulement*.

In 2023 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. If in theory, 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.

Ankara, Istanbul and Izmir Administrative Courts do not accept the assignment letters of legal aid lawyers - they require a power of attorney instead<sup>319</sup>. They said that the legal aid assignment letter was only internal correspondence, so the acceptance of the assignment letter was illegal. Lawyers working on refugee rights may have difficulty accessing power of attorney. In one case, the court ruled that the lawyer had worked without a power of attorney, complained to the bar association for disciplinary reasons, and ordered the lawyer to pay the attorney's expenses<sup>320</sup>.

## **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.<sup>321</sup>

IPEC are envisioned as a specialised administrative appeal body and serve under the coordination of the PMM Headquarters.<sup>322</sup> 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

<sup>&</sup>lt;sup>313</sup> Article 78(6) LFIP.

<sup>&</sup>lt;sup>314</sup> Article 100 LFIP.

<sup>&</sup>lt;sup>315</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>316</sup> Information provided by a stakeholder, March – April 2024.

<sup>&</sup>lt;sup>317</sup> Article 80 LFIP.

<sup>&</sup>lt;sup>318</sup> Article 80(1)(e) LFIP.

<sup>&</sup>lt;sup>319</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>320</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>321</sup> Article 80(1)(a) LFIP.

<sup>&</sup>lt;sup>322</sup> Article 134 RFIP.

a representative in observer status.<sup>323</sup> 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.<sup>324</sup>

IPEC are competent to evaluate and decide appeals against the following decisions:<sup>325</sup>

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

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

IPEC review the initial PMM decision on both facts and law.<sup>326</sup> 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.<sup>327</sup> 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 appears 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.<sup>328</sup> 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 must be filed in the area where the act or decision in question was taken.<sup>329</sup>

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.<sup>330</sup> In 2015, the Council passed a decision to designate the 1<sup>st</sup> Chamber of each Administrative Court

<sup>&</sup>lt;sup>323</sup> Article 145 RFIP.

Article 146 and 147 RFIP.

<sup>&</sup>lt;sup>325</sup> Article 149 RFIP.

<sup>&</sup>lt;sup>326</sup> Article 100(1) RFIP.

<sup>&</sup>lt;sup>327</sup> Article 100(2) RFIP. <sup>328</sup> Article 80(1)(a) I FIP.

<sup>&</sup>lt;sup>328</sup> Article 80(1)(ç) LFIP.

<sup>&</sup>lt;sup>329</sup> 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.

<sup>&</sup>lt;sup>330</sup> Article 101 LFIP.

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 2023.<sup>331</sup>

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 the Council of State (*Daniştay*) within 30 days.<sup>332</sup>

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.<sup>333</sup>

The rate of positive decisions in cases filed appealing international protection refusal is very low. There are inconsistencies and the quality of court decisions can vary from province to province and from court to court in the same province. The different decisions are made about two applicants in similar situations<sup>334</sup>. Some 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.<sup>335</sup> Mülteci-der produced country of origin reports<sup>336</sup> and published the translation of ECtHR judgements into Turkish<sup>337</sup> within the scope of the "Rights in Administrative Detention" project carried out with the financial support of the European Union.

Case law of the Administrative Courts confirms that there are persisting gaps in the quality of first instance decisions. The Administrative Courts of **Ankara**, **İstanbul**, **Izmir** and **Van** are regarded as the most expert courts in refugee law issues. These courts often diligently examine whether the negative decisions on international protection applications are in line with the *non-refoulement* principle and have annulled decisions based on an incorrect assessment on the part of the PMM. The decisions of administrative courts such as in Istanbul and Ankara, which have more experience, are more consistent in line with the legal framework. It was observed that Izmir administrative court gave positive results based on concrete evidence in 2023.

However, there have been less favourable attitudes to foreign citizens in judicial decisions and is probably linked to rising xenophobia and anti-refugee discourse in the country<sup>338</sup>. 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.<sup>339</sup>

The Erzurum 1<sup>st</sup> Administrative Court has rare positive decisions, one of its decisions involved an Afghan applicant who was a prosecutor in Afghanistan who 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.<sup>340</sup> In 2023, the negative international protection status decision issued due to the Moroccan national's failure to fulfill the notification obligation and being caught in another province without a travel permit was annulled by the Ordu Administrative Court<sup>341</sup>.

<sup>&</sup>lt;sup>331</sup> ECRE AIDA Database, 'Türkiye: Judicial Review of Administrative Detention Decisions', 28 May 2018, available here. Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>332</sup> Article 28 Law on Administrative Court Procedures.

<sup>&</sup>lt;sup>333</sup> Information provided by a stakeholder, April 2023 & information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>334</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>335</sup> Information from a stakeholder, May 2022.

<sup>&</sup>lt;sup>336</sup> Mülteci-der, Menşe Ülke Bilgi Notları, available here.

<sup>&</sup>lt;sup>337</sup> Mülteci-der, AİHM Kararları, available here

<sup>&</sup>lt;sup>338</sup> Information provided by stakeholder, 2023 & Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>339</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>340</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>341</sup> Refugee Rights Turkey, Karar Merkezi, available here.

# 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.<sup>342</sup> 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

1.	Indicators: Regular P Do asylum seekers have access to free le	rocedure: Legal Assistance gal assistance at first instance in practice? ☐ Yes ☐ With difficulty ⊠ No
	<ul> <li>Does free legal assistance cover:</li> </ul>	Representation in interview
		Legal advice
2.		gal assistance on appeal against a negative decision in
	practice?	☐ Yes ⊠ With difficulty ☐ No
	<ul> <li>Does free legal assistance cover</li> </ul>	Representation in courts

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.<sup>343</sup>

In principle, a notarised power of attorney is required for a lawyer to represent the asylum seeker,<sup>344</sup> 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.

The Ombudsman Institution has issued a recommendation stating that no fees should be charged for power of attorney arranged at a notary if a request for legal aid is accepted. In its decision dated May 30, 2023, numbered 2023/6520-S.23.10734<sup>345</sup>, the Ombudsman Institution reviewed the request to annul the Turkish Notaries Association's Circular No. 2022/10 and to issue a new circular mandating that no fees be collected for attorney powers of attorney at the notary when legal aid is granted by the court. The Ombudsman Institution published this recommendation on its official website, advising the Turkish Notaries Association to reassess the matter under current legislation. Emphasising the state's duty to remove political, economic, and social barriers to the right to a fair trial, as outlined in the Constitution and the European Convention on Human Rights, the Ombudsman Institution also referenced the Supreme Court's ruling recognising notaries as institutions of trust.

#### **1.5.1.** Legal assistance at first instance

Lawyers and legal representatives can accompany applicants during the personal interview.<sup>346</sup> Furthermore, lawyers and legal representatives are guaranteed access to all documents in the file and may obtain copies, with the exception of documents pertaining to national security, protection of public order

<sup>&</sup>lt;sup>342</sup> Article 28 Law on Administrative Court Procedures.

<sup>&</sup>lt;sup>343</sup> Article 81(1) LFIP.

On this point, see Constitutional Court, Decision 2015/87, 8 October 2015, available in Turkish here.

<sup>&</sup>lt;sup>345</sup> X Avukat Hakları Grubu Ankara, 11.09.2023, available here.

<sup>&</sup>lt;sup>346</sup> Article 75(3) LFIP.

and prevention of crime.<sup>347</sup> International protection applicants and status holders are also free to seek counselling services provided by NGOs.<sup>348</sup>

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, the Project "Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards" which was co-financed by the European Union, and the Council of Europe, provided trainings, study visits, and other capacity building activities to contribute to the effective implementation of European human rights standards in Türkiye and to strengthen the capacities of Turkish bar associations and lawyers in the implementation of these standards.<sup>349</sup>

Through a partnership between UNHCR and the Union of Turkish Bar Associations (UTBA), legal clinics in Gaziantep, Şanlıurfa, Hatay, Kilis, Malatya, and recently Van, provide legal assistance and counseling to refugees and asylum seekers. These services cover civil law, exit and re-enter procedures, detention, access to rights, family reunification, reissuing of identity cards, queries related to resettlement and civil law, and consumer and rent laws. The clinics assisted numerous individuals and held outreach activities, including sessions on access to justice and the rights of unaccompanied children, and focused on marriage and divorce for Syrian women. By June 2023, the legal clinics assisted 719 individuals. In June 2023, an online system also processed 530 legal aid applications, with a joint commission evaluating and acting on the cases<sup>350</sup>.

As most deportation decisions are based on LFIP for public security, public health, and links to terrorist organisations, 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.<sup>351</sup> 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.<sup>352</sup> In 2023, it was reported that some legal aid centres denied certain requests.<sup>353</sup> However, legal aid of the Izmir Bar Association has consistently assists refugees<sup>354</sup>.

Due to budget-related issues<sup>355</sup>, the UTBA project often halts support during certain months until it is reactivated, causing problems in accessing lawyers. Project budgets typically run out by October or November and resume around March, leading many bar associations to refrain from making appointments during this interim period. Some bar associations only make appointments if the project has the budget; otherwise, they do not proceed. Although the project provides crucial support, bar associations should fund appointments from their own budgets when the project does not cover them. However, the İzmir and Ankara bar associations continue to make appointments even without the project budget. The İzmir Bar Association generally makes appointments first and then charges them to the project if applicable; otherwise, they cover the costs themselves. The provision of legal aid services is at the discretion of each bar association. Inflation-driven increases in lawyer fees have strained bar association budgets, leading to cuts in legal aid services for asylum seekers and refugees. 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. It also results in significantly less budget for legal aid in smaller provinces. Thus, some bar associations face significant budget challenges<sup>356</sup>.

<sup>&</sup>lt;sup>347</sup> Article 94(2) LFIP.

<sup>&</sup>lt;sup>348</sup> Article 81(3) LFIP.

<sup>&</sup>lt;sup>349</sup> COE, Joint Project on Strengthening the Capacity of Bar Associations and Lawyers on European Human Rights Standards, available here.

<sup>&</sup>lt;sup>350</sup> UNHCR-Turkiye-Operational-Update-June-23, available here.

<sup>&</sup>lt;sup>351</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>352</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>353</sup> Information provided by a stakeholder, April 2023 & Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>354</sup> Information provided by stakeholders, April 2024.

<sup>&</sup>lt;sup>355</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>356</sup> Information provided by stakeholders, March – April 2024.

Overall, the project has been considered quite useful and 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 without UTBA project. 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 2023 as in previous years, the concerns are reported as to whether those who are imposed a security code are allowed to get legal assistance under the scheme.357

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.<sup>358</sup> 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.<sup>359</sup> In addition, not all the cases referred by NGOs are eligible for legal aid.<sup>360</sup> 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.<sup>361</sup>

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, and this service could be used in Removal Centres where lawyers have a fixed line.<sup>362</sup>

Within the scope of the action of "Fostering Women's Access to Justice in Türkiye" jointly supported by the European Unipon and the Council of Europe, a legal literacy training for women who are exposed to genderbased violence was held in Hatay which is the most affected by the earthquake in December 2023. The training aimed to empower women to claim their rights and utilize available support mechanisms, covering issues like gender-based violence, divorce, alimony, and housing rights post-earthquake. Participants were informed about obtaining free legal support through the legal aid system<sup>363</sup>.

In partnership with the Union of Turkish Bar Associations (UTBA), UNICEF launched the Legal Empowerment, Aid, and Protection Programme (LEAP). The programme aims to strengthen the paralegal workforce, provide free legal counseling to affected populations in the earthquake zones through mobile units, and offer free legal aid and representation for certain cases involving children through the official legal aid system<sup>364</sup>. A mobile legal aid vehicle named "Law" is equipped with rooms and computers for lawyers to meet with children and caregivers<sup>365</sup>. Starting in August 2023, the programme seeks to reach over 6,000 beneficiaries<sup>366</sup>.

UNICEF and the Union of Turkish Bar Associations (UTBA) have launched another new initiative aimed at enhancing child-friendly legal aid in Türkiye, "Improving the Capacity of Lawyers and Bar Associations on Promotion, Protection and Monitoring of Children's Rights (CABA) Project" seeks to bolster the knowledge and skills of lawyers regarding children's rights, ensuring equitable access to justice for children. With a €3.2M funding from the European Union, this three-year project will develop a comprehensive training program for approximately 2,000 lawyers, establish five pilot Child Rights Centres in Adana, Aydın, Batman,

<sup>357</sup> Information provided by stakeholders, May 2023 & Information provided by stakeholders, March – April 2024. 358

Information provided by a stakeholder, May 2023. 359 Information provided by a stakeholder, May 2023.

<sup>360</sup> Information provided by a stakeholder, May 2023.

<sup>361</sup> 

Information provided by various stakeholder, May 2023. 362

Information provided by stakeholders, May 2023 & Information provided by stakeholders, March - April 2024. 363

CoE, Increasing women's knowledge of their rights following the earthquakes in Türkiye, December 2023, available here.

<sup>364</sup> UNICEF Türkiye Humanitarian Situation Report No.16, 6 February 2023-30 June 2023, available here.

<sup>365</sup> Adana Barosu, TBB-UNICEF İş Birliğinde Yürütülen Proje Kapsamında "Yasa" Adlı Yolda Yardım Servis Aracı TBB'ye Teslim Edildi, April 2024, available here.

<sup>366</sup> UNICEF Türkiye Humanitarian Situation Report No.16, 6 February 2023-30 June 2023, available here.

Erzurum, and Trabzon, and strengthen the monitoring capabilities of Bar Associations. UNICEF anticipates that these efforts will indirectly benefit at least 100,000 children through improved legal aid services<sup>367</sup>.

Beyond the involvement of bar associations, several NGOs are providing legal information and assistance service, 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 counselling to asylum seekers include ASAM, Support to Life (STL), International Refugee Rights Association (*Uluslararası Mülteci Hakları Derneği*), Refugee Rights Turkey (*Mülteci Hakları Merkezi*), Mülteci-Der, MUDEM, Human Resource Development Foundation (HRDF) and Red Umbrella Sexual Health and Human Rights Association among others. In the absence of any dedicated state funds to fund legal assistance services by NGOs to asylum seekers, the limited amount of project-based external funding available to NGO providers, insufficient prioritisation of direct legal service activities in donor programmes and stringent bureaucratic requirements of project-based funding make it very difficult for specialised NGO legal service providers to emerge and prosper.

NGOs have a vital role in helping the functioning of the process more generally. The Bar does not have sufficient knowledge to identify the needs of refugees, but NGOs 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.<sup>368</sup> 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. The suspension of the UTBA project in October – November 2023 in several cities had a direct impact on refugee legal aid services.<sup>369</sup>

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.<sup>370</sup> The Ombudsman Institution has issued a recommendation that no fee should be charged for attorney power of attorney documents arranged at notaries when legal aid requests are accepted in its decision dated 30 May 2023.

<sup>&</sup>lt;sup>367</sup> UNICEF, 09.06.2023. UNICEF and Union of Turkish Bar Associations launch innovative child-friendly legal aid project to promote equal access to justice for all children, available here.

<sup>&</sup>lt;sup>368</sup> Article 81(2) LFIP.

<sup>&</sup>lt;sup>369</sup> Information provided by stakeholders, April 2023 and March – April 2024.

<sup>&</sup>lt;sup>370</sup> 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.

The level of financial compensation afforded to lawyers within the state-funded Legal Aid Scheme is modest and is typically aimed to attract young lawyers at the early stages of their professional careers. The payments to legal aid lawyers are made on the basis of the type of legal action undertaken as opposed to hours spent on the case. As a result, there are insufficient incentives for legal aid lawyers to dedicate generous amounts of time and effort to asylum cases. That said, the aforementioned legal aid project implemented by UNHCR and the Union of Turkish Bar Associations provides targeted funding to 45 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.<sup>371</sup> However, the examination of inadmissibility criteria under Article 72 LFIP must be carried out by the PDMM during the Registration stage.<sup>372</sup>

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.<sup>373</sup> There is no available data on the application of the admissibility procedure.

<sup>&</sup>lt;sup>371</sup> Article 72(2) LFIP; Article 74(3) RFIP.

<sup>&</sup>lt;sup>372</sup> Article 73 RFIP.

<sup>&</sup>lt;sup>373</sup> 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?
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

		bility Procedure: Appeal egular procedure	
*	he law provide for an appeal against If yes, is it If yes, is it suspensive	an inadmissibility decision?	☐ No ☐ Administrative ☐No

Inadmissibility decisions can only be appealed before the competent Administrative Court.<sup>374</sup> 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.<sup>375</sup> 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)(c) 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.<sup>376</sup>

#### 3.4 Legal assistance

	Indicators: Admissibility 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
2.	□ Legal advice         □ Legal advice         □ Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?         □ Yes       □ With difficulty         ↓ Yes       □ With difficulty         ↓ Does free legal assistance cover       □ Representation in courts         □ Legal advice

<sup>&</sup>lt;sup>374</sup> Article 80(1)(a) LFIP.

<sup>&</sup>lt;sup>375</sup> Article 80(1)(ç) LFIP.

<sup>&</sup>lt;sup>376</sup> Constitutional Court, Decision 2016/134, 14 July 2016, available in Turkish here.

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.<sup>377</sup>

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.<sup>378</sup>

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 the recent years (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;
- (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;
- (c) 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.<sup>379</sup>

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.<sup>380</sup> Where this time limit cannot be complied with, the applicant may be taken off the accelerated procedure and referred to the regular procedure.<sup>381</sup>

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

<sup>&</sup>lt;sup>377</sup> Article 67(1) RFIP.

<sup>&</sup>lt;sup>378</sup> Ibid.

<sup>&</sup>lt;sup>379</sup> Article 73 RFIP.

<sup>&</sup>lt;sup>380</sup> Article 79(2) LFIP.

<sup>&</sup>lt;sup>381</sup> Article 79(3) LFIP; Article 80(3) RFIP.

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.<sup>382</sup> According to NGOs and lawyers in the field, applications subject to accelerated procedures generally respect the time limits set out in the law. However, decisions have been taken without respecting the 8-day time limit.<sup>383</sup>

#### 5.2. Personal interview

	Indicators: Accelerated Procedure: Personal Intervie	w
1	<ul> <li>Is a personal interview of the asylum seeker in most cases conducted accelerated procedure?</li> <li>If so, are questions limited to nationality, identity, travel route?</li> <li>If so, are interpreters available in practice, for interviews?</li> </ul>	d in practice in the
2	. Are interviews conducted through video conferencing?	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.<sup>384</sup> 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.

#### 5.3. Appeal

			lerated Procedure: Appeal as regular procedure	
1	. Does t	he law provide for an appeal aga	inst the decision in the accelerated procedure? ⊠ Yes □ No	
	*	If yes, is it	Judicial Administrative	
		If yes, is it suspensive	Yes 🗌 No	

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

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

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

<sup>&</sup>lt;sup>382</sup> Information provided by UNHCR, February 2019.

<sup>&</sup>lt;sup>383</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>384</sup> Information provided by a stakeholder, May 2022.

#### 5.4. Legal assistance



The same rules as in the Regular Procedure: Legal Assistance apply. For an overview of difficulties encountered by applicants subject to accelerated procedure in detention when trying to access legal assistance services, see the section Legal Assistance for Review of Detention. In the past, applicants in the accelerated procedure were not issued an International Protection Applicant Identification Card and their ability to issue a power of attorney was severely limited. However, after changes to Article 76(2) LFIP in December 2019, they can be now receiving an identity document. The Administrative Court requires a power of attorney to be presented within 10 days; otherwise, it considers the appeal inadmissible.<sup>385</sup>

## 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?

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."<sup>386</sup>

Neither the LFIP nor the RFIP includes 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<sup>387</sup>. 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.<sup>388</sup> In 2023, requesting any proofs indicating their

<sup>&</sup>lt;sup>385</sup> Information provided by several stakeholders, May 2023.

<sup>&</sup>lt;sup>386</sup> Article 3(1)(I) LFIP.

<sup>&</sup>lt;sup>387</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>388</sup> Information provided by a stakeholder, June 2023.

membership to any LGBTIQ+ association, photos with LGBTIQ+ flag or any other supportive documents continue<sup>389</sup>. In total, 80,731 persons with special needs were identified in 2023 by PDMMs<sup>390</sup>.

## 1.1. Screening of vulnerability

RFIP states that it "shall be primarily determined" whether the applicant is a person with special needs.<sup>391</sup> 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.<sup>392</sup>

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.<sup>393</sup>

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.<sup>394</sup> Nevertheless, UNHCR still refers vulnerable cases to the PDMM to prioritise registration.

## **1.2.** Age assessment of unaccompanied children

While the LFIP does not contain any provisions on age assessment, the RFIP provides guidance regarding the role of age assessment in the identification of unaccompanied children applicants. The Regulation states that where the applicant claims to be of minor age, but does not possess any identity documents indicating their age, the governorates shall conduct a "comprehensive age determination" consisting of a physical and psychological assessment.<sup>395</sup> The applicant shall be notified as to the reason of this referral and the age assessment proceedings that will be undertaken.<sup>396</sup>

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.<sup>397</sup>

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, the authorities still tend to interpret the assessment at the upper threshold.<sup>398</sup>

<sup>389</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>390</sup> PMM 2023 Annual Report, available here.

<sup>&</sup>lt;sup>391</sup> Article 113(1) RFIP.

<sup>&</sup>lt;sup>392</sup> Article 113(2) RFIP.

<sup>&</sup>lt;sup>393</sup> Article 113(3) RFIP.

<sup>&</sup>lt;sup>394</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>395</sup> Article 123(2)(b) RFIP.

<sup>&</sup>lt;sup>396</sup> Article 123(2)(c) RFIP.

<sup>&</sup>lt;sup>397</sup> Article 6 Ministry of Family and Social Services Directive No 152065 on Unaccompanied Children.

<sup>&</sup>lt;sup>398</sup> Information provided by a stakeholder, May 2023 and March 2024.

However, since it is not possible for unaccompanied minors to be accepted to childcare institutions affiliated to the Ministry of Family and Social Services (MoFSS) before the age determination process is completed, children may be accommodated in places such as police stations and removal centres in conditions incompatible with the best interests of the child during this period<sup>399</sup>. On the other hand, it is reported that the MoFSS and the PMM are discussing about establishing a Migration First Reception Unit where unaccompanied child can stay until the age assessment is determined<sup>400</sup>.

Besides, it is reported that in most provinces, both the MoFSP and the PDMM defer applications for identifying and protecting unaccompanied asylum-seeking children to the child police, claiming they are not responsible. These children then face unlawful and arbitrary practices, with various rights violations occurring throughout the identification process. Despite legislation limiting age tests to cases where age is uncertain and not documentable, in practice, nearly all unaccompanied asylum-seeking children are subjected to age tests by the child police, even those with valid age documents<sup>401</sup>.

Unaccompanied minors in Turkey face several problems, primarily due to the common practice of registering them as adults. If minors lack age documentation, they undergo age assessments, often based on inaccurate "bone tests." Even with original documents proving their age, minors may still be undergoing the age assessment procedure. These assessments frequently overlook psychological and sociological evaluations, leading to erroneous age estimates, especially for those close to turning 18. Moreover, age assessment decisions are challenging to appeal, as minors often do not receive written decisions. Being registered as adults leads to severe consequences, including detention and deportation orders, complicating their ability to apply for protection<sup>402</sup>.

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 as 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.<sup>403</sup>

## 2. Special procedural guarantees

1.	Indicators: Special Procedural Guarantees 1. Are there special procedural arrangements/guarantees for vulnerable people?		
		🛛 Yes 🗌 For certain categorie	s 🗌 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.

<sup>&</sup>lt;sup>399</sup> Mülteci Hakları Merkezi, Türkiye'deki Refakatsiz Sığınmacı Çocukların Hukuksal Korumaya Erişimi: Tespitler ve Değerlendirmeler, September 2022, available here.

<sup>&</sup>lt;sup>400</sup> Türkiye Cumhuriyeti Aile ve Sosyal Hizmetler Bakanlığı 2023 Yılı Faaaliyet Raporu, available here.

<sup>&</sup>lt;sup>401</sup> Mülteci Hakları Merkezi, Türkiye'deki Refakatsiz Sığınmacı Çocukların Hukuksal Korumaya Erişimi: Tespitler ve Değerlendirmeler, September 2022, available here.

<sup>&</sup>lt;sup>402</sup> Medico International, 2023, What safety are they talking about?" Why Turkey cannot be considered a 'safe third country'– an expert opinion.

<sup>&</sup>lt;sup>403</sup> Information Portal for Refugees in Turkey, 'Rights and Procedures for Unaccompanied Minors', last accessed on 13 July 2023, available here.

During the personal interview, where persons with special needs are concerned, the applicant's sensitive condition shall be taken into account.<sup>404</sup> 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 2023, it is stated that the preference on gender of the interpreter was taking into consideration<sup>405</sup>. 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.

The RFIP instructs that interviews with children shall be conducted by trained personnel, sufficiently informed on the child's psychological, emotional and physical development.<sup>406</sup> 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.<sup>407</sup> 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.<sup>408</sup> It is understood from current practice that PDMM provides 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 they 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 meaningother vulnerable groups may be subjected to the accelerated procedure.

#### 3. Use of medical reports

	Indicators: Use of Medical Reports
1.	Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
2.	Are medical reports taken into account when assessing the credibility of the applicant's statements? $\square$ Yes $\square$ 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 LIFP 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. There are challenges to be able to obtain such reports due to the difficulties in accessing hospitals without a valid ID given by Turkish authorities<sup>409</sup>.

<sup>&</sup>lt;sup>404</sup> Article 75(3) LFIP.

<sup>&</sup>lt;sup>405</sup> Information provided by s stakeholder, March 2024.

<sup>&</sup>lt;sup>406</sup> Article 123(2)(g) RFIP.

<sup>&</sup>lt;sup>407</sup> Article 67 LFIP; Article 113(2) RFIP.

<sup>&</sup>lt;sup>408</sup> Article 65(2) RFIP.

<sup>&</sup>lt;sup>409</sup> Information provided by stakeholders, March – April 2024.

#### 4. Legal representation of unaccompanied children

	Indicators: Unaccompanied Children	
1.	Does the law provide for the appointment of a representative to all unaccompanied children?	
	X 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 Law<sup>410</sup> 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.<sup>411</sup> Specifically, all children who do not benefit from the custody of parents (*velayet*) must be provided guardianship (*vesayet*).<sup>412</sup> 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 lifestyle" or have "significant conflict of interest or hostility with the child in question". Relatives are to be given priority to be appointed as guardians.<sup>413</sup> 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.<sup>414</sup> Although not specifically listed in the provisions, asylum procedures would fall within the mandate of the guardians. As a rule, a guardian is appointed for 2 years, and may be reappointed for additional two terms.<sup>415</sup>

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.<sup>416</sup>

A study<sup>417</sup> grouped the challenges in the legal representation and protection of asylum-seeking unaccompanied children in practice as "(1) disorganization, deficiencies and contradictions in the legislation, (2) difficulty in accessing legal services, (3) ignoring the need for children to be represented as independent individuals within the justice system, and (4) lack of legal expertise for asylum-seeking unaccompanied children". Both lack of sufficient legal expertise in the field and lack of information shared with the unaccompanied children regarding their rights and the procedures hinders the protection of unaccompanied minors.

It is also reported that although unaccompanied minors have access to legal assistance and representation, other challenges arise. These include a lack of interpreters, insufficient funds, and difficulties reaching legal aid services from removal centres, which are often far from city centres. Common problems include finding lawyers willing to visit removal centres and the overall quality of legal support. While there have been

Law No 4395 on Child Protection.

Law No 4721 on the Civil Code.

<sup>&</sup>lt;sup>412</sup> Article 404 Civil Code.

<sup>&</sup>lt;sup>413</sup> Articles 413, 414, 418 Civil Code.

<sup>&</sup>lt;sup>414</sup> Articles 445-448 Civil Code.

<sup>&</sup>lt;sup>415</sup> Article 456 Civil Code.

<sup>&</sup>lt;sup>416</sup> Bianet, '5-month prison sentence over refugee child Lütfillah's death with a police fist', 17 February 2022, available here.

<sup>&</sup>lt;sup>417</sup> Süleyman Dost ve Nedime Sevde Gökez, 'Sığınmacı Refakatsiz Çocukların Korunması ve Hukuki Temsili' (2024) 14(1) Süleyman Demirel Üniversitesi Hukuk Fakültesi Dergisi 421, 463.

advancements in the specialisation of lawyers in refugee law, the specific competence for assisting unaccompanied asylum-seeking children remains inadequate<sup>418</sup>.

# E. Subsequent applications

1.	Indicators: Subsequent Applications           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?
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". 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 the 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 is 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.

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", which appears as a problematic practice.

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.

<sup>&</sup>lt;sup>418</sup> Mülteci Hakları Merkezi, Türkiye'deki Refakatsiz Sığınmacı Çocukların Hukuksal Korumaya Erişimi: Tespitler ve Değerlendirmeler, September 2022, available here.

## F. The safe country concepts

1.	Indicators: Safe Country Concepts           Does national legislation allow for the use of "safe country of origin" concept?           ◆ Is there a national list of safe countries of origin?           ◆ Is the safe country of origin concept used in practice?	<ul> <li>Yes ⋈ No</li> <li>Yes ⋈ No</li> <li>Yes ⋈ No</li> <li>Yes ⋈ No</li> </ul>
2.	<ul> <li>Does national legislation allow for the use of "safe third country" concept?</li> <li>Is the safe third country concept used in practice?</li> </ul>	⊠ Yes □ No ⊠ Yes □ No
3.	Does national legislation allow for the use of "first country of asylum" concept?	Yes 🗆 No

Safe country concepts come up in the Admissibility Procedure in 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*."<sup>419</sup>

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

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

## 2. Safe third country

For a country to be considered a "safe third country", the following conditions must apply:<sup>420</sup>

- (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."<sup>421</sup>

<sup>&</sup>lt;sup>419</sup> Article 73 LFIP; Article 75 RFIP. The wording resembles the EU definition in Article 35 recast Asylum Procedures Directive.

<sup>&</sup>lt;sup>420</sup> Article 74 LFIP. The wording resembles the EU definition in Article 38 recast Asylum Procedures Directive.

<sup>&</sup>lt;sup>421</sup> Article 74(3) LFIP.

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 herability to speak the language of the country at a good level;
- (ç) The applicant has previously been in the county concerned for long term stay purposes as opposed to merely for the purpose of transit.

At present, there is no publicly available information as to whether PMM currently subscribes or will in the future subscribe to a categorical 'list approach' in making safe country determinations on international protection applicants. There is no public information of the existence of such a list of safe third countries. 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.

There are cases court cancelled the deportation order on the grounds that the safe country where the deportation will take place to was not explicitly mentioned in 2023.

## 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 sufficing in pract		rovided to asylum so Yes	eekers on the procedures, With difficulty	their rights and oblig	gations
	÷		_	accompanied children?	Yes 🗌 No	

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

The PMM also operates a hotline service called Foreigners Communication Centre (*Yabancılar Iletisim Merkezi*, YİMER), which provides uninterrupted service 24/7 in Turkish, English, Arabic, Persian, Russian, German, and Pashto. The Foreigners Communication Center can answer all questions asked by foreigners about visas, residence permits, international protection, and temporary protection; it also serves as a hotline for identifying victims of human trafficking, victims of migrant smuggling, and foreign nationals during sea rescue operations. According to the YIMER's website, as of May 2023, the hotline had received nearly 19,522,114 calls since it started in 2015.<sup>422</sup> Additionally, 115 migration "kiosk" devices have been installed in 81 provinces and 7 airports<sup>423</sup>. The kiosks are expected to assist satisfy information demand by minimising line-ups at PDMM offices and optimising their counselling function.<sup>424</sup> To date, a total of 21 Migration Advisory Centres have been established in 16 provinces. In the upcoming period, it is planned to

<sup>&</sup>lt;sup>422</sup> YIMER 157 website. Available in Turkish at: https://yimer.gov.tr/.

<sup>&</sup>lt;sup>423</sup> Türkiye Büyük Millet Meclisi İnsan Haklarini İnceleme Komisyonu Göç Ve Uyum Alt Komisyonu Tutanaklar, 5.10.2023, available here.

<sup>&</sup>lt;sup>424</sup> IOM, 'IOM and PMM Will Establish 115 Information Kiosks For Migrants Across Turkey', 2022, available here.

increase the number of Migration Advisory Centres. In 2023, the existing Migration Advisory Centres have served 991,708 people, and since their inception, a total of 4,220,586 people have accessed the service<sup>425</sup>.

In addition, UNHCR has set up a platform ("Help"<sup>426</sup>) which provides information in English, Turkish, Arabic and Farsi. The Izmir Municipality has been operating Fellow Citizen Communication Center as from 2023 with the financial support of UNHCR and a Refugee Help Desk providing information to applicants on various issues<sup>427</sup>. Mainstream NGOs such as SGDD-ASAM, Support to Life, Human Resource Development Foundation (*İnsan Kaynağını Geliştirme Vakfı*, IKGV), YUVA also provides assistance and counselling. Refugee Rights Turkiye has an online portal providing information on registration, legal assistance, access to rights, detention, unaccompanied children etc. in 10 languages.<sup>428</sup>

TV Project<sup>429</sup> aims to provide reliable andeasily accessible resource for refugees in Türkiye Implemented by ASAM through its YouTube channel in 7 languages (Turkish, English, Arabic, Farsi, French, Somali and Ukrainian). Through the project, refugees living in Türkiye have been informed about their rights, helping build resilience at different levels in conjunction with their access to protection assistance.

#### 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?
2.	Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice?
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 questioned.<sup>430</sup>

The UNHCR Counselling Line provides counselling on registration procedures, referrals and existing support mechanisms, specifically resettlement, financial assistance and assistance for persons with specific needs.<sup>431</sup> Since its launch in July 2019, the UNHCR Türkiye Counselling Line handles about 80,000 calls monthly. Currently, 50 operators manage these calls in 15 languages, including Arabic, Farsi, English, Turkish, French, Kurdish, and Somali, with additional languages like Pashtu, Urdu, and Russian available upon request<sup>432</sup>. In June 2023, the UNHCR Türkiye Counselling Line received over 76,400 calls, with operators answering around 28,500 of them from 80 provinces across Türkiye, most of the callers were Syrian nationals, followed by those from Afghanistan and Iran<sup>433</sup>. Since February, most calls have come

<sup>&</sup>lt;sup>425</sup> PMM, Faaliyet Raporu, 2023, available here.

<sup>&</sup>lt;sup>426</sup> UNHCR Help, available here.

<sup>&</sup>lt;sup>427</sup> UNHCR, EGE BÖLGESİ, 2021 Yılına Genel Bakış.

<sup>&</sup>lt;sup>428</sup> PMM, 'Announcement', February 2023, available here.

<sup>&</sup>lt;sup>429</sup> UNHCR Türkiye Factsheet -September 2023.

<sup>&</sup>lt;sup>430</sup> Özge Zihnioğlu & Müge Dalkıran, 'From social capital to social cohesion: Syrian refugees in Turkey and the role of NGOs as intermediaries', August 2021, available here.

<sup>&</sup>lt;sup>431</sup> UNHCR, *Türkiye 2019: Operational Highlights*, 6 March 2020, available here.

<sup>&</sup>lt;sup>432</sup> UNHCR, "On the Frontline", available here.

<sup>&</sup>lt;sup>433</sup> UNHCR Operational Update June 2023, available here.

from earthquake-affected provinces. About 1,000 individuals were received counselling through UNHCR's dedicated GBV line.

UNHCR uses its digital CwC platforms, including the Help website and Facebook Information Board and WhatsApp Communications Tree, to share information about rights, obligations, and available services in multiple languages for refugees and asylum seekers. By the end of June 2024, the UNHCR Türkiye Information Board on Facebook had nearly 103,000 followers. The UNHCR Türkiye Help page surpassed 3 million unique visitors in June 2023 and a section dedicated to earthquake-related information, launched on 8 February, garnered over 75,000 views<sup>434</sup>.

SGDD-ASAM, the largest NGO and implementing partner of UNHCR in Türkiye, has 43 offices in 27 provinces in Türkiye and provides counselling and information services. Other organisations such as Refugee Rights Türkiye in **İstanbul**, **Izmir**, **Edirne** and **Van** and International Refugee Rights Association in **İstanbul** and Mülteci-Der in **İzmir and Van** have helplines and can be accessed by phone. Refugee Rights Turkiye has separate help desks in Turkish, English, Arabic, Farsi/Dari and French for registration, detention and unaccompanied minors. Refugee Support Centre (*Mülteci Destek Derneği*, MUDEM) has presence in various provinces, while HRDF has offices in Istanbul, Bilecik, Kütahya, Eskişehir, Ağrı, Van and Ankara and provides information and psychosocial support. Support to Life and YUVA Association are also mainstream organisations that are very active in the field, having a presence in several cities. There are some local refugee-led and disapora-led organisations that are well connected with their communities, providing information and support.

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

There are also NGOs helping vulnerable groups such as Women's Solidarity Foundation (KADAV) for women in **İstanbul**, the Foundation for Women's Solidarity in **Ankara**, Women for Women's Human Rights (WWHR) and Purple Roof Women's Shelter Foundation, Kaos GL based in **Ankara** assists LGBTQI+ people, as does Red Umbrella Sexual Health and Human Rights Association, SPOD and Hevi LGBTI+. Positive Living Association based in **İstanbul** assists people living with HIV, while Red Umbrella Sexual Health and Human Rights Association 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**.

## 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
	<ul> <li>If yes, specify which:</li> </ul>	
	*	
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 since 6 June 2022. (See Reception Conditions). Those coming through a third country, however, are excluded from the temporary protection

<sup>&</sup>lt;sup>434</sup> UNHCR Turkiye, Operational Update June 2023.

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.<sup>435</sup>

In another case of a Syrian national<sup>436</sup>, the applicant and their children arrived in Türkiye via Lebanon in January 2021 to reunite with the spouse, who had been living in Istanbul with a temporary protection identity and work permit. The application for temporary protection was denied on the grounds of entering from a third country. The court found this denial unlawful, as it violated the constitutional principle of family unity, and ruled that the application should have been evaluated under the appropriate legal provisions. The Istanbul 1<sup>st</sup> Administrative Court annulled the decision in 2023, ordering the defendant to cover the plaintiff's legal expenses and allowing for an appeal within 30 days.

# 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.<sup>437</sup>

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.<sup>438</sup>

# 3. Afghanistan

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

This situation for Afghan refugees in Türkiye remained extremely difficult in 2023.<sup>439</sup> 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 2023<sup>440</sup> In contrast, a report prepared by the Migration and Social Cohesion Commission of the Turkish National Grand Assembly challenges the prevalent 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'.<sup>441</sup>

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.<sup>442</sup> 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

<sup>&</sup>lt;sup>435</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>436</sup> İstanbul İdare Mahkemesi, Karar no 2023/3091.

<sup>&</sup>lt;sup>437</sup> Information provided by a stakeholder, March 2019 & Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>438</sup> Hayata Destek, 'Türkiye'ye Yeni Gelen Ezidilerin Kayit Sorunu' 2022, available in Turkish here.

<sup>&</sup>lt;sup>439</sup> ICMPD, 'Migration Outlook 2022 Western Balkans & Turkey Nine migration issues to look out for in 2022', 2022, available here. & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>440</sup> Information provided by several stakeholders, May-June 2023 and March – April 2024.

<sup>&</sup>lt;sup>441</sup> DW, 'Meclis'ten göç raporu: Cezalar yetersiz', 10 June 2022, available in Turkish here.

<sup>&</sup>lt;sup>442</sup> Can Eminoğlu, 'Strategizing to Survive in Liminal Life: Ghost-Like Agency Of Afghan Refugees In Turkey', July 2022, available here.

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.<sup>443</sup>

A study<sup>444</sup> reveals that Afghans in Türkiye experience a degree of non-deportability due to the informal labor market's demand for their work, despite increasing deportations publicised by state officials. Afghans endure long hours in dangerous jobs, often unpaid, and are tolerated in informal employment despite restrictions on inter-city travel. Recent deportations are politically motivated, exacerbated by economic issues and anti-refugee sentiment. Afghans face a precarious existence without structural protection or durable solutions. The Turkish state's approach lacks formal protection, relying on problematic informal measures. Another study conducted in Ankara, Bursa, Malatya, Kayseri and Istanbul supports a similar argument that Afghan migrants have no legal protection and are thrown into despair by their employers' mistreatment<sup>445</sup>. GAR Report<sup>446</sup> identified three mechanisms on irregularisation of Afghans, especially for the newly arriving young single males: (1) delaying applications by the PDMMs, (2) not providing detailed information about the registration, and (3) "default rejection".

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.<sup>447</sup> Afghan single males are the main group targeted by puschbacks to Iran<sup>448</sup>.

The forced/voluntary returns of Afghans, after halting for a couple of months following the fall of Kabul, started in 2022, and continue in 2023.<sup>449</sup>

### 4. Ukraine

As a member state of the Council of Europe, Ukrainians seeking asylum in Türkiye can be granted refugee or subsidiary protection if specific conditions are met. If a Ukrainian does not meet the criteria for refugee status, they may be eligible for subsidiary protection, provided that their specific circumstances in Ukraine meet the necessary conditions for this status.

Since Russia declared war against Ukraine in February 2022, 145,000 Ukrainians reached Türkiye.<sup>450</sup> However, as of January 2023, the number of Ukrainians present in the country was 95,000, according to UNHCR.<sup>451</sup> 7,131 Ukrainians had applied for international protection as of February 2023.<sup>452</sup> As of June 2024, the numbers of Ukrainian displaced people decreased to 38,725, including 3,230 who applied for international protection<sup>453</sup>. The majority of Ukrainians prefer to reside in metropolitan cities such as **Istanbul, Ankara, Izmir, Antalya, Muğla,** and **Bursa** because of the availability of temporary shelter services, Ukrainian diaspora in those cities and employment opportunities. Ukrainians of Meskhetian Turks,

<sup>&</sup>lt;sup>443</sup> R. Rischke & Z. Yanaşmayan - DeZim Institut, Die prekäre Situation von Afghan\*innen in der Türkei, August 2022.

<sup>&</sup>lt;sup>444</sup> Sibel Karadağ, Deniz Ş Sert, (Non-)deport to Discipline: The Daily Life of Afghans in Turkey, Journal of Refugee Studies, Volume 36, Issue 3, September 2023, Pages 449–466, available here.

<sup>&</sup>lt;sup>445</sup> Jurat, A. Y. (2022). The tragedy of irregular migration: the case of Afghans in Turkey. Central Asian Survey, 42(2), 274–292. Available here.

GAR, "(Non-)reception of the Afghans in Turkey", GAR Report No. 9, October 2023

<sup>&</sup>lt;sup>447</sup> Information provided by various stakeholders, May- June 2023 & Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>448</sup> Information provided by stakeholders, March- April 2024.

<sup>&</sup>lt;sup>449</sup> Information provided by a stakeholder, May 2022.

<sup>&</sup>lt;sup>450</sup> Euronews, 'BM: Ukrayna'da savaştan kaçan mültecilerin sayısı 10 milyonu geçti', 2 August 2022, available here

<sup>&</sup>lt;sup>451</sup> UNHCR, 'Ukraine Refugee Situation', last updated July 2023, available here.

<sup>&</sup>lt;sup>452</sup> UNHCR, 'Türkiye Fact Sheet', February 2023, available https://bit.ly/3KjjLjh;here PMM, 'Uluslararasi Koruma', 2022, available in Turkish here.

<sup>&</sup>lt;sup>453</sup> UNHCR, Ukraine Refugee Situation, available here.

Crimean Tatar, and Gagarus Turk prefer to reside in **Bursa**, **Kirklareli**, **and Eskişehir**. As of June 2024, 35,505 Ukranians hold residence permit, including 23,734 short term residence permits, and 6,402 family residence permits<sup>454</sup>. There is a tendency not to apply for International Protection, rather preferring to stay in Türkiye with a residence permit, in order to be able to travel back to Ukraine or move to EU countries<sup>455</sup>.

Once Ukrainians, at first 300 individuals, predominantly women and children, arrived in Türkiye via Bulgaria by buses, they were housed in dormitories in **Edirne**, Eskisehir, and Bursa. 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. Approximately 200 guests stayed in a dormitory in Gölbaşı, **Ankara** they had been granted access to by an affluent Turkish businessman. 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**.<sup>456</sup> 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. <sup>457</sup> On 3 June 2022, a Presidential Decree granting 1000 households of Meskhetian Turks were placed in the **Elazığ** Temporary Accommodation Centre, the Red Crescent provide support, such as voucher cards. <sup>459</sup>

According to stakeholders, there were four categories of Ukrainians living in Türkiye: (1) Ukrainians holding short- or long-term residence permits (i.e. Ukrainians who had previously visited Türkiye, or having relatives in Türkiye); (2) applicants for international protection whose economic conditions were worse comparing to other groups and who had no contacts in Türkiye; (3) Ukrainians having a humanitarian visa, primarily women and children directly affected by war by losing their close relatives in the war and (4) Crimean Tatars and Meskhetian Turks having permanent residence *(iskanli gocmen)* in Türkiye.

After the initial 2 months, the registration and residence permit processes were accelerated significantly, and applicants gained access to health care and other services promptly. 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. However, Ukrainians were benefitted from a more flexible approach in terms of registration to those closed cities, if thery have family members living there<sup>460</sup>. Ukrainians benefitted from social aid programmes such as ESSN and CCTV.<sup>461</sup> 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.<sup>462</sup> NGOs such as SGDD-ASAM provided online counselling in Russian and Ukrainians<sup>463</sup> and provided some sub-grants to Ukrainian-led organisations.

According to stakeholders, the identified needs, including basic requirements, of Ukrainians remained unmet, due to 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

<sup>&</sup>lt;sup>454</sup> PMM, Statistics, last updated June 2024, available here.

<sup>&</sup>lt;sup>455</sup> Information provided by stakeholders, March- April 2024.

<sup>&</sup>lt;sup>456</sup> Information provided by a stakeholder, March 2023.

<sup>&</sup>lt;sup>457</sup> Anadolu Ajansi, 'Humanitarian Aid sent from Türkiye to Ukraine', 7 March 2022 available here

<sup>&</sup>lt;sup>458</sup> Resmî Gazete, CUMHURBAŞKANI KARARI, 3 June 2022, Available in Turkish here

<sup>&</sup>lt;sup>459</sup> Kızılay, Geçici Barınma Merkezi'ne Yerleştirilen Ahıska Türklerine Kızılaykart Desteği, 26.09.2022, available here.

<sup>&</sup>lt;sup>460</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>461</sup> Information provided by a stakeholder, March 2023.

<sup>&</sup>lt;sup>462</sup> Bizimizmir, 'kusadasi ukraynali savas magduru kadinlara kusadasi istasyon topluluk merkezi ni acti' last accessed 13 July 2023, available in Turkish here.

<sup>&</sup>lt;sup>463</sup> SGDD, ASAM, 'Türkiye'deki Hassas Durumdaki Göçmenlere Hukuki Destek ve Hizmet Sağlanması Projesi', last accessed 13 July 2023, available here.

problems.<sup>464</sup> However, due to the strong social networks that many of them have in Türkiye, they often do not approach to NGOs and municipalities to access social aid, which is interpreted by the stakeholders that their initial needs are met.<sup>465</sup>

# 5. Other nationalities

In 2023, there was a policy change regarding issuing residence permits, a number of short-term residence permits applications were been denied<sup>466</sup>. In case of the need for protection after their residence permits were not prolonged, they have faced difficulties accessing to the international protection application. 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.<sup>467</sup> Migrants from Africa who held residence permit previously face difficulties to renew their permits, consequently they found themselves as undocumented migrants who cannot access basic rights and services due to the fear of deportation<sup>468</sup>.

Russian single young men who do not want to enlist in the military, anti-war activists, political opponents and middle-class professionals pessimistic about their economic prospects at home in the aftermath the sanctions appeared to be particularly likely to migrate to Türkiye<sup>469</sup>. 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<sup>470</sup>. The Ark is one of several small-scale NGOs in Türkiye that assist Russians seeking refuge in 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. As of June 2024, they are ranked second in the residency permit holders in Türkiye, with 95,409 and second in family permits with 13,880. Overall, the number of residence pemits holder Russians decreased dramatically in Türkiye. The policy of not renewing residence permits is also very closely related to the economic crisis, it is a strategy aimed entirely at relieving the real estate market, this is one of the reasons why Russians had to leave in large numbers, and then there was a decrease in real estate prices, especially in cities such as Antalya<sup>471</sup>.

<sup>&</sup>lt;sup>464</sup> ASAM, Activity Report On Humanitarian Assistance Provided Towards Ukrainians In Türkiye, 3 August 2022.

<sup>&</sup>lt;sup>465</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>466</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>467</sup> Information provided by a stakeholder, April 2023.

<sup>&</sup>lt;sup>468</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>469</sup> Sebnem Turhan, 'In Istanbul, fleeing Russians mull next step of self-exile', Al-Monitor, 16 March 2022, available here. Euronews, Türkiye'ye göç eden savaş karşıtı Ruslar yeni bir hayat kurma peşinde, 5 July 2022, available here.

<sup>&</sup>lt;sup>470</sup> Burcu Karakas, 'Istanbul: Popular destination for Russian dissidents', DW, 07 February 2022, available here

<sup>&</sup>lt;sup>471</sup> Information provided by a stakeholder, March 2024.

As of end 2023, the largest groups among asylum seekers were 106,241 Afghans, 101,028 Iraqis, and 10,041 Iranians<sup>472</sup>. In 2023, 19,017 individuals applied for international protection in Türkiye, including 13,068 Afghans, 2,778 Iraqis, 1,416 Iranians, and 1,757 from other nationalities<sup>473</sup>.

In 2019, PMM issued the Cohesion Strategy and National Action Plan,<sup>474</sup> 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 2023, the strategy was still in force however, perhaps because of the challenging period for Türkiye economically and increased antimigration discourse and xenophobia, cohesion attempts are less visible.<sup>475</sup> One concrete example given of the implementation of the plan was the founding of 16 migration-counselling centres<sup>476</sup> in 2021 and in 2023 21 centres in 16 cities are actively working. As the five-year plan is due to end in 2023, UNHCR is collaborating with PMM on the drafting of its revised Strategy and National Action Plan<sup>477</sup>.

Municipalities play a crucial role in providing social aid to all individuals, regardless of their status or nationality<sup>478</sup>. To enhance the organisation and sustainability of migration-related activities, the Union of Turkish Municipalities established the Migration and Integration Centre in 2020. Many municipalities have created special units focused on migration, while others integrate this work into existing departments<sup>479</sup>. For example, Adana Municipality manages various projects, services, and studies through its Migration and Migrant Affairs Department, and Migrant Coordination Integration Centre. Similarly, to address the needs of migrants in Izmir, the "Refugee Desk" was established in September 2020 under the Urban Justice and Equality Department, in collaboration with the UNHCR. Sanliurfa Municipality has set up a dedicated Migration and Integration Services Department. Having specialised migration units in municipalities ensures designated budgets and legal obligations, including strategic planning and annual activity report followups<sup>480</sup>. These units not only provide social aid but also disseminate information to both refugees and municipal staff. For instance, Izmir Metropolitian Municipality published an information booklet for municipality employees regarding refugees<sup>481</sup>. Main challenges faced by municipalities is lack of capacity, such as lack of translators<sup>482</sup>, lack of funding and public attitudes resisting the rights-based approach<sup>483</sup>. In 2020, the "Mayors' Migration Platform and Migration Policy Document"484 was developed through a participatory process involving mayors, roundtable meetings, and technical studies. This document offers policy recommendations to address the main challenges faced by municipalities, such as financial and legal issues. It emphasises the need to clarify municipal authority and responsibility, enhance social harmony, and strengthen institutional capacities and coordination with other relevant bodies, with support from the central administration. 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.<sup>485</sup> However, due

<sup>475</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>472</sup> UNHCR Türkiye Factsheet April 2024, available here.

<sup>&</sup>lt;sup>473</sup> PMM, Statistics 2023, available here.

<sup>&</sup>lt;sup>474</sup> See PMM, *Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023*, available in Turkish here.

<sup>&</sup>lt;sup>476</sup> PMM website, 'A Preparatory Training Program for Migration Counseling Centres Staff Was Held', 29 June 2021. Available in Turkish here.

<sup>&</sup>lt;sup>477</sup> UNHCR, Türkiye Factsheet, September 2023, available here.

<sup>&</sup>lt;sup>478</sup> Erdogan, Şener, and Ağca, Marmara'nın Kent Mültecileri: Belediyelerin Süreç Yönetimi, 2021, available here

<sup>&</sup>lt;sup>479</sup> Belediyeler Kasım-Aralık 2021, Yerel Yönetimlerin Göç Politikaları, available here & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>480</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>481</sup> Izmir Belediyesi, Belediye Çalışanları için Mültecilere Yönelik Bilgilendirme Kitapçığı, available here.

<sup>&</sup>lt;sup>482</sup> TESEV, Erginli & Akdoğan, Belediyelerde Göç Veri Yönetimi ve Veriye Dayalı Karar Alma Politika Raporu, 2024, available here.

<sup>&</sup>lt;sup>483</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>484</sup> Belediyeler Kasım-Aralık 2021, Yerel Yönetimlerin Göç Politikaları, available here.

<sup>&</sup>lt;sup>485</sup> UNHCR, Migration and Social Cohesion Action Plan (2020-2024) | The Global Compact on Refugees, available here.

to the politisation of the subject and increased anti-migrant sentiments and the lack of sufficient funding, the visibility of the activities and services provided by municipalities decreased in 2023<sup>486</sup>.

The Istanbul Metropolitan Municipality Institute (ISMEK) offered training in pastry making, textiles, and barista skills. In June, ISMEK completed two barista training courses for refugees and locals, including 15 refugees. UNHCR provided consumables and equipment for these courses and will support the graduates' employment by leveraging their newly acquired skills. ISMEK's pastry and textile machinery operator courses also continue in 2023<sup>487</sup>. Between 2021 and 2023, UNFPA Türkiye, with the financial support of the British Embassy and in cooperation with Ankara Metropolitan Municipality, implemented the "Supporting refugee women and youth" project, which supports women and youth from both refugee and host communities in health, protection and social aspects to empower women and youth. Within the scope of the project, the 'Support Center for Women and Youth' opened in Ankara provided services to women in many areas such as access to reproductive health services, social protection, gender-based violence, social cohesion and economic empowerment<sup>488</sup>.

UNHCR also provided core relief items to enhance the capacity of national and local authorities to address needs. Until June 2023, UNHCR has delivered over 2.9 million core relief items to various counterparts, primarily to the Disaster and Emergency Management Authority (AFAD), the PMM, and the Ministry of Family and Social Services. Additionally, UNHCR has supplied CRIs to selected municipalities for distribution to earthquake-affected communities<sup>489</sup>.

A training programme named Social Cohesion and Life Training (SUYE) has been launched by PMM and the project was completed in March 2023. 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 egitim merkezi)<sup>490</sup> in 16 cities that are closely supervised by Turk Kizilay, SGDD-ASAM, and the UNHCR. As of September 9<sup>th</sup> 2022, 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. Interpretation services in Arabic and Persian <sup>491</sup> are available if necessary. Registration for the training is available in 7 languages and participants are given a certificate of participation at the end of the training<sup>492</sup>. Over the second half of 2022, 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.<sup>493</sup>

Overall, social cohesion and targeted reception activities are difficult because refugees still face severe problems with their legal status and accessing registration.<sup>494</sup> The economic and social difficulties experienced by refugees/asylum-seekers living in Türkiye in 2023 also deepened. Over the last years, Türkiye 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.<sup>495</sup> Racism and discrimination are pervasive in Türkiye and continued to be reported as an issue in 2023. For instance, following an argument on a municipal bus in Izmir, three Syrian women and their children were insulted and taken off the bus<sup>496</sup>. According to the findings of the TİHV, in the first 11 months of 2023, 3 refugees/asylum seekers lost their lives and 6 refugees/asylum seekers were injured as a result of extrajudicial executions, failure to comply with stop warnings or random shootings by security

<sup>&</sup>lt;sup>486</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>487</sup> UNHCR Türkiye Operational Update, June 2023, available here.

<sup>&</sup>lt;sup>488</sup> UNFPA Türkiye, 31.03.2023, Kadınlara ve Gençlere Umut Olmak available here.

<sup>&</sup>lt;sup>489</sup> Ibid.

<sup>&</sup>lt;sup>490</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu, available here.

<sup>&</sup>lt;sup>491</sup> AA, 'Göç İdaresi Başkanlığından Türkiye'deki yerleşik yabancılara sosyal uyum eğitimi', 19 September 2022, available here.

<sup>&</sup>lt;sup>492</sup> PMM, Halk Eğitimi Kursları İle Sosyal Uyum Ve Yaşam Eğitimine Erişim, here.

<sup>&</sup>lt;sup>493</sup> EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available here.

<sup>&</sup>lt;sup>494</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>495</sup> HBS Thessaloniki, Media & Migration Association, Media Representation of Refugees and Migants in Turkey, June 2023, available here.

<sup>&</sup>lt;sup>496</sup> Sabah Yasam Haberleri, 10.09.2023, İzmir'de kadın ve çocuk sığınmacılara çirkin saldırı! Nefret kustular -Yaşam Haberleri - Sayfa 2, available here.

forces, and at least 88 refugees/asylum seekers lost their lives as a result of work-related accidents/murders<sup>497</sup>. In 2023, in Karabük Gabonese university student Dina was murdered<sup>498</sup>, and in a 16-year-old Syrian child worker working in the vegetable market in Adıyaman, was killed by his employer<sup>499</sup>. Reports demonstrates that the pressure on human rights defenders continues<sup>500</sup>, and has increased on on refugee journalists and activists with the increased the fear of deportation.<sup>501</sup>

In addition to the protracted displacement of Syrian refugees and the increasing number of irregular arrivals in Türkiye<sup>502</sup>, high inflation deepend the economic harships faced by both local and displaced communities, destructive earthquakes in the region hosting the highest number of temporary protection beneficieries, increased anti-migrant/refugee sentiments, anti-migrant discourse during the election period lead to increasing challenges on social cohesion between refugees, migrants and host communities. 2023 was the year that social cohesion and inclusion downturned. According to a survey, the vast majority of participants see irregular migration as the biggest threat to Türkiye<sup>503</sup>.

Since 2022, hate speech and restrictions towards refugees were even reflected by politicians. Particularly, the party leaders' anti-refugee rhetoric and campaign promises to "send refugees home" during the election campaigns in Türkiye alarmed refugees,<sup>504</sup> made them quite worried about their future in Turkiye<sup>505</sup> and forced them to invisibility<sup>506</sup>. During Türkiye's 2023 Parliamentary and Presidential elections, the refugee issue was heavily politicised, with several parties adopting explicit anti-refugee stances<sup>507</sup>. As economic difficulties and concerns over the migrant population grew, political parties, with exception of a few parties, adopted increasingly anti-refugee stances to gain public support<sup>508</sup>. This shift was particularly evident with the emergence of the anti-migrant Victory (Zafer) Party, which intensified the anti-refugee rhetoric<sup>509</sup>. Campaigns frequently promised the return of Syrian refugees, reflecting rising anti-migrant sentiments among voters. President Erdoğan's administration has responded with plans for the voluntary return of refugees. The increasing anti-refugee sentiment and its exploitation in political campaigns raise concerns about social cohesion and potential violence against refugees<sup>510</sup>. While the refugee issue took center stage during the 2023 elections, contrary to expectations it did not feature prominently in local election campaigns.<sup>511</sup>

The Bolu Municipality posted slogans on billboards stating all refugees should return to their home countries as their presence in Türkiye fueled unemployment, the crime rate, and hindered pace. Based on hate speech and incitement to hatred, the Bolu Prosecutor's Office initiated a criminal investigation.<sup>512</sup> In 2023, Bolu mayor removed the sign of "Bolu Afghanistan Youth Social Cultural and Solidarity Association", even though the sign was in Turkish<sup>513</sup>. 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.<sup>514</sup> In July 2022, Muhammed Isa Abdullah, the owner of a Somalian restaurant, filed a complaint against the police for painting the restaurant's

<sup>&</sup>lt;sup>497</sup> TIHV & IHD, Verilerle 2023 Yılında Türkiye'de İnsan Hakları İhlalleri, 10.12.2023, available here.

<sup>&</sup>lt;sup>498</sup> Hurriyet, Karabük'te Gabonlu üniversite öğrencisinin sır ölümü araştırılıyor, 28.03.2023 available here.

<sup>&</sup>lt;sup>499</sup> X, available here.

<sup>&</sup>lt;sup>500</sup> TİHV, Türkiye'de İnsan Hakları Savunucularının 2022 Yılında Karşılaştığı Baskı, Engel ve Zorluklar.

<sup>&</sup>lt;sup>501</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>502</sup> EC, Seventh Annual Report of the Facility for Refugees in Turkey, COM(2023) 543 final, 22.9.2023, Brussels.

<sup>&</sup>lt;sup>503</sup> Kisadalga, Metropoll'den 'en büyük tehdit' araştırması: Düzensiz göç mü dış güçler mi?, 17.08.2023, available here.

<sup>&</sup>lt;sup>504</sup> Euronews, 'Türkiye'de Suriyeli sığınmacılar endişeli', 19 May 2023, available in Turkish here.

<sup>&</sup>lt;sup>505</sup> VOA, 'Suriyeli Karşıtı Propagandanın Nedeni Ekonomik mi?', 2022, available here. & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>506</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>507</sup> Mengücek and Kurt, 10 July 2023, The politicization of refugees in Turkey's elections is not yet over with local elections on the way, available here.

<sup>&</sup>lt;sup>508</sup> Balta, Elçi & Sert, 2023 Seçimleri ve Türkiye'deki Göç Tartişmaları, Heinrich Böll Foundation, available here.

<sup>&</sup>lt;sup>509</sup> Nefret Döngüsü Günden İzleme Serisi, Seçim Özel, 2023, available here.

<sup>&</sup>lt;sup>510</sup> Mengücek and Kurt, 10 July 2023, The politicization of refugees in Turkey's elections is not yet over with local elections on the way & Balta, Elçi & Sert, 2023 Seçimleri ve Türkiye'deki Göç Tartişmaları, Heinrich Böll Foundation, available here.

<sup>&</sup>lt;sup>511</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>512</sup> NTV, 'Bolu Belediyesi'nin sığınmacılarla ilgili afişine soruşturma', 19 May 2022, available in Turkish here.

<sup>&</sup>lt;sup>513</sup> Duvar, Tanju Özcan, mülteci derneğinin Türkçe tabelasını söktü, 11.11.2023, available here.

<sup>&</sup>lt;sup>514</sup> PMM, 'Tabela Denetimlerine İlişkin Basın Duyurusu', 18 June 2022, available in Turkish here.

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 the news, PDMM also issued a deportation order against him.<sup>515</sup> 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.<sup>516</sup> In **Kocaeli**, the Chair of Kocaeli Chamber of Small Shop Owners said that signboards in Arabic would not be allowed.<sup>517</sup> This trend continues in various cities (such as in Uşak, Kilis, Bursa, İzmir and Yalova), especially after the local election in 2024.

# A. Access and forms of reception conditions

### 1. Criteria and restrictions to access reception conditions

1.		Restrictions to Reception Conditions
	<ul> <li>Regular procedure</li> </ul>	🛛 Yes 🗌 Reduced material conditions 🔲 No
	<ul> <li>Admissibility procedure</li> </ul>	Yes 🛛 Reduced material conditions 🗌 No
	<ul> <li>Accelerated procedure</li> </ul>	🗌 Yes 🖾 Reduced material conditions 🔲 No
	<ul> <li>First appeal</li> </ul>	🛛 Yes 🗌 Reduced material conditions 🔲 No
	<ul> <li>Onward appeal</li> </ul>	Yes 🗌 Reduced material conditions 🗌 No
	<ul> <li>Subsequent application</li> </ul>	⊠ Yes  ☐ Reduced material conditions  ☐ No
2.	Is there a requirement in the law that material reception conditions?	only asylum seekers who lack resources are entitled to ⊠ Yes □ 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 apply for 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.

<sup>&</sup>lt;sup>515</sup> Euronews, 'Ankara'da restoranını polis basan Somalili aile: Suçumuz varsa kapatırız', 12 July 2023, available in Turkish here.

<sup>&</sup>lt;sup>516</sup> Duvar, 'TİHEK'in 'Somalili Abdullah' kararına 5 üye şerh düştü: Kolluk 'ayrımcılık yasağını' ihlal etti', 26 September 2022, available in Turkish here.

<sup>&</sup>lt;sup>517</sup> Özgür Kocaeli, 'Kütük: "Arabic signage will no longer be used", 7 February 2022, available in Turkish, here.

With regard to: (a) documentation; (b) freedom of movement and accomodation; (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. If there is no means criterion for access to primary and secondary education and access to labour market, it is the case for 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:<sup>518</sup> 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.<sup>519</sup>

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.<sup>520</sup>

# 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 2023 (in original currency and in €):

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

Articles 88 and 89 LFIP govern the level of provision and access that shall be granted to international protection applicants (and status holders) in the areas of education, health care, social assistance and services, access to labour market, financial allowance. Türkiye does not commit the provision of shelter to international protection on applicants,<sup>521</sup> 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**.<sup>522</sup>

<sup>&</sup>lt;sup>518</sup> Article 106(1) RFIP.

<sup>&</sup>lt;sup>519</sup> Article 90(1)(ç) LFIP.

<sup>&</sup>lt;sup>520</sup> Article 90(2) LFIP.

<sup>&</sup>lt;sup>521</sup> Article 95 LFIP.

<sup>&</sup>lt;sup>522</sup> PMM, *Removal centres*, available here.

Rights and benefits granted to international protection applicants and status holders may not exceed the level of rights and benefits afforded to citizens.<sup>523</sup>

# 2.1. Financial allowance

International protection applicants who are identified to be "in need", may be allocated a financial allowance by PMM.<sup>524</sup> 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.<sup>525</sup> 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.

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 is provided when they leave state premises.<sup>526</sup>

# 2.2. Social assistance and benefits

International protection applicants identified "to be in need" can seek access to "social assistance and benefits".<sup>527</sup> 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 and continued to assist with electrical bills as a result of the increase in the cost of living<sup>528</sup> in 2023. As such, it will be up to the provincial Social Solidarity and Assistance Foundation to determine whether they qualify for the "poor and needy" threshold.

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 3,912 TL / 110 EUR if the disability rate is between 40% and 70%, and 5,685 TL / 162 EUR if it is more than 70%, and 3,790 TL / 108 EUR for children with disability<sup>529</sup>.

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

<sup>&</sup>lt;sup>523</sup> Article 88(2) LFIP.

<sup>&</sup>lt;sup>524</sup> Article 89(5) LFIP.

<sup>&</sup>lt;sup>525</sup> Article 90(1) LFIP.

<sup>&</sup>lt;sup>526</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>527</sup> Article 79(2) LFIP.

<sup>&</sup>lt;sup>528</sup> Dünya, 'Vatandaşlara 300 TL'den 2400 TL'ye kadar birçok destek veriliyor! Bu şartları sağlayanlar alabilir...', availble in Turkish here

<sup>&</sup>lt;sup>529</sup> NTV, Evde bakım maaşı 2024'te ne kadar olacak? Engelli maaşı ne kadar oldu?, 27.12.2023, available here.

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.<sup>530</sup>

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 also have 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.<sup>531</sup>

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.

In 2023, the economic situation in Türkiye continues to be extremely difficult. The earthquakes have further increased pressures on an increasingly fragile economic situation in 2023. The earthquakes, devastating in their scale and beyond the human tragedy, caused serious physical damage in 11 provinces, representing 16.4 percent of Türkiye's population and 9.4 percent of its economy, the direct damage cost is estimated at 34.2 billion US dollar, but reconstruction needs could be twice of that<sup>532</sup>. Inflation was a particularly serious problem and reached an official rate of 64.77% in 2023, which is the highest annual rate in Türkiye in the last 22 years, however independent economists and academics claim that the 'real' inflation rate was 127,21%<sup>533</sup>. This not only affected refugees in terms of the spending power of the allowance received, but also the general situation in the country, thus, contributing negatively to anti-refugee sentiment. According to a survey conducted in **Istanbul** by the Istanbul Planning Agency, the top complaint was refuges with 66%, followed by the effects of the economic crisis with 55% in 2022.<sup>534</sup> A recent survey shows that the biggest problem mentioned is economy for 85%<sup>535</sup>.

# 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? Xes I No
- 2. Does the law provide for the possibility to withdraw material reception conditions?

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.<sup>536</sup>

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;

 <sup>&</sup>lt;sup>530</sup> UNHCR, Social and financial assistance, available here. & Information provided by a stakeholder, March 2024.
 <sup>531</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>532</sup> World Bank Group, Dünya Bankası Türkiye Genel Bakış, available here.

<sup>&</sup>lt;sup>533</sup> BBC Türkçe, 2023'te yıllık enflasyon TÜİK'e göre yüzde 64, ENAG'a göre yüzde 127, available here.

<sup>&</sup>lt;sup>534</sup> T24, 'Gündem İşte İstanbul halkının en önemli 3 sorunu: Sığınmacılar, ekonomik sorunlar, konut fiyatları', 9 June 2022, availble in Turkish here.

<sup>&</sup>lt;sup>535</sup> Euronews, Türkiye'de halkın yüzde 85'ine göre en büyük sorun ekonomi | Araştırma 24/03/2024, available here.

<sup>&</sup>lt;sup>536</sup> Article 90(2) LFIP.

- (c) Report changes in their residence, identity data and civil status within 20 days;
- (d) 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;
- (e) 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.<sup>537</sup> However, if the application is considered withdrawn ("cancelled"), General Health Insurance (*Genel Sağlık Sigortası*, GSS) is also deactivated.

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.<sup>538</sup>

The PDMM is 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, the legal consequences of the decision as well as the available appeal mechanisms must be explained to him/her.

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.<sup>539</sup>

# 4. Freedom of movement

	Indicators: Freedom of Movement		
1.	Is there a mechanism for the dispersal of applicants across the t		
		🛛 Yes	∐ No
ົ່	Does the law provide for restrictions on freedom of movement?		□ No
Z.	Does the law provide for restrictions of freedom of movement?		

# 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.<sup>540</sup> 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.<sup>541</sup> Stakeholders reported that PMM appearead to have stopped using the concept of "satellite cities" by the end of 2022, and that PMM is responsible of informing about which cities are open or closed to new registrations.<sup>542</sup> Previously, applicants were referred

<sup>&</sup>lt;sup>537</sup> Article 91(6) RFIP.

Law No 7196 amending several acts, 6 December 2019, avaiable in Turkish here

<sup>&</sup>lt;sup>539</sup> Article 80 LFIP.

<sup>&</sup>lt;sup>540</sup> Article 2(hh) RFIP.

<sup>&</sup>lt;sup>541</sup> Article 66(3) RFIP.

<sup>&</sup>lt;sup>542</sup> Information provided by a stakeholder, June 2023.

to cities depending on their profile, in case of having any vulnerability, however recently this implementation is not in practice anymore in 2023<sup>543</sup>.

According to the latest notice, the number of distinct remains the same, but the number of cities increased to 63<sup>544</sup>. According to the last available list, 62 provinces in Türkiye were listed as open/closed cities for the referral of international protection applicants<sup>545</sup> However, they are mostly closed to international protection applications.<sup>546</sup>

Open / closed cities for international protection applicants			
Adana	Çorum	Karaman	Sakarya
Adıyaman	Denizli	Kars	Samsun
Afyon	Düzce	Kastamonu	Siirt
Ağrı	Elazığ	Kayseri	Sinop
Aksaray	Erzincan	Kırıkkale	Şanlıurfa
Amasya	Erzurum	Kırşehir	Sivas
Ardahan	Eskişehir	Kilis	Şırnak
Artvin	Gaziantep	Konya	Tokat
Balıkesir	Giresun	Kütahya	Trabzonistan
Batman	Gümüşhane	Malatya	Uşak
Bayburt	Hakkâri	Manisa	Van
Bilecik	Hatay	Mardin	Yalova
Bolu	lğdır	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 the cities and on referrals there to 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, metropoles and border cities do not usually figure among satellite cities. According to stakeholders, the concept of "satellite cities" is abondened to be used in 2023<sup>547</sup>, however it is not very clear if there is any policy change, or it is just a change in the terminology.

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<sup>548</sup>.

<sup>&</sup>lt;sup>543</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>544</sup> PMM, "İstanbul'da 39 İlçenin Yabancıların İkamet İzinlerine Kapatıldığı" İddialarına İlişkin Basın Açıklaması, 16 July 2023, available here.

<sup>&</sup>lt;sup>545</sup> 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 here, 409.

<sup>&</sup>lt;sup>546</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>547</sup> Information provided by stakeholders, Macrh – April 2024.

<sup>&</sup>lt;sup>548</sup> Information provided by stakeholders, Macrh – April 2024.

It is prohibited by PMM for any region or area in Türkiye to have a population of foreign nationals that is more than 20% of the total population. The rate, which was 25% in 2022, was reduced to 20% in 2023. This includes both people who have made Türkiye their permanent home and those who are merely visiting the country. As of July 2023, 1,169 neighbourhoods in 63 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, instances of nuclear family reunification and accessing to higher education. 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. Many neighbourhoods in the metropolitan cities such as **Adana, Ankara, İstanbul, İzmir, Muğla, and Antalya** fall into this category.<sup>549</sup>

Following 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 done so 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.<sup>550</sup> In 2023, the operations continue, especially in metropolitan areas, such as Istanbul, and Izmir. In a police operation in November 2023, a total of 1,825,320 TL fine was imposed to 41 homeowners on the ground of providing a shelter to unregistered migrants, 5,740 TL for each person they were hosting<sup>551</sup> and, in another operation, carried out in December 2023, 5 homeowners were fined 212,380 TL and judicial proceedings have also been initiated against the suspects<sup>552</sup>. Recently, the "Kalkan (Shield) 15" operation which was carried out in the Basmane region of Izmir within the scope of "combating irregular migration", targetered hotels, 35 hotels were fined because of "providing accommodation despite knowing that they were irregular migrants".<sup>553</sup>

# 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.<sup>554</sup> 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.<sup>555</sup>

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 2023, some people continued to have difficulties in accessing the online system still due to language barriers.<sup>556</sup> 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.<sup>557</sup>

<sup>&</sup>lt;sup>549</sup> PMM, 'Neighbourhood Closure Announcement, 30 June 2022, available in Turkish here & PMM, "İstanbul'da 39 İlçenin Yabancıların İkamet İzinlerine Kapatıldığı" İddialarına İlişkin Basın Açıklaması, 16 July 2023, available here.

<sup>&</sup>lt;sup>550</sup> Milliyet, 'Kaçak göçmenlere ev kiralayan yandı!', 1 April 2022, available in Turkish here.

<sup>&</sup>lt;sup>551</sup> Ekonomim, 'İstanbul'da kaçak göçmen operasyonu: Evleri kiralayanlara rekor ceza', 02.11.2023, available here.

<sup>&</sup>lt;sup>552</sup> NTV, 'İstanbul'da kaçak göçmenlere evlerini kiralayanlara para cezası', 28.12.2023, available here.

<sup>&</sup>lt;sup>553</sup> NTV, İzmir'de düzensiz göçmenlere operasyon: 35 otele baskın!, 17.03.2024, available here.

<sup>&</sup>lt;sup>554</sup> Article 71(1) LFIP.

<sup>&</sup>lt;sup>555</sup> Article 91(1)-(2) RFIP.

<sup>&</sup>lt;sup>556</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>557</sup> Information provided by a stakeholder, May 2023.

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.<sup>558</sup> 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,<sup>559</sup> with a view to their transfer to their assigned province (see Grounds for Detention). It seems, however, that the rigour of sanctions for non-compliance with the obligation to remain in the assigned province varies depending on the nationality, sexual orientation or gender identity or civil status of the applicant (e.g. single woman) or simply due to the working relationship of the applicant with the PDMM staff. Afghan applicants, for example, often face stricter treatment than other groups. Even where released from Removal Centres after being detained for non-compliance with the obligation to reside in their assigned province, asylum seekers are often required to regularly report to the Removal Centre or to a PDMM in a different province from the one where they reside.

It is possible for applicants to request that PMM assign them to another province on grounds of family, health or other reasons.<sup>560</sup> 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.

Registration in another city, so non-compliance with the obligation to remain in the assigned provience, is one of the most common reason to be targeted by the Mobile Migration Points, when a refugee who resides in another city than their registered/assigned city without a travel permit is identified, they are invited to go to the city where they registered in, or to the removal centres, they might face the fear of deportation<sup>561</sup>.

# **B.** Housing

# 1. Types of accommodation

Indicators: Types of Accommodation				
1.	Number of reception centres:562	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 reg	ular procedure: shelter 🛛 Private housing 🔲 Other		
5.	Type of accommodation most frequently used in an ac Reception centre Hotel or hostel Emergency			

<sup>&</sup>lt;sup>558</sup> Article 77(1)(ç) LFIP.

<sup>&</sup>lt;sup>559</sup> Information provided by several stakeholder, May 2023.

<sup>&</sup>lt;sup>560</sup> Article 110(5) RFIP.

<sup>&</sup>lt;sup>561</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>562</sup> Both permanent and for first arrivals.

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.<sup>563</sup> 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).

There is only one remaining Reception and Accommodation Centre in operation in the province of **Yozgat** with a modest capacity of 100 places.<sup>564</sup> 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. 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.<sup>565</sup>

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 Centres to be built instead of removal centres. International protection applicant women can access women's shelters (See: Women and girls under temporary protection) and children can access to Child Support Centres (CODEMs). Women's shelters provide temporary accommodation for women at risk and their children under the age of 12. Children over the age of 12 are placed in dormitories affiliated with the General Directorate of Child Services after the necessary examination. Even though children need to leave the shelters when they turn to 18, the implementations might be flexible for specific cases considering any specific vulnerabilities or for education reasons.

# 2. Conditions in reception facilities

<ol> <li>What is the average length of stay of asylum seekers in the reception centres? Not available</li> <li>Are unaccompanied children ever accommodated with adults in practice? □ Yes ⊠ No</li> </ol>	1.	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		
3. Are unaccompanied children ever accommodated with adults in practice?	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. According to latest TIHEK report, overall, the physical conditions in the centre is fine and the centre works under capacity.<sup>566</sup>

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")

<sup>&</sup>lt;sup>563</sup> Article 95(2) LFIP.

<sup>&</sup>lt;sup>564</sup> Human Rights and Equality Commission of Türkiye, 'Visit to Yozgat Reception and Accommodation Centre', 15 June 2022, available here.

<sup>565</sup> Ibid.

<sup>&</sup>lt;sup>566</sup> Human Rights and Equality Commission of Türkiye, 'Visit to Yozgat Reception and Accommodation Centre', 15 June 2022, available here.

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.<sup>567</sup>Reception services provided in the reception and accommodation centres may also be extended to international protection applicants and status holders residing outside the centres,<sup>568</sup> 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 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, sometimes deposits are not paid back when the tenancy contract ends, and there are also some discriminative practices. 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.

The economic downturn increased living expenses, including rental fees. This had a larger effect on refugees because of their vulnerability. According to NGOs, they 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%.<sup>569</sup> However, in practice, rent increases are much higher than this legal limit. Property owners sometimes threaten refugee tenants with filing a complaint against them if they disagree with a rent increase or refuse to leave the house. The refugees' fear of deportation makes them especially vulnerable to these threats.<sup>570</sup>.

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 problems of finding a suitable place to live are decreased possibilities due to the closed neighbourhoods, reluctance of homeowners to rent their houses to refugees due to increased anti-migrant discourse and discrimination, high rent prices, unrealistic payment conditions (such as paying an annual rent), and poor housing conditions<sup>571</sup>. 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.<sup>572</sup> In **İstanbul**, an increasing number of Afghans have settled in Küçüksu and Yenimahalle<sup>573</sup> and Zeytinburnu.<sup>574</sup> In **Adana** and **Mersin**, they mostly live in rural areas under precarious conditions together with Syrians.<sup>575</sup> (see Content of Temporary Protection Housing).

Recent research<sup>576</sup> conducted in the distincts of Istanbul where high numbers of migrants, especially asylum seekers and refugees, reside shows that three key factors support the spatial segregation of vulnerable migrant groups are the availability of affordable housing, effective migrant networks, and

<sup>&</sup>lt;sup>567</sup> Article 95(3) LFIP.

<sup>&</sup>lt;sup>568</sup> Article 95(4) LFIP.

<sup>&</sup>lt;sup>569</sup> Information provided by a stakeholder, April 2023.

<sup>&</sup>lt;sup>570</sup> Information shared by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>571</sup> Information shared by stakeholders, March- April 2024.

<sup>&</sup>lt;sup>572</sup> Burgün, 'Esenyurt'u 'yurt' edinen göçmenlerin öyküsü: Kimsesizler mezarlığına gömülmek istemiyoruz', 27 July 2022, available in Turkish here.

<sup>&</sup>lt;sup>573</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>574</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>575</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>576</sup> GAR, İstanbul İlçelerinde Kent ve Göç İlişkileri, Rapor no: 9, Nisan (April) 2024.

opportunities for informal employment. The visible presence of large groups of migrants in public spaces has caused unease among citizens, highlighting the tensions related to urban inequalities and the sharing of public resources. Recent enforcement measures, such as mobile migration points, have led to a shift in the presence of migrants in Istanbul, resulting in their increased invisibility rather than a real numerical decline<sup>577</sup>.

According to research<sup>578</sup> focusing on non-Syrian refugees/migrants, following the earthquake, accessing affordable housing became significantly more difficult for 22% of respondents, with Iranian respondents being the most affected at 53%. This issue was particularly mentioned in Ankara, where the majority of those facing housing challenges resided. Key factors contributing to these difficulties included forced evictions and rising rental costs, both exacerbated by increasing inflation. The most pressing needs identified were cash assistance, legal aid, resettlement help, job access, and psychological support. Additionally, there was a notable increase in the need for medical aid and safe spaces for vulnerable groups, especially among Afghan respondents. The increased tensions with the host community complicate access to housing and livelihoods.

# C. Employment and education

# 1. Access to the labour market

1.	Indicators: Access to the Labour Market 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.	<ul> <li>Does the law only allow asylum seekers to work in specific sectors?</li> <li>If yes, specify which sectors:</li> </ul>	🛛 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.<sup>579</sup>

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.<sup>580</sup> On that basis, the Regulation on Work Permit of Applicants for International Protection and those Granted International Protection adopted on 26 April 2016 confirms that applicants may apply to the Ministry of Family, Labour and Social Services for a work permit through an electronic system (*E-Devlet*) after 6 months from the lodging of their asylum application.<sup>581</sup>

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.<sup>582</sup>

<sup>&</sup>lt;sup>577</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>578</sup> Mixed Migration Centre (2023) Türkiye Syria earthquake's impact on Afghan, Iranian, Iraqi and Somali refugees in Türkiye. Available here.

<sup>&</sup>lt;sup>579</sup> Article 89(4)(a) LFIP.

<sup>&</sup>lt;sup>580</sup> Article 89(4)(ç) LFIP.

<sup>&</sup>lt;sup>581</sup> Articles 6-7 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>582</sup> Article 9/1 (c) of the Internal Workforce Law no. 6735, available here. For more information, available here.

Applicants must hold a valid identification document in order to apply,<sup>583</sup> 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.<sup>584</sup> The Ministry of Family and Social Services may introduce province limitations or quotas in these sectors.<sup>585</sup> 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.<sup>586</sup> In addition, applicants cannot be paid less than the minimum wage.<sup>587</sup>

In the Cohesion Strategy and National Action Plan (2018-2023)<sup>588</sup> priorities for the labour market, include:

- Providing reliable and standardised information on labour market;
- Research on professional qualifications of migrants and access to the labour market;

- Protection of right to work as well as information on rights and working conditions.

The action plan includes:

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

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 standards<sup>589</sup>. The number of work permits increased in 2023, comparing to the previous years. In 2023, a total of 239,835 work permits were issued, including 66,299 for women. In 2022, 6,905 citizens of Iran; 3,606 citizens of Iraq, 4,957 citizens of Afghanistan, 11,561 citizens of Russia, and 3,277 citizen of Ukraine acquired work permit.<sup>590</sup> In 2023, 17,785 citizens of Russia, 3,368 citizens of Ukraine, 6,204 citizen of Afghanistan, 3,915 citizen of Iraq, 8,521 citizens of Iran, 1,902 citizens of Pakistan obtained work permit, other top nationalities are Uzbekistan, Kazakistan, and Kyrgyzstan<sup>591</sup>. There is ongoing work to ease procedures, make them more accessible, and reduce the number of people dependent on aid.<sup>592</sup>

The Regulation also foresees the possibility for applicants to have access to vocational training schemes organised by the Turkish Job Agency (İŞKUR).<sup>593</sup> In practice, Public Education Centres 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). İŞKUR also reported that an additional 425 beneficiaries (refugees and members of the host community) secured formal employment through them under the Facility, bringing the total number of beneficiaries to over 18,000. 67% of these were male, while 33% were female.<sup>594</sup> 31,053 migrants accessed to vocational trainings organised by Directorate General for Lifelong Learning, in

<sup>583</sup> Article 6(1)-(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>584</sup> 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.

<sup>&</sup>lt;sup>585</sup> Article 9(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>586</sup> Article 18(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>587</sup> Article 17 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>588</sup> See PMM, Uyum Strateji Belgesi ve Ulusal Eylem Planı 2018-2023, available in Turkish here.

<sup>&</sup>lt;sup>589</sup> Resmî Gazete, Uluslararasi İşgücü Kanunu Üygulama Yönetmeliği, 2022, available in Turkish here.

<sup>&</sup>lt;sup>590</sup> Ministry of Labour and Social Security, 'Work Permits of Foreigners', 2022, available here.

<sup>&</sup>lt;sup>591</sup> Ministry of Labour and Social Security, 'Work Permits of Foreigners', 2023, available here..

<sup>&</sup>lt;sup>592</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>593</sup> Article 22 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>594</sup> EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available here

addition, between 2014 and 2023, a total of 846,987 (excluding Syrians) migrant trainees attended courses held in public education centres <sup>595</sup>

Specific groups are concentrated in certain work areas. For instance, it was reported that Ukrainians in Türkiye work in the beauty, housekeeping, and babysitting industries, as well as informal service sectors,<sup>596</sup> and Afghans often work in shepherding, animal care, and agricultural production<sup>597</sup>. Highly educated international protection applicants or holders often face challenges in securing jobs that match their educational qualifications<sup>598</sup>.

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). The economic crisis in Türkiye, which began with the pandemic and deepened especially in 2023, along with rising unemployment and the high cost of living due to high inflation rates, have made access to labor markets more difficult. Refugee labour constitutes the cheapest segment of the labour market, leading labour-intensive industries to rely on informal labor, this situation increases the vulnerability of migrant workers, at the same time it causes migrant labour to be viewed as a competitive threat by the unemployed locals<sup>599</sup>. With increased inspections of workplaces, employers are becoming less willing to hire migrant workers, and these workers without holding work permits are increasingly afraid to go to their workplaces due to fears of deportation<sup>600</sup>. Asylum seekers who work without work permit are listed in the law among those against whom deportation decisions will be taken; the time limit to access labour market and reluctancy of employers to apply for work permits for asylum seekers might cause the deportation of asylum seekers who work without a work permit. All these issues contribute to a rise in child labour.

According to research conducted by Türk Kızılay<sup>601</sup>, the provinces with the highest number of child workers are İstanbul, Gaziantep, Adana, İzmir, and Kahramanmaraş due to high density of workshops and the largest settled migrant populations. There is a high concentration of migrant children working in shoe making and seasonal agricultural fields in Gaziantep, in furniture-making facilities, carpentry shops, and the automotive service sector in Ankara, in textile workshops and seasonal agricultural labor in Adana, in shoemaking and textile workshops in İzmir and in İstanbul. There are migrant children working on the streets with their family members doing daily jobs such as scrap dealing, vending, selling paper tissue and collecting paper. Kızılay Mobile Teams provide child friendly spaces and psychosocial support services in more than 60 tent areas in provinces where seasonal agricultural workers often reside (Gaziantep, Adana, Mersin, Zonguldak etc.).

Poor health and safety conditions at work are also a matter of concern. Workers' Health and Safety 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 and 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.<sup>602</sup> Refugee workers lost their lives in work-related accidents including as a result of fires, equipment failure and road accidents.<sup>603</sup> An Afghan national, who was working in an illegal mine operating in Zonguldak's Kilimli district, was killed by his bosses<sup>604</sup>.

<sup>&</sup>lt;sup>595</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu: available here

<sup>&</sup>lt;sup>596</sup> Information provided by a stakeholder, March 2023.

<sup>&</sup>lt;sup>597</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>598</sup> Informayion provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>599</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available here.

<sup>&</sup>lt;sup>600</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>601</sup> Turkish Red Crescent, Türkiye - The Effects of Irregular Migration on Child Labor: The Situation of Migrant Children in Türkiye – 2024, available here.

<sup>&</sup>lt;sup>602</sup> Isig Meclisi, 'Yoksulluğun nedeni sermaye iktidarıdır... Son on yılda (2013-2022) en az 828 göçmen/mülteci işçi hayatını kaybetti', 2022, available here.

<sup>&</sup>lt;sup>603</sup> Ibid.

<sup>&</sup>lt;sup>604</sup> Evrensel, Yakılan işçi Nourtani'nin ailesi: Çalışan tek kişiydi şimdi bize ne olacak?, 23 November 2023, available here.

The Directorate General of International Labor has announced the updated administrative fines for foreigners working without a work permit in 2023<sup>605</sup>. Employers hiring foreigners without a work permit face an administrative fine of 35,815.00 TL per foreigner. Foreigners working without a dependent work permit will be fined 14,318.00 TL, and those working independently without a work permit will be fined 28,655.00 TL.

There are some projects addressing several issues regarding the financial literacy, providing information on labour rights, trainings, and digital solutions. Financial literacy training was given to 6,708 trainees with the project implemented in the Public Education Centres in Ankara, Istanbul, Bursa, Konya and Gaziantep, "Micro Business Game Training" and "Accumulation Game Training" course programs were created in the e-system, and information technologies classes were established in 4 public education centres<sup>606</sup>. "Towards an Inclusive Workplace for Refugees Project" implemented by ASAM in 6 provinces (Adana, Bursa, Istanbul, İzmir, Mersin and Kahramanmaraş) creates an application called "Communication & Inclusion" (CommIn). The application aims to make the relevant training easily accessible to both workers and employers, regardless of place and time. MÜDEM Worker Support Center Project<sup>607</sup> continues for 6 years provides social and legal counselling and supports people working in the garment sector in Türkiye, the most common issues among the received notifications are related to salaries, mistreatment at work, and work permits.

# 2. Access to education

Indicators: Access to Education 1. Does the law provide for access to education for asylum-seeking children?	🛛 Yes 🗌 No
2. Are children able to access education in practice?	🛛 Yes 🗌 No

International protection applicants and their family members shall have access to elementary and secondary education services in Türkiye.<sup>608</sup>

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.<sup>609</sup> 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 on 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".<sup>610</sup>

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.<sup>611</sup> 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).

<sup>&</sup>lt;sup>605</sup> Uluslararası İşgücü Genel Müdürlüğü - İdari Para Cezaları, available here

 <sup>&</sup>lt;sup>606</sup> Financial Inclusion of Refugees and Host Communities in Turkey Project, 16 November 2023: available here
 <sup>607</sup> Worker Support Centre: available here.

<sup>&</sup>lt;sup>608</sup> Article 89(1) LFIP.

<sup>&</sup>lt;sup>609</sup> Law No 222 on Primary Education and Training.

<sup>&</sup>lt;sup>610</sup> Law No 1738 Basic Law on National Education.

<sup>&</sup>lt;sup>611</sup> 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.

Children whose families' applications for international protection have been denied, and who are subject to deportation orders, are unable to access education. Even when they are in the midst of legal appeals, educational injunctions are not enforced because they lack a legal stay permit or their residential address is not registered.<sup>612</sup> Children cannot technically register again after the family's application is denied because when a foreigner's ID number is entered into the electronic system, it indicates that they are not registered. 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. In the past, these children and the children whose family have not completed their applications yet could attend school as "guest students," but now, in some cities, they are being refused for enrolment, there is a tendency not to enrol these children in schools to encourage families to register with authorities<sup>613</sup>. The children who have been enrolled for a long time are not usually expelled from school if the family's application is rejected.<sup>614</sup>

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. Sometimes, children are placed in classes appropriate to their ages rather than their levels and therefore they might face difficulty to catch up lessons<sup>615</sup>.

As part of the 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.

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

<sup>&</sup>lt;sup>612</sup> Information shared by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>613</sup> Information shared by a stakeholder, March 2024.

<sup>&</sup>lt;sup>614</sup> Information shared by a stakeholder, 2023.

<sup>&</sup>lt;sup>615</sup> Information shared by a stakeholder, March 2024.

Children with disabilities, particularly after the earthquake, face significant challenges in accessing special education. These challenges include limited access to services, fees that refugee children with disabilities must pay for education, lack of involvement in decision-making and policy implementation, and insufficient targeted programming, especially in the earthquake-affected areas<sup>616</sup>.

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.<sup>617</sup> As of January 1, 2023, 1,006,821 (76.44%) of the entire foreign population of school age have been included in the education system. Of these students, 973,326 are registered in the e-school system, 14,278 are enrolled in distance education, and 19,217 are registered in the Vocational Education Center System (MESEM)<sup>618</sup>. Minister of National Education Yusuf Tekin stated that 163,073 Syrian and 7,197 Afghan national students newly enrolled in 2023. According to Tekin's statements, there are 64,232 foreign students in kindergarten, 432,754 in primary school, 349,111 in middle school, and 152,470 in high school, making a total of 998,567 foreign students receiving education in Türkiye<sup>619</sup>.

3 out of 10 school-age foreign students do not go to school at all, the attendance rate is decreasing dramatically for the children in highschool, especially in the 11th and 12<sup>th</sup> grades<sup>620</sup>. Although the number of children in the 11th and 12th grades is 163,922, the number of children attending school is only 39,168. No official data provides detailed information regarding the status of foreign students who are in the Turkish education system in 2023.

The main reasons why children with international protection applications remain out of schools are (1) economic hardships, which often lead to increased child labor and early marriage cases, (2) peer bullying, (3) being registered in a different province than where they live, (4) discrimination by school administration, teachers, and parents, and (5) insufficient school capacities<sup>621</sup>. There are schools where separate classes are created for migrant children.<sup>622</sup> Although public schools are free, auxiliary costs such as notebooks, stationary and school uniforms, and transportation cost present a financial burden on parents.

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 Gölbaşı, Ankara, for instance, assisted numerous Ukrainian families with school registration procedures. To facilitate the social 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.<sup>623</sup> The "Back to School Project", implemented by ASAM, supports unaccompanied Ukrainian children in Antalya to ensure their access to the Distance Education System in Ukraine with allocating the computer labs<sup>624</sup>. In addition, psychosocial and language support are provided to Ukrainian children in Antalya.<sup>625</sup> Meskhitan Turks residing in container camps in Elazığ have nurseries and elementary schools in the camp and high school students have access to outside education.

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

<sup>&</sup>lt;sup>616</sup> Ortak 3RP Koruma Sektörü Çalıştay Raporu, August 2023, available here.

<sup>&</sup>lt;sup>617</sup> DW, 'MEB raporu: Suriyeli çocukların yüzde 35'i okula gidemiyor', 30 March 2022, available here.

<sup>&</sup>lt;sup>618</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu, available here.

<sup>&</sup>lt;sup>619</sup> T24, 23 November 2023, Bakan Tekin, Türkiye'deki yabancı uyruklu öğrenci sayısını açıkladı Bakan Tekin, Türkiye'deki yabancı uyruklu öğrenci sayısını açıkladı, available here.

<sup>&</sup>lt;sup>620</sup> Birgun, 21.10.2023, 455 bin yabancı çocuk okula gidemiyor, available here.

<sup>&</sup>lt;sup>621</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>622</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>623</sup> Information provided by a stakeholder, March 2023.

<sup>&</sup>lt;sup>624</sup> ASAM, Okula dönüş projesi, availble here

<sup>&</sup>lt;sup>625</sup> Directorate of Communication, 20.06.2023, Turkey has become a safe haven for Ukrainian children who are victims of war (iletisim.gov.tr).

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.

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.<sup>626</sup> Free Turkish courses are provided by Public Education Centres. 37,560 (13,623 male, 23,937 female) foreign nationals accessed to Turkish language courses in 2023<sup>627</sup>. 14,983 migrants benefitted from Turkish language courses provided by Turkish Red Crescent Community Centres.<sup>628</sup> Anadolu University and Yunus Emre Institute (through its "Distance Turkish Learning Portal") provides free, online Turkish language courses from beginner level (A1) to more advanced levels (C2/C1). In addition to them, some municipalities<sup>629</sup> and NGOs provides language courses.

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.<sup>630</sup> 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.<sup>631</sup>

One facet of increasing access to education has been the creation of vocational and technical training possibilities. With the support 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.<sup>632</sup> ASAM implements a project with the support of LEGO Foundation targeting preschool age refugee children to identify the needs of refugee children with special needs, to improve well being of children with using play therapy<sup>633</sup>. Additionally, TRT (Turkish Radio and Television Corporation) Çocuk, which is a TV channel for children, has initiated plans to produce a cartoon episode/promotional film to introduce educational services for foreigner children<sup>634</sup>. It is important to note that NGOs' child protection programmes provide several services for children such as support mechanisms for children who are out of school or at risk of being out of school, legal support, development of life skills, inclusion-based activities such as conversation clubs to improve language skill, and homework support<sup>635</sup>.

International protection applicants or status holders wishing to study at Turkish universities must take the university enterance exam (International Student Admission Exam), and meet specific criteria including holding a valid Foreigner Identification Number and completing the 12th grade. Detailed information on programs, admission requirements and fees can be found on respective university websites. Students may transfer credits from previous studies, subject to university approval. A new regulation was introduced in 2022 whereby foreign students have to pay a contribution fee for higher education, including Syrian

<sup>&</sup>lt;sup>626</sup> Inter-Agency Coordination Türkiye, IAPNA 6, January 2023, available here.

<sup>&</sup>lt;sup>627</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu, available here.

<sup>&</sup>lt;sup>628</sup> TÜRK KIŹILAY, SOSYOEKONOMİK ĞÜÇLENDİRME PROĞRAMİ, availble here.

<sup>&</sup>lt;sup>629</sup> Gaziantep Belediyesi, available here.

<sup>&</sup>lt;sup>630</sup> STGM, 'Aynı Dili Konuşalım Projesi Ücretsiz Online Türkçe Kursları Başlıyor', 31 August 2022, available in Turkish here.

<sup>&</sup>lt;sup>631</sup> Information provided by a stakeholder, April 2023.

<sup>&</sup>lt;sup>632</sup> SEUP, 'Faydali Dokümanlar', last accessed on 13 July 2023, available in Turkish here.

<sup>&</sup>lt;sup>633</sup> ASAM, available here.

<sup>&</sup>lt;sup>634</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu, available here.

<sup>&</sup>lt;sup>635</sup> Information share by stakeholders, March-April 2024.

students and blue cardholders.<sup>636</sup> In 2023, like previous years, Turkish universities organised specific exams for foreign students and announced location of exam and the fees. Exam fees vary depending on the university and exam center chosen, generally range from 150 TL to 2000 TL.

Several scholarship opportunities are available, including the DAFI scholarship from UNHCR, which covers expenses such as accommodation, food, and tuition, and the Higher Education Cash Grant (HECG) for enrolled students with a minimum GPA of 1.5<sup>637</sup>. Additionally, the ICMPD's EU Scholarships and YTB's Türkiye Scholarships offer financial support based on various criteria, including academic performance and location<sup>638</sup>. UNHCR's financial assitance for ex-minors is particularly based on the continution to education including language couses, vocational or skill courses<sup>639</sup>. In 2023, PMM and Council of Higher Education signed a cooperation protocol to ease the bureaucracy of obtaining the student residence permits for foreign university students<sup>640</sup>.

The Turkish Employment Agency (İŞKUR) runs several vocational courses<sup>641</sup>. Vocational courses are offered by public education centres withmore than 31 thousand foreign nationals benefitted from these courses as of January 2023. The main barrier to access vocational eductaion is lack of language proficiency. Finally, there are civil society organisations that provide free skills training, hobby, and vocational courses under the supervision of the Ministry of National Education<sup>642</sup>.

# D. Health care

	Indicators: Health Careborder					
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.<sup>643</sup>

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.

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

<sup>&</sup>lt;sup>636</sup> 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 here.

<sup>&</sup>lt;sup>637</sup> UNHCR, 'Admission to University', last accessed on 14 July 2024, available here.

<sup>&</sup>lt;sup>638</sup> EU Scholarhips, last accessed on 14 June 2024, available here.

<sup>&</sup>lt;sup>639</sup> Information provided by a stakeholder, June 2024.

<sup>&</sup>lt;sup>640</sup> Başkanlığımız ile YÖK Arasında Uluslararası Öğrencilerin İkamet İzinlerine İlişkin İşbirliği Protokolü İmzalandı (15 November 2023), available here.

<sup>&</sup>lt;sup>641</sup> İŞKUR, last accessed on 14 June 2024, available here.

<sup>&</sup>lt;sup>642</sup> Education: Information portal for refugees in Turkey, last accessed on 14 June 2024, available here.

<sup>&</sup>lt;sup>643</sup> Law No 5510 on Social Security and General Health Insurance lays down the scope and modalities of Türkiye's general health insurance scheme.

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.<sup>644</sup> 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. After this one-year period, they can access these services only by paying General Health Insurance (GSS) premiums. 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. If their applications for international protection are denied, their access to public healthcare services is terminated. Irregular migrants without legal status are restricted from public healthcare services except for emergency care and have limited access to private healthcare services. Due to the fear of deportation, in practice they cannot access health care<sup>645</sup>.

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.<sup>646</sup>

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 victimised by this application. Therefore, these people access health services in the private sector.<sup>647</sup> 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.<sup>648</sup>

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.<sup>649</sup> Accessing to such reports with an active ID is extremely difficult.

# 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

<sup>&</sup>lt;sup>644</sup> Türk Kızılay, Syrian beneficiaries of Ankara community centre, September 2018, available here.

<sup>&</sup>lt;sup>645</sup> Infromation provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>646</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>647</sup> Information provided by a stakeholder, April 2022 and May 2023.

<sup>&</sup>lt;sup>648</sup> Information provided by a stakeholder, April 2023.

<sup>&</sup>lt;sup>649</sup> Information provided by a stakeholder, May 2023.

well as maternal and reproductive health services. The EU-funded SIHHAT project supported and developed primary health care services, under the project, in 2023, 190 Migrant Health Centres operates in 32 provinces to increase access to health services<sup>650</sup>. The SIHHAT project mainly focuses on reproductive health, mental health and psychosocial support, immunisation, mobile health services, cancer screening, and health literacy training. In 2022, the project's scope has been expanded to include vulnerable populations, such as seasonal migrant workers, and mobile health services. In addition to doctors with temporary protection status, doctors with origins in Yemen and Palestine have been recruited for the project.<sup>651</sup> 1,616,549 patients were reached by the project<sup>652</sup>.

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).<sup>653</sup>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.

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

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.

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.<sup>654</sup> 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.

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.

A number of NGOs also offer a range of psychosocial services in different locations around Türkiye although capacity is limited. ASAM, Médecins du Monde Türkiye, IKGV, Support to Life and Türk Kızılay are some of the NGOs providing psychosocial support in different cities. Türk Kızılay Community Centres provides

<sup>&</sup>lt;sup>650</sup> SIHHAT project website, available here.

<sup>&</sup>lt;sup>651</sup> Delegation of The European Union to Türkiye, 'Homepage', last accessed 13 July 2023, available here.

<sup>&</sup>lt;sup>652</sup> SIHHAT project website: available here.

<sup>&</sup>lt;sup>653</sup> Directive No 28597, 24 March 2013.

<sup>&</sup>lt;sup>654</sup> Article 113(1) RFIP.

mental health support in 18 cities with its 19 centres (**Bursa, Adıyaman, Zonguldak, Malatya, İzmir, Adana, Ankara, Kayseri, Konya, Kocaeli, Kilis, Gaziantep, Kahramanmaraş, Mersin, Mardin, Şanlıurfa, Hatay and two in İstanbul**). The teams consist of psychiatrists, clinical psychologists, child development specialists, psychiatric nurses and translators and reached out to 742,098 people in total.<sup>655</sup> In different locations, the IOM Psychosocial Mobile Teams (PMTs) delivered mental health and psychosocial support services to 7,727 people from migrant, refugee, and host groups in 2023.<sup>656</sup>

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;
- 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.

A person without an active ID, or someone residing outside their registered city, faces difficulties in accessing healthcare and medication. For newborn registrations, issues with the parents' IDs can prevent obtaining the child's birth report, leading to the child remaining without an identity for a long period. This results in the child having trouble accessing healthcare services and delays in vaccinations.

Another significant challenge highlighted by many stakeholders is the one-year rule. After one year, applicants who cannot access free healthcare services, especially those with chronic illnesses, face difficulties. If a chronic illness was diagnosed before arriving in Türkiye, treatment expenses are not covered. However, if the illness was diagnosed in Türkiye, access to healthcare is granted after a health report is provided and the General Health Insurance (GSS) becomes active.

Obtaining the health report can be very challenging, especially if the person's ID is not active. For individuals without an active ID, this report is necessary to receive healthcare, but an active ID is required to apply for the report at the hospital. NGOs provide support to these individuals. Lawyers open administrative lawsuits in relation to access to health care for those who have chronic illness, often they receive positive decisions, but deactivation of GSS might be limited to a short period of time, such as one month. While obtaining a healthcare injunction decision for children is easier, it can take longer for adults. In some cases, a pregnant

<sup>&</sup>lt;sup>655</sup> Toplum Merkesi, 'Toplum Merkezine Hoşgeldiniz', last accessed 13 July 2023, available in Turkish here.

<sup>&</sup>lt;sup>656</sup> IOM, 'Göçmen ve Mülteci Destek Faaliyetleri , 2023, available here.

woman might give birth while waiting for the decision. If the mother is unregistered (udocumented), the birth can be processed as health tourism, resulting in a very high bill that the individuals cannot afford to pay. As the fees often cannot be paid by international protection holders this creates a huge debt in time.<sup>657</sup> In 2023, the number of babies born to foreign women were as follows: Afghanistan 2,629 babies, Iraq 2,582 babies, Uzbekistan 1,755 babies and Azerbaijan 1,601 babies<sup>658</sup>.

Médecins du Monde Türkiye implements a project to increase the protection and resilience of seasonal workers in Torbalı (Izmir), as well as undocumented migrants in the urban areas of Konak (Izmir), and Zeytinburnu, Esenyurt, and Fatih in Istanbul, providing health-oriented protection case management (referring, translating, and/or paying for beneficiaries with chronic or urgent medical issues)<sup>659</sup>.

HIV+ applicants face difficulties to access treatment, especially if they were diagnosed before arriving to Türkiye, sometimes NGOs provide supports for a couple months, but not being able to provide sustainable, longer solutions<sup>660</sup>. In **Istanbul**, access to health care is a continuous problem for individuals with special needs, and their health insurance is de-activated after only one year unless an NGO or bar association is involved.<sup>661</sup> 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<sup>662</sup>.

Previously, some NGOs provided substantial support to individuals without valid registration by collaborating with private hospitals. However, this is no longer feasible. Even if individuals can afford private hospitals, they are afraid to access healthcare because they are unregistered and fear being reported to the authorities<sup>663</sup>. The same issue exists for public hospitals. When unregistered refugees apply to a public institution, including a hospital, that 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.<sup>664</sup> There is knowledge of unregistered doctors conducting unauthorised medical examinations, this option is preferred by people who do not have active ID, or who face language barrier<sup>665</sup>.

The language barrier remains one of the main problems encountered by asylum seekers in need of access to health care services.<sup>666</sup> 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.<sup>667</sup> NGOs in some locations also offer limited services to accompany particularly vulnerable asylum seekers to hospitals.

According to a recent study published by Heinrich Böll Stiftung<sup>668</sup>, public health centres and hospitals lack institutional translation services, forcing families to rely on children who speak better Turkish to act as interpreters, leading to potential miscommunication and ineffective treatments. While Migrant Health Centres offer services in Arabic, these are limited to districts with high migrant populations. Private hospitals provide translation services, but only families with sufficient financial resources can afford them. Additionally, family doctors may be reluctant to register migrants due to communication barriers, resulting

<sup>&</sup>lt;sup>657</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>658</sup> NTV, "Türkiye'de doğum yapan Suriyeli anne sayısı azaldı", 17.05.2024, available here.

<sup>&</sup>lt;sup>659</sup> DDD, Provision of health protection and resilience of at-risk Syrians and undocumented migrants in Turkey | Dünya Doktorlarn, available here.

<sup>&</sup>lt;sup>660</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>661</sup> Information provided by a stakeholder, April 2023.

<sup>&</sup>lt;sup>662</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>663</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>664</sup> Information provided by a stakeholder, May 2023 & Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>665</sup> Infomration provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>666</sup> Information provided by stakeholders, May-June 2023.

<sup>&</sup>lt;sup>667</sup> Information provided by astakeholder, May 2023.

<sup>&</sup>lt;sup>668</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available here.

in unvaccinated children. Although there are efforts to provide reproductive health information, written materials in Arabic are scarce. Refugees also face difficulties in accessing higher-tier healthcare facilities due to a preference for treating them at lower-tier public hospitals to minimize costs.

Other problems are lack of information, difficulties in paying fees, and capacity related issues in health care services. International protection status holders often do not know that vulnerable groups are exempted from the one-year limitation<sup>669</sup>. Exceptions are not largely enforced. 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.<sup>670</sup> There is also an appointment problem for all citizens in Türkiye due to the capacity problem.<sup>671</sup>

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 and UNHCR-contracted polyclinic offered psychiatrist consultations.<sup>672</sup>

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.<sup>673</sup>

# E. Special reception needs of vulnerable groups

	Indicators: Special Reception Needs
1	I. 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".<sup>674</sup>

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.<sup>675</sup>

Unaccompanied minors can benefit from shelter assistance provided by the Ministry of Family and Social Services until they turn 18<sup>676</sup>. The rooms might be shared or private, the conditions vary. These shelters

<sup>&</sup>lt;sup>669</sup> Information provided by astakeholder, May 2023 & Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>670</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>671</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>672</sup> ASAM report on Ukrainians.

<sup>&</sup>lt;sup>673</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>674</sup> Article 3(1)(I) LFIP.

<sup>&</sup>lt;sup>675</sup> Law No 7196 amending several acts, 6 December 2019, in Turkish here.

<sup>&</sup>lt;sup>676</sup> Information Portal for Refugees in Turkey, Rights and Procedures for Unaccompanied Minors, available here.

ensure that all basic needs, including food and clothing. A nurse is present at the facilities to monitor and attend to any health issues, and minors can be accompanied to hospitals or other health services if further medical attention is needed. Education is also supported, allowing minors to continue their formal or distance education according to their age and previous education level, with the guidance of a counselor. Additionally, these facilities provide a weekly or monthly allowance to help cover personal needs. They also organise various activities such as language courses. Unaccompanied minors have the right to apply for asylum.

There are differences between provinces in the implementation of procedures regarding unaccompanied and separated children<sup>677</sup>.Unaccompanied children, especially male children, may face difficulties in accessing protection. If the child does not have an identity card, the Child Support Centres (ÇODEM) will help to obtain one. If the child goes directly to a PDMM, he will not obtain an ID card as he must receive a guardianship decision from a court first. However, when children go to court for the appointment of a guardian, judges say that they cannot appoint a guardian because the child is not registered and, therefore, legally does not exist. This creates a vicious circle where children remain in a prolonged state of limbo and further hinders their access to the international protection procedure. 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. Children's settlement is also problematic, and it is traumatizing because they are placed in dormitories by the juvenile police. Police officers often have lack of information on 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.<sup>678</sup> 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.<sup>679</sup> 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.680

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. Stakeholders continued to state that unaccompanied adolescents aged 15-16 had been determined to be 18 on paper<sup>681</sup>, while other unaccompanied children aged 12-13 were determined to be relatives of these older children and were released from child-care institutions.<sup>682</sup>

A study conducted with 449 unaccompanied minors in Türkiye reveals several challenges faced by these children during their migration journey<sup>683</sup>. Smugglers track their locations to ensure payment, causing children to avoid institutional care for fear of deportation, which makes them invisible to social services. The study highlights various issues: 15.7 percent of the children had registration-identity problems, 10 percent stayed on the streets upon arrival in Türkiye, 8 percent experienced violence during migration, and 8.8 percent reported being subjected to peer bullying.

<sup>&</sup>lt;sup>677</sup> Ulusal Koruma Çalışma Grubu, Ortak 3RP Koruma Sektörü Çalıştayı, 2-3 Ağustos 2023

<sup>&</sup>lt;sup>678</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>679</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>680</sup> Information provided by various stakeholders, June 2023.

<sup>&</sup>lt;sup>681</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>682</sup> Information provided by various stakeholders, May 2023.

<sup>&</sup>lt;sup>683</sup> Bianet, "Refakatsiz çocuklar sosyal hizmet radarının dışında kalıyor", 22.03.2024, available here.

Another research<sup>684</sup> reveals that refugee child protection sector experience inadequate coordination and cooperation among various actors, as well as short-term fundings, particularly during the reception phase. These challenges hinder the development of solutions for urgent protection issues like gender-based violence and child labor, as well as the establishment of a long-term, rights-based approach.

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.<sup>685</sup> The Ministry of Family and Social Services provides protection and care services to a total of 574 Ukrainian citizens, 418 of whom are children and 156 of whom are adults<sup>686</sup>.

### 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.

Survivors 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.<sup>687</sup> In 2023, in total there are 149 women's shelters with a capacity of 3,650<sup>688</sup>; 112 shelters affiliated with the Ministry in 81 provinces provided services with a capacity of 2,805; 33 women's shelters affiliated with municipalities in 13 provinces with a capacity of 735; 1 women's shelter affiliated with NGOs with a capacity of 20; and 3 women's shelters affiliated with PMM with a capacity of 90. The number of existing women's shelters, managed by the municipalities and their capacities are not sufficient<sup>689</sup>. In 2023, to maintain women's shelter services in Hatay, which was affected by the earthquake, 3 containers were provided, furnishing support was given to shelters in need. There are now two dedicated facilities for survivors 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.<sup>690</sup> LGBTIQ+ victims can also access to these facilities.<sup>691</sup>

Public institutions and municipalities providing support to women survivors of violence reject requests from unregistered migrant women, registration and residential address as essential criteria hinders their access to such shelters and services. Migrant women who are not in their registered province are often denied help and told to apply to access services in their registered province, even if they are at risk of violence<sup>692</sup>. Other challenges can be summarised as inadequate resources, limited capacity of the shelters, lack of expertise, and language barriers (lack of interpreter support).

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 survivors of gender-based violence unregistered. Refugees 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.

Mencütek, Karal, and Altintop, 2023, Governance of Refugee Children Protection in Turkey: Between Vulnerability and Paternalism, Politics of Subsidiarity in Refugee Reception, eBook ISBN9781003369417
 Information provided by a stakeholder, March 2023.

<sup>&</sup>lt;sup>686</sup> T.C. Aile ve Sosyal Hizmetler Bakanlığ, Faaliyet Raporu 2023, available here.

<sup>&</sup>lt;sup>687</sup> Ministry of Family, Labour and Social Services, *Şiddet Önleme ve İzleme Merkezi*, available in Turkish here.

<sup>&</sup>lt;sup>688</sup> T.C. Aile ve Sosyal Hizmetler Bakanlığı, 2023 Faaliyet Raporu, available here.

<sup>&</sup>lt;sup>689</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>690</sup> PMM, Victims of human trafficking, available here.

<sup>&</sup>lt;sup>691</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>692</sup> GAR, Çoklu Kıskaç Altında: Göçmen ve Mülteci Kadınların Sorunları Üzerine Güncel Bir Değerlendirme, GAR-RAPOR NO:10, available here.

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 of accessing the justice system and the loss of their status and rights<sup>693</sup>. 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, for instance, they often lack access to sexual health information, health care facilities, HIV testing centres, and counselling services.<sup>694</sup> Asylum-seeking women, especially single women, may be exposed to discrimination on the grounds of gender, especially in finding a rental house, taking part in social life, and accessing labour market<sup>695</sup>. Fear of deportation leads to underreporting of GBV cases, law enforcement's negative attitudes further complicate complaint processes and the tendency to hide child marriages in refugee communities also pose significant barriers to addressing GBV<sup>696</sup>.

During the post-earthquake period, increased instances of child and forced marriages, difficulties in accessing sanitation and hygiene facilities, and the need for measures against sexual exploitation and abuse were identified<sup>697</sup>. Those affected by earthquakes face increased gender-based violence risks, marriage sometimes seen as a security measure, including for children.

Under the collaboration between the Istanbul Metropolitan Municipality (İBB) and the Istanbul Bar Association, lawyers will be available on specific days of the week at the Municipality's Women's Centres to provide legal counseling services to combat violence against women. The İBB, which has been offering a 24/7 Women's Support Line<sup>698</sup> in multiple languages – Turkish, Kurdish, Arabic and English- will now provide free legal counseling at three of its Women's Centres—Esenyurt, Gaziosmanpaşa, and Ümraniye— and refer women needing legal representation to the Bar Association's Legal Aid Office.

ASAM-SGDD provided counselling to Ukrainian and Russian victims of gender-based violence in their access to health care or permit processes.<sup>699</sup> The Project "Providing Legal Support and Assistance for Vulnerable Migrants in Türkiye"<sup>700</sup>, implemented by ASAM and funded by ECHO, seeks to enable the identification of vulnerable asylum seekers and migrants in need in the provinces of İstanbul, İzmir, Balıkesir, and Van.

# 3. Reception of LGBTQI+ persons

LGBTQI+ persons are not mentioned as a category of "persons with special needs" in the LFIP.

In 2023, the trend of referring LGBTQI+ international protection applicants to specific cities where communities were known to be more open and sensitive to this population, such as **Eskişehir**, **Denizli** and **Yalova**, changed, as these provinces are closed for registration. In addition, stakeholders indicated that LGBTQI+ individuals, including transgender persons, could be referred to Çorum, Elazığ, Erzurum, Yozgat, Kayseri, Niğde, and Hakkari where the refugee population is smaller, and where the local population is more conservative comparing the cities they were referred to in the past. Vulnerability was not taken into consideration during the referral process.<sup>701</sup> LGBTIQ+ individuals face threats and risks due to a lack of supportive NGOs in smaller provinces<sup>702</sup>. They face challenges when they request to change cities, the risk of attack is not considered as valid reasons to be relocated. There were some cases when they were

<sup>&</sup>lt;sup>693</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>694</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>695</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>696</sup> Ulusal Koruma Çalışma Grubu, Ortak 3RP Koruma Sektörü Çalıştayı, 2-3 Ağustos 2023 & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>697</sup> Ulusal Koruma Çalışma Grubu, Ortak 3RP Koruma Sektörü Çalıştayı, 2-3 Ağustos 2023 & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>698</sup> Kadın Destek Hattı, available here.

<sup>&</sup>lt;sup>699</sup> Information provided by a stakeholder, March 2023.

ASAM, project available here.

<sup>&</sup>lt;sup>701</sup> Information provided by a stakeholder, June 2023 & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>702</sup> Information provided by stakeholders, March – April 2024.

referred to other provinces after physical attacks<sup>703</sup>. LGBTQI+ refugees are among the groups prioritised to be resettled in a third country.

In 2023, discrimination against refugee LGBTQI+ individuals have increased significantly, creating serious obstacles to accessing housing, healthcare, and employment.<sup>704</sup> Access to safe and dignified housing is particularly limited for transgender persons<sup>705</sup>. 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.<sup>706</sup> In 2022, NGOs, such as Positive Living 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.<sup>707</sup> NGOs continue providing short term solutions.

Many of the challenges in accessing health services which were highlighted in the report published in 2021<sup>708</sup> remain the same in 2023, such as language barriers, lack of translators, bureaucracy, complex healthcare system and hospital layouts, LGBTQI+ phobia, discrimination, and racism, insufficient education about LGBTQI+ issues, and HIV phobia and stigmatisation experienced by refugees living with HIV.

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.

Refugees face several barriers to accessing this type of service. Firstly, there is a language barrier when a lawsuit needs to be filed. Without an interpreter, the process takes longer and becomes more difficult. Secondly, as the process progresses, individuals are transferred to training and research hospitals in big cities. This requires frequent travel, leading to significant travel and accommodation expenses<sup>709</sup>, which they must cover themselves. During the psychiatric observation period that lasts for six months to two years, there are language barriers and translator difficulties. When hormone therapy begins, the medication costs are not covered. Additionally, surgeries are very expensive<sup>710</sup>. In public hospitals, the GSS covers the cost of certain surgeries, such as vaginoplasty and testicle removal, but applicants must pay for the remaining cost.<sup>711</sup> The United Nations High Commissioner for Refugees provides monthly financial assistance of 2,300 TRY for transgender and intersex refugees.<sup>712</sup>

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. The gender reassignment process can only be carried out in certain cities in Türkiye where there are hospitals having specialised services for this process. Under the management of Positive 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. 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.<sup>713</sup> Red Umbrella Sexual Health and Human Rights Association provides legal information to those who wish to file a lawsuit

<sup>&</sup>lt;sup>703</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>704</sup> KAOS GL, "Mülteci LGBTİ+'ların talep ve eleştirileri Eskişehir'de konuşuldu", 10/10/2023, available here.

<sup>&</sup>lt;sup>705</sup> Ulusal Koruma Çalışma Grubu, Ortak 3RP Koruma Sektörü Çalıştayı, 2-3 Ağustos 2023.

<sup>&</sup>lt;sup>706</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>707</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>708</sup> AIDA Turkey, 2021, available here.

<sup>&</sup>lt;sup>709</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>710</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>711</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>712</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>713</sup> Information provided by a stakeholder, June 2023.

or seek information about the process, this includes details about the legal procedure and how to obtain legal support.

In state hospitals, they can find SIHHAT-funded interpreters, but 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.<sup>714</sup> They prefer to contact Positive Living Association's service units in Istanbul (Anatolian / European sides), Eskisehir, Mersin, Denizli, and Yalova or Red Umbrella Sexual Health and Human Rights Association's service unit in Ankara.<sup>715</sup>

If refugees are unable to undergo this process in the provinces they registered in due to the lack of facilities, it is not accepted as a reason for relocation. Undergoing the gender transition process is not considered a valid reason for changing their residence permits<sup>716</sup>. For instance, transgender residents of **Denizli** are required to obtain a travel permit to attend the hospital regularly in Izmir.<sup>717</sup> Medical records from hospitals need to be used to obtain travel permit via E-Devlet (an online platform to access public services).<sup>718</sup> In practice, travel permits are granted for this purpose without any major problems. However, they might encounter some problems with accessing information due to the lack of social network, referrals from the hospital, covering their travel and accommodation expenses<sup>719</sup>. 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, especially due to the cost.

In 2023, courts reportedly issued rulings in favor of transgender persons' transition processes access to hormone therapy, and name changing procedures. However, applications are made to the courts to correct the gender information in their IDs, the courts usually give negative decisions on the grounds that the person is not a Turkish citizen.<sup>720</sup>

### 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 continue receiving the necessary medical services one year after registering. Few NGOs deal with the needs of this group such as Positive Living Association in **İstanbul** (Anatolian / European sides), Yalova, Denizli, Mersin, Eskisehir and Red Umbrella Sexual Health and Human Rights Association in Ankara. In 2023, for applicants with HIV, in general courts ruled that the applicant's GSS registration must be reactivated due to the applicant's special needs. Since 2021. Positive Living Association and Red Umbrella Sexual Health and Human Rights 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. 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 Positive Living Association and Red Umbrella Sexual Health and Human Rights Associationhave 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.<sup>721</sup> Positive Living Association started a new

<sup>&</sup>lt;sup>714</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>715</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>716</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>717</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>718</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>719</sup> Information provided by a stakeholder, March – April 2024.

<sup>&</sup>lt;sup>720</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>721</sup> Information provided by a stakeholder, June 2023.

project in 2023 aiming to empower people living with HIV and support their capacity building through counseling and up-to-date HIV information<sup>722</sup>.

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.<sup>723</sup> 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. However, this is not consistently done across provinces.

The Help platform established by UNHCR provides information on rights such as education, employment and health care in English, Turkish, Arabic and Farsi. This platform has a new section for Ukranian nationals, providing specific information for this group. In addition, UNHCR's services advisor platform<sup>724</sup> which shows available services for refugees in Türkiye and UNHCR Türkiye Information Board on Facebook are accessible for asylum seekers. (See Provision of information on the procedure & 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 fa	mily members, legal advisers, UNHCR and/or NGOs have access to reception centre	es?
	☐ Yes	

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.

<sup>&</sup>lt;sup>722</sup> Positive Living Association Projects, available here.

<sup>&</sup>lt;sup>723</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>724</sup> Available here.

For more detail, please see Differential treatment of specific nationalities in the procedure.

# A. General

	Indicators: General Information on Detention	
1.	Total number of asylum seekers detained in 2023:725	Not available
2.	Number of asylum seekers in detention at the end of 2023:	Not available
3.	Number of Removal Centres:	29
4.	Total capacity of Removal Centres:	16,110

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). There are 29 active Removal Centres (including two temporary removal centres).<sup>726</sup> At the beginning of 2023, there were 30 removal centres across the scountry with a total capacity of 18,000. However, following the earthquake disasters centred in Kahramanmaraş on February 6, 2023, the Hatay removal center with a capacity of 190 was closed, and the Malatya temporary removal center with a capacity of 2,100 was converted into a temporary shelter for earthquake victims. Consequently, in the first quarter of 2023, the number of removal centres nationwide decreased to 28, and the total capacity dropped to 15,710. In the last quarter of the year, the Bayburt Removal Center with a capacity of 400 was opened on October 13, 2023, bringing the total number of the centres to 29 with a total capacity of 16,110<sup>727</sup>.

There is no official data on the number of asylum seekers detained in removal centres. However, many of these centres operate over capacity, and the turnover of people is very high<sup>728</sup>. A lawyer mentioned that sometimes, as many as 6,000 people are brought to Tuzla removal center in a single day<sup>729</sup>.

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",<sup>730</sup> and that they fall within the scope of the Accelerated Procedure.<sup>731</sup>

<sup>&</sup>lt;sup>725</sup> Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

<sup>&</sup>lt;sup>726</sup> PMM, Faaliyet Raporu, 2023, available here.

<sup>&</sup>lt;sup>727</sup> Ibid.

<sup>&</sup>lt;sup>728</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>729</sup> Bianet, "Bir Geri Gönderme Merkezine günde 6 bin kişi götürülüyor", 21 September 2023, available here

<sup>&</sup>lt;sup>730</sup> Article 68(5) LFIP.

<sup>&</sup>lt;sup>731</sup> Article 79(1)(ç) LFIP.

# **B.** Legal framework of detention

#### 1. Grounds for detention

		Indicators: Grounds for	Detention	
(	1.	In practice, are most asylum seekers detained		
		<ul> <li>on the territory:</li> </ul>	🖂 Yes	🗌 No
		✤ at the border:	🛛 Yes	🗌 No
	~			., ·
	2.	Are asylum seekers detained during a regular proceed	lure in practice?	Varies

The LFIP provides for two types of administrative detention:

- Administrative detention of international protection applicants during the processing of their applications;<sup>732</sup> and
- ✤ Administrative detention for the purpose of removal.<sup>733</sup>

## 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.<sup>734</sup> Persons "may not be detained for the sole reason of having submitted an international protection application."<sup>735</sup>

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.<sup>736</sup>

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.<sup>737</sup> This not only runs contrary to the LFIP, which

<sup>&</sup>lt;sup>732</sup> Article 68 LFIP.

<sup>&</sup>lt;sup>733</sup> Article 57 LFIP.

<sup>&</sup>lt;sup>734</sup> Article 68(2) LFIP; Article 96(1) RFIP.

<sup>&</sup>lt;sup>735</sup> Article 68(1) LFIP.

<sup>&</sup>lt;sup>736</sup> Article 57(4) LFIP.

<sup>&</sup>lt;sup>737</sup> Article 96(7) RFIP.

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. In 2022 and 2023 stakeholders reported that reporting duties and being placed at a residential address were used more frequently.<sup>738</sup> (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/ registered province 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 2023. <sup>739</sup> 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.<sup>740</sup> The authorities have intensified checks by mobile migration points and check points between cities, which increase identification of the persons travelling outside their designated province, resulting in an increasing number of applicants for international protection detained in Removal Centres<sup>741</sup> (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.<sup>742</sup> (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 2023, similarly to the previous year.<sup>743</sup> (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.<sup>744</sup>

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.<sup>745</sup>

<sup>&</sup>lt;sup>738</sup> Information provided by a stakeholder, May 2023 & Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>739</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>740</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>741</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>742</sup> Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Türkiye, 4 December 2019, available here

<sup>&</sup>lt;sup>743</sup> Information provided by a stakeholder, May 2023 and March 2024.

<sup>&</sup>lt;sup>744</sup> Constitutional Court, B.T., Decision 2014/15769, 30 November 2017, available here. 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 here.

<sup>&</sup>lt;sup>745</sup> Relief Web, 'Turkiye: Joint Submission to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families', 2022, available here.

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.<sup>746</sup>

# 2. Alternatives to detention

1.	Indicators: Alternatives to Detention Which alternatives to detention have been laid down in the law?	<ul> <li>Reporting duties</li> <li>Surrendering documents</li> <li>Financial guarantee</li> <li>Residence restrictions</li> </ul>	
2.	Are alternatives to detention used in practice?	<ul><li>☑ Other</li><li>☑ Yes □ No</li></ul>	

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.<sup>747</sup>

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.<sup>748</sup> 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."<sup>749</sup> 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.<sup>750</sup> Sometimes they need to wait for hours in a long queue outside, without even access to toilets to fulfil their reporting duties in Istanbul<sup>751</sup>. In addition, people were not properly informed of this obligation upon release from the Removal Centre.<sup>752</sup>

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
- <sup>746</sup> Information provided by various stakeholders, May-June 2023.

<sup>&</sup>lt;sup>747</sup> Article 71(1) LFIP.

<sup>&</sup>lt;sup>748</sup> Article 68(6) LFIP.

<sup>&</sup>lt;sup>749</sup> Article 96(5) RFIP. Article 68(6) LFIP only refers to the obligations in Article 71 LFIP where detention is lifted.

<sup>&</sup>lt;sup>750</sup> Information provided by stakeholdera, February 2018, May 2023, and March- April 2024.

<sup>&</sup>lt;sup>751</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>752</sup> Information provided by a stakeholder, February 2019, May 2023.

d) Working on a voluntary basis in public benefit services

e) Guarantee

f) Electronic monitoring

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.<sup>753</sup> These measures shall not be applied for more than 24-months and non-compliance shall be a ground for imposing pre-removal detention.<sup>754</sup> 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.<sup>755</sup>

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.<sup>756</sup>

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 PDDM.

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.

<sup>&</sup>lt;sup>753</sup> Resmî Gazete,14 September 2022, available in Turkish here

<sup>&</sup>lt;sup>754</sup> Ibid.

<sup>&</sup>lt;sup>755</sup> Ibid.

<sup>&</sup>lt;sup>756</sup> Ibid.

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 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.757

In practice, currently, only some alternatives are in use, lawyers were still mainly aware of their clients being asked to undertake signing in/reporting duties and being placed at a residential address.<sup>758</sup> Financial guarantees, requiring around 3000 euros, are seldom applied due to their high cost, and have only been used in a few instances, and family-based return is also rarely utilised in practice<sup>759</sup>. The reporting duties are almost always given automatically for 24 months, if there is no time llimit mentioned in the form, it is interpreted as 2 years<sup>760</sup>. Volunteering in public services is not in practice and return counselling has not been widely implemented. Particularly, alternatives such as electronic monitoring, notification by phone cannot be implemented by the PPM due to a lack of technological infrastructure.<sup>761</sup>. There were some trainings targeting the personnel of PMM on the referring the families with children to alternatives to detention, however there is still lack of awareness on that, and as the data is not shared, it is hard to monitor<sup>762</sup>.

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.<sup>763</sup> When the removal centres were temporarily closed in the earthquakes-affected region, some asylum seekers could not fulfill their reporting duties in those cities, causing inactivation of their IDs<sup>764</sup>.

PMM leads the development and implementation of the alternatives to the detention in Türkiye. The EU and its Member States fund international organisations like IOM, UNHCR, the Council of Europe, and ICMPD to support the establishment of a national legal framework and enhance the Turkish migration

<sup>&</sup>lt;sup>757</sup> Ibid.

<sup>&</sup>lt;sup>758</sup> Information provided by stakeholders, March 2023, March 2024.

<sup>&</sup>lt;sup>759</sup> Information provided by stakeholders, March 2024. Alternatives to immigration detention in Türkiye : what's the European Union got to do with it? - Odysseus Network (odysseus-network.eu), available here

<sup>&</sup>lt;sup>760</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>761</sup> Information provided by stakeholders, June 2023, March 2024.

<sup>&</sup>lt;sup>762</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>763</sup> Information provided by various stakeholders, June 2023.

<sup>&</sup>lt;sup>764</sup> Information provided by a stakeholder, March 2024.

agency's capacity. These projects provide activities, training, and legal support, helping the agency protect migrants' rights and reduce dependence on detention<sup>765</sup>.

In 2022, as part of the Action "Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Türkiye", a comparative research report on the practical aspects of the 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 Turkiye.<sup>766</sup> 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 centres) 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.<sup>767</sup> As required by the implementation regulation, each PDMM has, as of 2022, offices to monitor irregular migration, including the use of alternatives to detention.<sup>768</sup>

UNHCR and IOM lead an EU-funded project "Supporting the Capacity of Removal Centres and Developing Alternative Measures to Administrative Detention"<sup>769</sup>, which aims to support the institutional capacity of Removal Centres, strengthening procedural measures for access to rights and services in Removal Centres, and searching alternative implementations to administrative detention. There are two finalised and one ongoing project led by ICMPD. COMMIT project<sup>770</sup> aimed to enhance Türkiye's migration management by effectively implementing alternatives to administrative detention. The project includes promoting these alternatives, building capacity, improving strategic outreach, and strengthening cooperation with partner countries. Meanwhile, ReConnect project<sup>771</sup> focused on developing Türkiye's return counselling capacity by providing technical support and training to stakeholders to effectively guide migrants considering returning to their home countries. ENACT<sup>772</sup> (Enforcing Capacities for Application of Alternative Measures to Detention in Türkiye) project funded by the Swiss Confederation, State Secretariat for Migration, from September 2023 to February 2025 aims to enhance the PMM's efforts in effective, harmonised and human rights-based implementation of the alternatives to detention by strengthening operational and technical capacity and enhanced cooperation and coordination among institutions as well as by raising the awareness of the migrants and relevant stakeholders in Türkiye.

<sup>&</sup>lt;sup>765</sup> EU Migration Law Blog, 17.01.2024, The EU support for alternatives to immigration detention in Türkiye: a curious case at odds with EU's external migration policy? – EU Immigration and Asylum Law and Policy (eumigrationlawblog.eu) & Information provided by a stakeholder, March 2024, available here.

<sup>&</sup>lt;sup>766</sup> Council of Europe, 'Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Turkey', 2022, available here.

<sup>&</sup>lt;sup>767</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>768</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>769</sup> PMM, Ongoing Projects, available here.

<sup>&</sup>lt;sup>770</sup> ICMPD, Communication with Migrants on Application of Alternative Measures to Immigration Detention in Türkiye (COMMIT), available here

<sup>&</sup>lt;sup>771</sup> ICMPD, Supporting the Development of Return Counselling Capacities in Türkiye (ReConnect) Project, available here.

<sup>&</sup>lt;sup>772</sup> ICMPD, Enforcing Capacities For Application Of Alternative Measures To Detention in Türkiye (ENACT) Project, available here.

## 3. Detention of vulnerable applicants

1.	Indicators: Detention of Vulnerable Applicants . Are unaccompanied asylum-seeking children detained in practice?	
	✤ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☐ No	
2.	Are asylum seeking children in families detained in practice?	

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.<sup>773</sup> Committee on the Rights of the Child highlights the concerned that asylum-seeking and refugee children, including those who are unaccompanied and separated, are at a high risk of being held in immigration detention<sup>774</sup>. In practice, however, unaccompanied children often declare being over the age of 18 to avoid separation from their groups.<sup>775</sup> There were cases where, with the purpose of taking them under administrative detention, minors were registered to be accompanied by the adults in the group they entered Türkiye with even if they do not have any connection to such adults<sup>776</sup>. Incidents where minors are kept under detention together with adults and not in separate locations are common.<sup>777</sup> According to the law, children at risk and children convicted of an offence should be transferred to Child Support Centres (*Çocuk Destek Merkezleri*, ÇODEM).<sup>778</sup>

Unaccompanied asylum-seeking children who undergo age testing are legislatively assigned to specific authorities for accommodation until their test results are known. However, despite the absence of an administrative detention decision, these children often face prolonged stays in detention centres during this process<sup>779</sup>. A significant issue to highlight is that, in practice, all asylum-seekers, including unaccompanied asylum-seeking children, are subjected to administrative detention for not using alternative measures, despite legislative provisions allowing for such alternatives. The justification for not using alternative measures is not provided. Although administrative surveillance can be applied under specific circumstances defined by law, it is often implemented arbitrarily, resulting in the unnecessary detention of unaccompanied asylum-seeking children<sup>780</sup>.

It is very common for LGBTIQ+ persons prefer to live in certain cities such as metropolitan cities (Istanbul, Izmir) or cities where their communities live (the cities which are used to be satalite cities), even though they are registered in another city. Thus, LGBTQI+ persons are at particular risk of detention when apprehended outside their assigned province. In several removal centres (Tuzla, and Şanlıurfa) they are detained with other groups, for instance, a transperson staying with men, which makes them very vulnerable to any type of violence and discrimination. Also, it is problematic for transgender people to continue their hormone treatment during detention.<sup>781</sup> Sometimes they faced social isolation in the removal centres, not being able to access open air as much as one should<sup>782</sup>. Discrimination may also occur with isolation, therefore the reason for isolation must be addressed.

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

<sup>776</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>773</sup> Article 66(1)(b) LFIP.

<sup>&</sup>lt;sup>774</sup> Committee on the Rights of the Child Concluding observations on the combined fourth and fifth periodic reports of Türkiye, available here.

<sup>&</sup>lt;sup>775</sup> Information provided by a stakeholder, February 2019, May 2023 and March – April 2024.

<sup>&</sup>lt;sup>777</sup> Information provided by various stakeholders, June 2023.

Regulation No 29310 of 29 March 2015 on Child Support Centres, available in Turkish here.

<sup>&</sup>lt;sup>779</sup> Mülteci Hakları Merkezi, Türkiye'deki Refakatsiz Sığınmacı Çocukların Hukuksal Korumaya Erişimi: Tespitler ve Değerlendirmeler, September 2022, avaible here.

<sup>&</sup>lt;sup>780</sup> Ibid.

<sup>&</sup>lt;sup>781</sup> Information provided by stakeholder, March 2024.

<sup>&</sup>lt;sup>782</sup> KAOS GL,06.12.2023, 10 şehirden avukatlar, mülteci LGBTİ+'ların hakları için buluştu, available here.

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 and 2023, sex workers sought help from the removal centres of **Ankara, Aydın**, **Istanbul** and **Kütahya**<sup>783</sup>

People with HIV were also subject to discriminatory practices. In 2023, a person who was separated from other detainees and after the appeal, their situation was improved however the person was deported under the voluntary return scheme<sup>784</sup>.

Vulnerability based on medical reasons is difficult to prove and such claims are often viewed as bad faithed by the administration. It is not possible to obtain a medical report showing the disability or other medical conditions for irregular migrants.<sup>785</sup>

## 4. Duration of detention

	Indicators: Duration of Detention	
1.	What is the maximum detention period set in the law:	
	<ul> <li>Asylum detention</li> </ul>	1 month
	<ul> <li>Pre-removal detention</li> </ul>	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.<sup>786</sup> Preremoval detention, on the other hand, may be ordered for 6 months, subject to the possibility of extension for another 6 months.<sup>787</sup> However, migrants might re-detained after being released at the end of this period, undermining these time limits<sup>788</sup>.

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),<sup>789</sup> 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.<sup>790</sup> 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.<sup>791</sup> In provinces such as **istanbul** and **izmir**, detention exceeding the 48-hour deadline has been reported as a practice, even more than 15 days<sup>792</sup> There is a pre-removal centre at **Pendik** in **istanbul** where the detention period can often be longer than 48 hours.<sup>793</sup> (see Unofficial detention facilities)

<sup>&</sup>lt;sup>783</sup> Information provided by stakeholders, June 2023 and March 2024.

<sup>&</sup>lt;sup>784</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>785</sup> Information provided by various stakeholders, June 2023 and March 2024.

<sup>&</sup>lt;sup>786</sup> Article 68(5) LFIP.

<sup>&</sup>lt;sup>787</sup> Article 57(3) LFIP.

<sup>&</sup>lt;sup>788</sup> Global Detention Project and International Refugee Rights Association, Türkiye Joint Submission to the UN Committee on the Rights of the Child 93rd Session, 8 – 26 May 2023, 14 April 2023 & Information shared by stakeholders March – April 2024.

<sup>&</sup>lt;sup>789</sup> Article 96(7) RFIP.

<sup>&</sup>lt;sup>790</sup> Article 57(2) LFIP.

<sup>&</sup>lt;sup>791</sup> Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017, available here.

<sup>&</sup>lt;sup>792</sup> Information provided by various stakeholders, February 2019, March 2020, May 2023 and March 2024.

<sup>&</sup>lt;sup>793</sup> Information provided by a stakeholder, March 2020 and May 2023.

# C. Detention conditions

# 1. Place of detention

1.	Indicators: Place of Detention Does the law allow for asylum seekers to be detained in prisons procedure (i.e. not as a result of criminal charges)?	for the purpose	of the asylum ⊠ No	
2.	If so, are asylum seekers ever detained in practice in prisons for procedure?	the purpose of t	he asylum	

The LFIP clearly differentiates between administrative detention for the purpose of removal and detention in the international protection procedure, which are governed by Articles 57 and 68 respectively. In practice, however, applicants for international protection are detained in Removal Centres.

#### **1.1. Removal Centres**

As of October 2023, there were 29 removal centres in 25 provinces with a total detention capacity of around 16,000 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 facility located in **Iğdır** is listed as temporary Removal Centres. 8 more centres are planned to be built soon<sup>794</sup>. The Bayburt Removal Center with a capacity of 400 was opened on October 13, 2023, following the earthquake disaster on February 6, 2023, the Hatay removal center with a capacity of 190 was closed and remains close, and the Malatya temporary removal center with a capacity of 2,100 was converted into a temporary shelter for earthquake victims for a period.<sup>795</sup>

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

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

<sup>&</sup>lt;sup>794</sup> European Migration Law Blog, 17.01.2024, The EU support for alternatives to immigration detention in Türkiye: a curious case at odds with EU's external migration policy, available here.

<sup>&</sup>lt;sup>795</sup> PMM, Faaliyet Raporu 2023, available here.

Erzurum 2	Şanlıurfa
Gaziantep (Oğuzeli)	Van (Kurubaş)
lğdır (temporary)	

Source: PMM, *Removal centres*, available at: https://bit.ly/3rjWEhz & PMM, Faaliyet Raporu 2023, available at: https://bit.ly/3LNM5uo.

Hatay removal center was heavily damaged and afterwards demolished. The removal center in Malatya was temporarily repurposed and serves as an accommodation facility for the earthquake victims. Adana removal center was also damaged by the earthquake, yet the facility is still operational as a detention facility<sup>796</sup>.

In **İstanbul**, the **Selimpaşa** Removal Centre is for women, **Binkılıç** for men. These removal centres mostly accommodate ex-convicts or refugees involved in criminal cases. A removal centre was established in **Tuzla** for men with a capacity of 700. Previously, the center accommodated only Afghan nationals, but then various nationalities under administrative detention or judicial proceedings were accommodated, mainly people from Turkmenistan, Syria, Iran, Palestine, and Pakistan<sup>797</sup>. In the past years, deportation orders were issued for 9,946 foreigners, with 9,694 voluntarily returning to their countries from **Tuzla**. **Iğdır**, has become a centre where families are accommodated entirely with a capacity of 2.000, thus the needs for families such as hygiene materials and diapers have increased<sup>798</sup>.

There are changes in the profiles of the people detained in the centres from time to time. While in previous years it was known that which groups or nationalities could be in which centres, in 2023 it has become difficult to keep track of this. They change profiles from time to time in the centres<sup>799</sup>.

In 2023 the major problem faced by lawyers has remained as to determine the removal centre where the client is being held. PDMM does not share information on where the person is being held. Lawyers must proactively search for their clients in each removal centres, which may take to a couple of days.<sup>800</sup> Sometimes, due to the misspelling of the client names, lawyers might be misinformed about the presence of their clients in the centre. The number of transfers between the centres increased significantly in 2023. Uninformed, sudden transfers are happening form one centre to another centre in different cities. For example, it started to be seen that a group from Kayseri was put in a bus on the morning and transferred to Istanbul. The reason for these transfers is not fully known by the stakeholders<sup>801</sup>. This situation might violate their right to access legal representation (as lawyers do not always know their locations).<sup>802</sup>

In **istanbul** refugees are generally not informed about their rights in removal centres except in Selimpaşa - the removal centre where women are kept, and where the administrators are trying to implement better practices. The administrators 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.<sup>803</sup> A foreigner who was in a regular situation could be referred to the removal center in Tuzla or sent to police stations or gendarmerie stations, because of a lack of detailed ID check in the beginning of 2023<sup>804</sup>. However, after the Istanbul model, which became mobile migration points, still, there were some cases where regular migrants were sent to the removal centre due to not carrying their IDs<sup>805</sup>. Under a project implemented by IOM, information booklets, posters, and videos

<sup>&</sup>lt;sup>796</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>797</sup> TIHEK, 02.05.2023, İSTANBUL TUZLA GERİ GÖNDERME MERKEZİ ZİYARET RAPORU, Rapor no: 2023/16, available here

<sup>&</sup>lt;sup>798</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>799</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>800</sup> Information provided by stakeholders, May 2023, Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>801</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>802</sup> Information provided by stakeholders, March 2021, May 2023 and March – April 2024.

<sup>&</sup>lt;sup>803</sup> Information provided by a stakeholder, March 2021 and May 2023.

<sup>&</sup>lt;sup>804</sup> Türkiye Büyük Millet Meclisi İnsan Haklarini İnceleme Komisyonu Göç Ve Uyum Alt Komisyonu Tutanaklari, 5 October 2023, available here

<sup>&</sup>lt;sup>805</sup> Information provided by a stakeholder, March 2024.

were prepared in 11 different languages to be used in the removal centres, to provide detailed information about their rights, including accessing to legal aid, the procedures to apply internation protection, the contact details of bar associations, and the function of removal centres<sup>806</sup>. However, there are still challenges to access the information regarding the international protection application procedures in the removal centres.

# **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 **istanbul** Airport, **istanbul** Sabiha Gökçen Airport, **Ankara** Esenboğa Airport and **izmir** Adnan Menderes Airport (see Access at the airport).

The authorities generally do not consider holding in transit zones as a deprivation of liberty, although a Council of Europe report of 2016 refers to them acknowledging that persons held in such facilities are deprived of their liberty.<sup>807</sup> 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.<sup>808</sup>

Police stations can be used for short-term detention of up to 48 hours prior to a Removal Centre.<sup>809</sup> 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, 2021 and 2022 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 2023 the persistence of these practices was confirmed.

**Ağrı and Iğdır:** 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.<sup>810</sup>

**İstanbul:** In **İ**stanbul the Foreigners Branch in Pendik is used as an intermediate place to transfer third country nationals to the relevant removal centres and detention time exceeds 48 hours most of the time<sup>811</sup>. 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 10 days, sometimes elderly people or people with health problems can be held<sup>812</sup>. It is also known another temporary accommodation centre in Istanbul Arnavutkoy<sup>813</sup>, according to observation of some stakeholders, when a Syrian without registration or ID is identified by mobile migration points, they are referred to this centre before being transferred to other centres or removal centres<sup>814</sup>. In Arnavutköy police building, sometimes 30 people are held in a very small container, there is a hygiene problem, although there have been some improvements in 2023, the conditions are still not suitable, especially in cases where temporary holds are extended<sup>815</sup>.

<sup>&</sup>lt;sup>806</sup> Information provided by a stakeholder, Macrh 2024.

<sup>&</sup>lt;sup>807</sup> Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Türkiye*, 10 August 2016, para IX.1(a).

<sup>&</sup>lt;sup>808</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>809</sup> Article 57(2) LFIP.

<sup>&</sup>lt;sup>810</sup> Information provided by stakeholders, May 2023 and March 2024.

<sup>&</sup>lt;sup>811</sup> Information from a stakeholder, May 2022.

<sup>&</sup>lt;sup>812</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>813</sup> Yenibirlik, 12.04.2024, Vali Gül, Arnavutköy Geçici Barınma Merkezi'ni ziyaret etti, available here

<sup>&</sup>lt;sup>814</sup> Information provided by stakeholders, March 2024.

<sup>&</sup>lt;sup>815</sup> Information provided by a stakeholder, March 2024.

**İzmir:** In İzmir, attorneys report that three containers have been constructed in front of the removal centre to detain all apprehended irregular migrants under poor and unclean conditions, including families with children.<sup>816</sup> The Izmir Solidarity Platform with Refugees investigated claims that refugees were held in vacant and wedding areas managed by the Karaburun municipality, confirming these locations are used and noting the conditions violate basic human rights. Officers justify prolonged detentions due to delays caused by the Izmir Removal Centre<sup>817</sup>. In 2023, in Karaburun, on the roof of a venue with one toilet, a group of 50 people, including children were detained for more than 10 days without any phone to be able to reach out to lawyers<sup>818</sup>, in Dikili migrants were kept in an enclosed place on the top of a hill, with only providing blanket and food. It is a common practice to hold the migrants in the yard of police or gendarme stations in Aydın, a group of migrants were kept in a basketball field until they were accepted to the removal centre<sup>819</sup>. Sometimes, the waiting period at the police station was exceeding 10-15 days, one of the reasons of these delays was lack of capacity to organise a swift transfer process, this situation seems to have improved recently<sup>820</sup>.

**Gaziantep, Kahramanmaraş, Hatay, Kilis, and Malatya:** Syrians entering Türkiye are transferred to camps (temporary accommodation centres) 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. 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 facility for Syrians Syrians who are either not registered under the temporary protection regime or have had their temporary protection status revoked. 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. Individuals detained in the temporary accommodation centres often face indefinite detention, unlike those in regular detention centres, which have a maximum detention period of up to 12 months. Immigration lawyers believe that the indefinite detention in these centres aims to hinder Syrians from appealing deportation decisions or to coerce them into signing voluntary return forms<sup>821</sup>. It is claimed that majority of Syrians who stay in Kilis and Nizip temporary accommodation centres are returned back to Syria, there are concerns among stakeholders about the voluntariness of these returns<sup>822</sup>.

The first case was recorded in January 2023 in **Gaziantep**.<sup>823</sup> 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.<sup>824</sup> 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.<sup>825</sup> In 2023, there were some ill-treatment incidents in Kilis<sup>826</sup>.

<sup>&</sup>lt;sup>816</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>817</sup> Evrensel Sayfalari, 'İzmir Mülteci Dayanışma Platformu: Mülteciler insani olmayan koşullarda tutuluyor', 2022 available in Turkish here

<sup>&</sup>lt;sup>818</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>819</sup> Information provided by a stakeholder, March - April 2024.

<sup>&</sup>lt;sup>820</sup> Information provided by a stakeholder, March - April 2024.

<sup>&</sup>lt;sup>821</sup> Global Detention Project, Türkiye: Submission to the Committee against Torture, 12 June 2024, available here

<sup>&</sup>lt;sup>822</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>823</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>824</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>825</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>826</sup> Information provided by a stakeholder, March 2024

When people are identified without an ID, they are taken to temporary accommodation centres (now called status referral centres) where fingerprints and security checks are conducted, and if there is no involvement in the case or YTS (foreign terrorist fighter), they are released. In 2023, stakeholders observe that those who are released from the centre, could access registration, some are given appointments, and some are waiting. Some of these temporary accommodation centres were also affected by the earthquakes<sup>827</sup>.

As per the announcement, GÖKSEM (Referral Centres for Irregular Immigrants), initiated on December 8, 2023<sup>828</sup>, aims to detain irregular immigrants apprehended by law enforcement until administrative procedures, including criminal interrogation and health checks, are completed. This centralised detention facility represents a heightened focus on immigration enforcement, reflecting the government's prioritisation of security measures. Some stakeholders<sup>829</sup> evaluated this new decision as positive because now the migrants are kept in informal places such as police stations, and treatments are inconsistent from one place to another. Establishing one center which is equipped with trained staff, might solve some of the problems that arise due to the inconsistency and lack of proper facilities in such de-facto places.

# 2. Conditions in detention facilities

	Indicators: Conditions in Detention Facilitie	s
1.	<ol> <li>Do detainees have access to health care in practice?</li> </ol>	Yes 🗌 No
	If yes, is it limited to emergency health care?	Yes 🗌 No 🖉

All Removal Centres in Türkiye are under the authority of PMM and each centre is managed by a director.<sup>830</sup> The LFIP makes no explicit provision on conditions of detention of applicants for international protection. However, Article 4 of the Removal Centres Regulation provides that "The establishment, operation and operation of the Centres and the fulfilment of the services to be provided under this Regulation shall be carried out according to the following principles and procedures:

- 1. Protection of the right to life;
- 2. Human-centred approach;
- 3. Observing the best interests of the unaccompanied child;
- 4. Priority to applicants having special needs;
- 5. Confidentiality of personal information;
- 6. Informing the persons concerned about the operations to be performed;
- 7. Social and psychological strengthening of the housing;
- 8. Respect for the freedom of beliefs and worship of the people
- 9. Providing services to the residents without discrimination based on language, race, colour, sex, political thought, philosophical belief, religion, sect and similar reasons."

Removal Centres are required to provide among others: accommodation and food; security; emergency and basic health care services; psychological and social support.<sup>831</sup>

In 2017, in line with the monitoring provisions of the Regulation,<sup>832</sup> PMM instructed all the mayoralties 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.<sup>833</sup> There is insufficient information regarding 2023 - with the exception of conventional media news - to determine whether these commissions are active.<sup>834</sup>

<sup>&</sup>lt;sup>827</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>828</sup> İçişleri Bakanımız Sayın Ali Yerlikaya İl Göç İdaresi Müdürleri Değerlendirme Toplantısında Konuştu, 16.01.2024, available here

<sup>&</sup>lt;sup>829</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>830</sup> Article 11 Removal Centres Regulation.

<sup>&</sup>lt;sup>831</sup> Article 14(1) Removal Centres Regulation.

<sup>&</sup>lt;sup>832</sup> Article 16 Removal Centres Regulation.

<sup>&</sup>lt;sup>833</sup> Information provided by a stakeholder, February 2018.

<sup>&</sup>lt;sup>834</sup> PMM, 'On Üçüncü Göç Kurulu Toplantısı İçişleri Bakanımız Süleyman SOYLU Başkanlığında Gerçekleştirildi', 20 October 2022, available in Turkish here

# 2.1. Material conditions in detention

Conditions in Removal Centres vary from one facility to another. Lack of capacity in terms of staff and spaces are the most mentioned common problem regarding the conditions in the centres<sup>835</sup>. As a result of holding more people than their capacities, there are problems with access to water, and hygiene. The common implementation in most of the centres to access open air is around one hour after each three meals, there was information that the Kocaeli centre was not providing this access<sup>836</sup>. Detainees are not being able to complain when they are exposed to rights violations, which causes a lack of information regarding the conditions in the centre. On the other hand, accessing information regarding their rights is also challenging<sup>837</sup>. Many centres lack recreation or outdoor play areas, and children sometimes do not even have their own beds and despite the explicit requirements of Article 59/ç of the LFIP, educational opportunities are insufficient in every detention center<sup>838</sup>.

According to TIHEK report on **Tuzla** removal centre, there are some hygiene issues, with scabies cases reported in summer due to non-compliance with hygiene rules, and lack of enough personnel. For instance, the Psycho-Social Service Unit staff reported that they meet each foreigner within 48 hours, but the meetings are unproductive five-minute meetings. Accessing phones is problematic, as their phones are being confiscated and stored, hindering their communication as they cannot recall phone numbers. Transgender women face some bad treatment by gendarmeries in the centres, are being put in the same place as men and are facing problems accessing hormone drugs. In 2023 there was a case where an Afghan transgender woman was subjected to physical violence, and her basic needs were not provided. The challenges mentioned for Tuzla are common in other centres, for instance, in Istanbul, Izmir, and Ankara<sup>839</sup>.

**Selimpaşa** Removal Centre works over capacity. There are several problems regarding lack of hygiene, cleaning done by the woman foreigners who stayed there<sup>840</sup>, without providing sufficient cleaning materials, sheets are not renewed, and there is a serious tick outbreak<sup>841</sup>. In **BinkIIç**, there have been difficulties in reaching out to the migrants. In **Pehlivanköy**, especially during summer, there were various epidemic diseases, scabies, and skin diseases, due to the difficulties in cleaning and access to water. **Şanlıurfa** removal centre was affected by the flood disaster in March. In **Erzurum**, similar problems were observed regarding hygiene problems, not being able to access water, and lack of information on their rights and processes. In **Van**, due to both the lack of personnel and the instructions, 12 people are being accommodated in rooms of 8, and sometimes the gym is opened to accommodate detainees. Since more than twice the capacity is accommodated, there is often a shortage of food and difficulty in serving meals. During the summer months, there is a water shortage and access to clothing is a problem. **Iğdır** is a container center with poor physical conditions, that can become extremely hot in the summer and very cold in the winter<sup>842</sup>.

The Çanakkale Medical Chamber, Human Rights Association (IHD), Education and Science Workers' Union (Eğitim-Sen), and Health and Social Service Workers' Union (SES) Çanakkale branches released the "March 2023-March 2024 Migrant Commission Observation Report" on **Ayvacık** Removal Centre<sup>843</sup>. The report highlights severe human rights violations, including allegations of rape, poor hygiene, and bribery. Detainees reported being subjected to hate speech, inadequate food, and insufficient health services. The report recommends opening GGMs to independent inspections, improving living conditions, ensuring adequate nutrition and clean water, providing individual health services with interpreters, and establishing legal measures to address allegations of abuse. Urgent action is called for from relevant ministries and organizations to address these issues. In addition, BVMN present some testimonies of

<sup>&</sup>lt;sup>835</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>836</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>837</sup> Information provided by a stakeholder, March - April 2024

<sup>&</sup>lt;sup>838</sup> Global Detention Project and International Refugee Rights Association, Türkiye Joint Submission to the UN Committee on the Rights of the Child 93rd Session, 8 – 26 May 2023, 14 April 2023

<sup>&</sup>lt;sup>839</sup> Information from stakeholders, March 2024.

<sup>&</sup>lt;sup>840</sup> Information provided by stakeholder, March 2024.

Arti Gercek, What happens in the removal centres?, 8 September 2023. Available in Turkish here

<sup>&</sup>lt;sup>842</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>843</sup> Gazete Duvar, Geri Gönderme Merkezi'nde işkence ve istismar iddiaları: Rapor hazırlandı, April 2024, available here

detainees stressing the "circle of lawlessness, arbitrariness and fear", and highlighting the challenges to access medicine and hygiene items<sup>844</sup>.

In the Mehmet Hankuş case application (B.N. 2019/24153, K.T. January 12, 2023)<sup>845</sup>, the Constitutional Court unanimously ruled that the prohibition of ill-treatment was procedurally violated due to the lack of an effective investigation into the alleged ill-treatment the applicant claimed to have suffered while held at a removal center. Mehmet Hankuş, the Syrian applicant, was assaulted while held at the **Antalya** Removal Center, did not receive an investigation capable of uncovering all the facts and identifying any responsible parties, thus violating the procedural aspect of the prohibition of ill-treatment guaranteed under Article 17, paragraph 3 of the Constitution. The applicant, subjected to deportation and administrative detention due to ongoing criminal proceedings, claimed to have been assaulted by staff on different occasions. Despite a complaint by the Antalya Bar Association, the subsequent investigation concluded with no prosecution within a few months. Due to technical limitations, security camera footage from the incident could not be retrieved. An appeal to the Istanbul 2<sup>nd</sup> Criminal Court of Peace also yielded no positive outcome. It was noted that the applicant voluntarily left Türkiye on September 20, 2018, while the investigation was ongoing.

Hasan Mohammed, a 28-year-old Syrian, died in **Ankara**'s Akyurt Removal Center, where he had been held for a week. Mohammed's family stated that the Removal Center did not make a statement about Mohammed's death, and that there were traces of beatings on his body<sup>846</sup>. The press release<sup>847</sup> of PMM on this allegation mentioned that Hasan Mohammad, fell ill on 01.01.2024 and was immediately transferred to the City Hospital after the necessary intervention of the health units in the centre. He was directed to the intensive care unit and died in the hospital while under treatment. An investigation has been initiated by the Directorate of Migration Management. In 2023, the hearing regarding the torture of two refugees in 2021 at Izmir Harmandali GGM resulted in no prosecution<sup>848</sup>.

See the previous updates of the AIDA country report for past observations of detention conditions in different centres in Turkiye.

## 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".<sup>849</sup> Access to psychosocial support services is also possible.<sup>850</sup> Psychosocial support teams try to identify vulnerabilities in the centres and refer individuals for PMM, but capacity issues present challenges<sup>851</sup>. When health problems require more than basic care, there may be delays in referring patients to hospitals, such as for patients with cancer. Additionally, it is difficult to provide special diets for detainees with specific health conditions<sup>852</sup>. The staff at the centres received training on first aid, crisis management, secondary trauma, and infectious diseases under an IOM project<sup>853</sup>. Due to the frequent turnover of staff, the sustainability and long-term positive effects of such projects are not clear.

Through a joint project of UNHCR and IOM, trainings were organised for the staff aimed at strengthening basic human rights standards, access to legal aid, asylum applications, identification of individuals with special needs, and other mechanisms, rights, and services<sup>854</sup>.

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 centres.

<sup>&</sup>lt;sup>844</sup> BVMN, Illegal Pushbacks and Border Violence report, February 2024, available here

<sup>&</sup>lt;sup>845</sup> TC Anayasaya Mahkemesi (Başvuru Numarası: 2019/24153), 12 January 2023, available here

<sup>&</sup>lt;sup>846</sup> Evrensel, "Refugee Mohammed's family suspects torture: GGM finds dead", 3 January 2024, available in Turkish here

<sup>&</sup>lt;sup>847</sup> PMM, Akyurt geri gonderme merkezinde idari gozetim altinda bulunan bir yabancinin hayatini kaybetmesiyle ilgili iddialar hakkinda basin aciklamasi, 4 January 2024, available in Turkish here

<sup>&</sup>lt;sup>848</sup> Yeni yasam, GGM'de işkenceye takipsizlik, 25 November 2023, available in Turkish here

<sup>&</sup>lt;sup>849</sup> Article 14(1) Removal Centres Regulation.

<sup>&</sup>lt;sup>850</sup> Article 14(2) Removal Centres Regulation.

<sup>&</sup>lt;sup>851</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>852</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>853</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>854</sup> Information provided by a stakeholder, March 2024.

## 3. Access to detention facilities

,	Indicators: Access to Detention Facilities			
	1. Is acce	ess to detention centres allowed to:		
	*	Lawyers:	🖾 Yes 🗌 Limited 🔲 No	
	*	NGOs:	🗌 Yes 🗌 Limited 🖾 No	
	*	UNHCR:	🗍 Yes 🕅 Limited 🗍 No	
	*	Family members:	🗌 Yes 🖾 Limited 🔲 No 🛛 🖊	

Under Article 68(8) LFIP, detained applicants for international protection will be provided opportunities to meet with their legal representatives, UNHCR officials and notaries. The law, however, fails to make explicit reference to the right of detained applicants to meet with NGO representatives. It is considered that this deliberate absence is meant to limit or deny detained applicants' access to NGO legal counsellors, which must be seen as an arbitrary reduction of the safeguard in Article 68 LFIP.

Detained applicants may also receive visitors. In this regard, all visits will be subject to permission. Visits to detained applicants at border premises are subject to permission from the Vice-Governor's Office in charge of the border gate. Visits to detained applicants in other facilities are subject to the permission of the 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 power of attorney or written request in many removal centres. Detainees are not able to maintain regular contacts with people outside the centre, the mobile phones are not authorised, there are limited public phones available. This implementation makes harder for refugees to reach out to lawyers directly, it is common that lawyers become aware of the request through their relatives<sup>855</sup>. This continued in 2023, when NGOs and social networks of the person in detention informed lawyers of the presence of their clients in removal centres.

Lawyers often struggle to locate their (potential) clients even when they have complete details, including ID numbers and names. Confirming clients' locations, examining their files, and arranging meetings can take days. In 2023, obtaining copies of clients' files or clear information about their locations remained a persistent issue. Centres' officials often impose limits on name inquiries, the number of clients a lawyer can visit, and the duration of meetings. Additionally, clients may be transferred to another centre in a different city, complicating the lawyers' efforts to reach them<sup>856</sup>.

As mentioned in the report of Human Rights and Equality Institution of Türkiye on Tuzla Removal Centre<sup>857</sup>, in situations where too many lawyers arrive at the Center within the same time frame, it has been stated that, in order to avoid any deprivation of rights, lawyers' meetings are limited to a maximum of three foreign nationals and fifteen minutes. Lawyers who wish to meet with more clients must obtain the administration's approval after all other lawyers have completed their meetings. Similar implementations take in place in various centres<sup>858</sup>.

<sup>&</sup>lt;sup>855</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>856</sup> Ibid.

<sup>&</sup>lt;sup>857</sup> TIHEK, İSTANBUL TUZLA GERİ GÖNDERME MERKEZİ ZİYARET RAPORU Rapor no: 2023/16, available here

<sup>&</sup>lt;sup>858</sup> Information provided by stakeholders, March-April 2024.

Attitudes toward lawyers in some centres may be negative<sup>859</sup>: Lawyers sometimes spend a day to be able to see a client, due to long waiting period, and remote locations. Various problems<sup>860</sup> arise due to the physical conditions of these centres. Issues include a small number of interview rooms (Van, Iğdır), unsuitable room conditions such as poor ventilation (Çankırı), broken (Van) or limited telephones (Pehlivanköy, Edirne) for interpreter connections, malfunctioning doors (Adana), and inadequate insulation (Akyurt). Additionally, meetings are sometimes interrupted by officials who knock or open the door. These interruptions, combined with the limited time available to gather information with the help of an interpreter, negatively impact the quality of the meetings with lawyers. Such behavior undermines the principle of confidentiality between the lawyer and their client<sup>861</sup>. In Selimpaşa, it was problematic not to have a waiting room for lawyers, a container has been prepared to solve this issue; In Tuzla Removal Center, lawyers have to wait outside due to the lack of a waiting room for lawyers. Lawyers within the scope of legal aid can connect to the Legal Aid Translation Support Line using the phone in the lawyers' rooms, and that the translators at the centres also assist in communication between the lawyer and the foreign nationals.

There is often 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 cost start from 783,82 TRY (approx. 23 EUR). However, if the lawyer is assigned through legal aid, this power of attorney can be presented to the court. Administrative courts provinces may not accept the assignment of legal aid from the bar of another provience and demand a separate power of attorney.<sup>862</sup>

The removal centres (such as Ankara, Çankırı) located far away from the city centres without any public transportation and the only available transportation is by car or taxi. Also, in Istanbul, removal centres are often very difficult to be reached, as they are 60 km away from the centre. Accessing to the removal centres due to the remote locations and lack of transportation is still problematic in 2023<sup>863</sup>.

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.<sup>864</sup> The administrative complaints mechanism is ineffective, judicial methods are rather slow, but CIMER is a very useful remedy in this regard.

## 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. UNHCR can access access to removal centres in 2023 with sharing the details of visit including the date in advance with the authorities which hinders an effective monitoring mechanism<sup>865</sup>. The European Delegation in Turkiye also has access to removal centres as the EU has provided financial support to the construction of new removal centres to monitor who the EU funds were used and to evaluate the projects on the spot check. By the end of 2023, the European Delegation had conducted three visits to removal centres in **Ankara** and **Şanlıurfa**.<sup>866</sup>

UNHCR has access to removal centres, with prior notification and upon PMM's approval<sup>867</sup>. 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.

<sup>&</sup>lt;sup>859</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>860</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>861</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>862</sup> Information provided by a stakeholder, March 2021, May 2023 and March-April 2024.

<sup>&</sup>lt;sup>863</sup> Information provided by a stakeholder, March 2020, May 2023 and March-April 2024.

<sup>&</sup>lt;sup>864</sup> 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 here

<sup>&</sup>lt;sup>865</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>866</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>867</sup> Information provided by a stakeholder, March 2024.

# **D. Procedural safeguards**

#### 1. Judicial review of the detention order

1.	Indicators: Judicial Review of Detention? Is there an automatic review of the lawfulness of detention? Asylum detention Pre-removal detention	tion □ Yes ⊠ Yes	⊠ No □ 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.<sup>868</sup> The notification letter must provide the reasons justifying detention and the length of detention. The applicant must also be notified of the legal consequences of the detention decision and available appeal procedure. However, the LFIP does not impose a requirement to provide this information in writing.

In practice, due to limited familiarity with the rights of lawyers on the part of Removal Centres' staff, applicants and their legal representatives rarely receive a copy of the removal decision and/or the detention order so as to know when the time limit for appeal starts running,<sup>869</sup> 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,<sup>870</sup> pre-removal detention must be reviewed by the governorate on a monthly basis.<sup>871</sup>

The decision to detain can be challenged at the competent Magistrates' Court through a non-suspensive appeal.<sup>872</sup> 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.<sup>873</sup>

According to lawyers' observations, the poor quality of detention review by Magistrates' Courts persists as a problem. In the **İstanbul, Aydın, Hatay, Gaziantep, Adana, Kayseri** and **Erzurum** Removal Centres,<sup>874</sup> appeals against detention are rejected as a general rule.<sup>875</sup> In **İzmir**, **Van**, and **Edirne** there are increasing concerns about a 'systemic practice' in courts to reject administrative detention reviews, as the rejection rates increased in 2023 and as of March 2024<sup>876</sup>. However, Izmir Magistrates' Court had still some positive decisions to lift the administrative detention decisions in 2023. In Aydın, people are held under the detention for long times. In 2022, judicial review of administrative detention orders was poor in **Ağrı.** One of the reasons was the shortage of personnel, as only one judge per month reviews approximately 500 cases. In

<sup>&</sup>lt;sup>868</sup> Article 68(4) LFIP.

<sup>&</sup>lt;sup>869</sup> Information provided by stakeholders, May 2022 and March 2024.

<sup>&</sup>lt;sup>870</sup> Article 68(6) LFIP only states that detention may be lifted at any point.

<sup>&</sup>lt;sup>871</sup> Article 57(4) LFIP.

Article 68(7) LFIP; Article 96(6) RFIP. In November 2015, the High Council of Judges and Prosecutors passed a decision to designate the 2<sup>nd</sup> Chamber of each Magistrates' Court responsible for appeals against administrative detention decisions within the scope of LFIP.

<sup>&</sup>lt;sup>873</sup> Article 68(7) LFIP; Article 96(6) RFIP.

<sup>&</sup>lt;sup>874</sup> 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.

<sup>&</sup>lt;sup>875</sup> See e.g. 2<sup>nd</sup> Magistrates' Court of Gaziantep, Decision 2018/7568, 13 December 2018; Decision 2018/1773, 6 March 2018; Decision 2018/1776, 6 March 2018; 2<sup>nd</sup> Magistrates' Court of Van, Decision 2018/6023, 27 November 2018; Decision 2018/6166, 7 January 2018; 2<sup>nd</sup> Magistrates' Court of Antakya, Decision 2018/4287, 27 November 2018: information provided by various stakeholders, May-June 2023 & information provided by various stakeholders, March - April 2024.

<sup>&</sup>lt;sup>876</sup> Information provided by stakeholder, March - April 2024.

**Ağrı**, 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.<sup>877</sup> Families, including Afghans, people with severe sickness, or disability are often be released. However, sometimes people who are released are not aware that being release from the removal centres does not mean that the depotation order is cancelled<sup>878</sup>.

One crucial gap in the LFIP provisions on detention concerns remedies against detention conditions.<sup>879</sup>

Finally, where administrative detention is unlawful, the applicant can lodge a compensation claim (*Tam Yargı Davası*) before the Administrative Court.<sup>880</sup> Nevertheless, based on administrative court decisions regarding compensation claims, the viability of this option remained highly questionable.<sup>881</sup>

In 2021, in **İstanbul** the 15<sup>th</sup> Administrative Court of İstanbul started to receive applications concerning deportations and international protection applications due to the high workload at the 1<sup>st</sup> Administrative Court. In 2023 lawyers continued to complain 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.<sup>882</sup>

## 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 detenti	on?	
	🖂 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.<sup>883</sup> 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.<sup>884</sup>

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.<sup>885</sup> 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. It is observed from the field that no NGO has direct access to Removal Centres for the purpose of providing legal assistance<sup>886</sup>. This is even impossible in practice if the applicant is classified as a foreign terrorist fighter.<sup>887</sup>

<sup>&</sup>lt;sup>877</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>878</sup> Information provided by stakeholder, March - April 2024.

<sup>&</sup>lt;sup>879</sup> 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 here

<sup>&</sup>lt;sup>880</sup> Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017.

<sup>&</sup>lt;sup>881</sup> 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 Iki Levha Publications 2021) 221-250.

<sup>&</sup>lt;sup>882</sup> Information provided by various stakeholders, May 2023.

<sup>&</sup>lt;sup>883</sup> Article 68(8) LFIP.

<sup>&</sup>lt;sup>884</sup> Article 81(2) LFIP.

<sup>&</sup>lt;sup>885</sup> 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, stakeholders, March – April 2024.

<sup>&</sup>lt;sup>886</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>887</sup> 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.

In practice<sup>888</sup>, detainees' access to legal representation and effective legal assistance and support are obstructed in various ways, which negatively affects their ability to appeal within the legal timeframe. Lawyers visiting the centres are often misled, being told that the detainee is not present, has been transferred to another centre, or that their case file is unavailable. Detainees typically do not have access to their personal phones and often cannot remember the contact numbers of their lawyers or family members.

The requirement of a notarised power of attorney poses an additional constraint (see Regular Procedure: Legal Assistance). Since detained asylum seekers are not issued an identification card before they have had the possibility to register with the PDMM, it is impossible for them to notarise a power of attorney.889 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<sup>890</sup>.

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.<sup>891</sup> 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.<sup>892</sup> 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.<sup>893</sup> The same implementation started in Izmir and Istanbul in 2023, the lawyers who do not have a power of attorney, procedural rejection is given, and all expenses are borne by the lawyer<sup>894</sup>. It is also observed by lawyers in Izmir that some notaries impose unofficial number restrictions or slow down power of attorney transactions<sup>895</sup>.

In Van, officials in the administrative detention center are in charge of 'deciding' whether a person needs legal assistance or not. In 2023, while lawyers are appointed within the scope of UTBA in Van province, there are difficulties in appointments in Ağrı and Iğdır provinces<sup>896</sup>. 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.897

In 2023, the suspension of the UTBA project for a period, often between October to March, directly affected lawyers working on refugee rights in the cities where UTBA project supports legal aid. This suspension had less effect on the activity of the Izmir Bar Association, as legal aid continued to appoint lawyers throughout this period.<sup>898</sup> Within the scope of the cooperation between UNHCR and TBB, legal aid requests of bar associations are sent through the online system, requests are evaluated by the joint commission. There is no detailed data regarding the legal aid requests from the removal centres, in June 2023 a total of 530 requests were received<sup>899</sup>.

<sup>888</sup> Information provided by stakeholders, March - April 2024, Global Detention Project, Türkiye: Submission to the Committee against Torture, June 2024.

<sup>889</sup> Izmir Bar Association, İzmir Geri Gönderme Merkezlerinde Adalete Erisim Hakkı Cercevesinde 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 here 890

Information provided by stakeholders, March – April 2024

<sup>891</sup> Evrensel, 'Yargı: Mülteciler vekaletnamesiz avukat hizmeti alabilir', 20 January 2018, available in Turkish here. 892 Information provided by a lawyer from a Bar Association, February 2019. See also District Court of Ankara, 10<sup>th</sup> Chamber, Decision 2017/1267, 20 December 2017.

<sup>893</sup> Information provided by a stakeholder, May 2022.

<sup>894</sup> Information provided by stakeholders, March - April 2024.

<sup>895</sup> Information provided by stakeholders. April 2024.

<sup>896</sup> Information provided by stakeholders. March 2024.

<sup>897</sup> Information provided by a stakeholder, May 2023.

<sup>898</sup> Information provided by stakeholders, March - April 2024.

<sup>899</sup> UNHCR, Güncel Faaliyetler Haziran 2023, available here

UNHCR continued to run several workshops with removal centres, PMM, and bar associations on issues such as lawyers' problems, access to removal centres, and refugees' access to legal aid. UNHCR and IOM supports removal centres with information provision for asylum seekers when they first come to removal centres.<sup>900</sup>

# E. Differential treatment of specific groups in detention

No policy regarding the differential treatment of detainees based on nationality was reported in 2023. 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).

<sup>&</sup>lt;sup>900</sup> UNHCR, 'Türkiye Mayıs-Temmuz 2022', 2022, available in Turkish here. & Information provided by a stakeholder, March 2024.

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"<sup>901</sup> 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.<sup>902</sup> In 2023, no information was shared.
- 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. There is no data shared in 2023, the latest number was roughly 2,000 conditional refugees in October 2021.<sup>903</sup>
- 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 subsiandiary 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.

Türkiye hosts 220,000 asylum seekers and protection beneficiaries from various nationalities, mainly from Afghanistan, Iraq, Iran, and Ukraine. Specifically, there are 12,549 from Afghanistan, 12,909 from Iraq, and 5,388 from Iran<sup>904</sup>. In 2023, Türkiye recorded 38,725 displaced Ukrainians, including 3,230 who applied for international protection<sup>905</sup>.

As it was mentioned in the section Reception Conditions, since 2022, there has been a noticeable rise in anti-migrant sentiment, with discussions during the election campaign in 2023 General Election centering on issues such as voluntary return, unwanted immigrants, and border protection. During the 2023 elections in Türkiye, the issue of immigration emerged as one of the most dominant topics of debate, marking a significant shift in the country's political landscape, Türkiye had not witnessed widespread anti-immigrant sentiments despite its large foreign population until recently<sup>906</sup>. However, with a deepening economic crisis which has led to migrants being scapegoated for job competition and seen as a burden on the welfare

<sup>903</sup> ibid.

<sup>&</sup>lt;sup>901</sup> 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'.

<sup>&</sup>lt;sup>902</sup> QHA, 'Göç ve uyum konulu toplantıda Türkiye'deki göç olgusu anlatıldı', 17 March 2021, available in Turkish here

<sup>&</sup>lt;sup>904</sup> UNHCR Türkiye Factsheet April 2024, available here

<sup>&</sup>lt;sup>905</sup> UNHCR, Ukraine Refugee Situation, available here

<sup>&</sup>lt;sup>906</sup> Balta, E., Elçi, E., & Sert, D. (2023). *Political Party Representation of Anti-Immigration Attitudes: The Case of Turkey*. Istanbul: Heinrich-Böll-Stiftung. Available here

system<sup>907</sup> and with the rise of the anti-migrant party whose discourse shaped the discussion surrounding migration, anti-migrant sentiments have shifted dramatically<sup>908</sup>. Almost all political parties have proposed political solutions for the immigration issue in their rhetoric and political programs, and the parties' political statements found resonance with the voters. Almost every partys' voters supported such discourse on refugees' return<sup>909</sup>. During the election periods in Türkiye, as well as in the policies implemented after the May 2023 elections, anti-immigrant sentiment created challenges for immigrant and refugee communities to force them to be more invisible due to the fear of deportation or being targeted of any discrimination.

Specifically, the Afghan community in Türkiye, often labeled by the media and political actors as "undocumented," "illegal," and a "security risk," faces the strictest security measures. Consequently, they adopt strategies to become invisible and introverted in urban areas, making minimal or no claims to rights or services<sup>910</sup>. Furthermore, the lack of consensus on the number of foreigners in Türkiye highlighted the need for greater transparency and public dialogue on immigration issues<sup>911</sup>.

The earthquakes in Türkiye and Syria in February 2023, occurring at a time of limited resources and government capacity, further exacerbated anti-migrant sentiments<sup>912</sup>. The effects of the earthquakes are discussed under the Content of Temporary Protection, as the main refugee group in the region is Syrians under temporary protection.

Additionally, policies aimed at rendering migrant and refugee groups invisible in Türkiye have resulted in instances of discrimination and hate speech. The attack in Izmir Konak, where one refugee was killed and another severely injured, has highlighted the scapegoating of refugees as responsible for poverty and unemployment in Türkiye, exposing them to hate speech and racist attacks<sup>913</sup>. According to a survey, 43.6% of respondents consider irregular migration as the biggest threat to Türkiye<sup>914</sup>, indicating the prevalence of anti-immigrant sentiments and the need for addressing such issues. (For further details, see Reception Conditions)

EU funding is almost exclusively allocated to Syrians (see <u>Content of Temporary Protection</u>), neglecting other groups. For instance,<sup>915</sup> often NGOs and civil society actors, who wish to support non-Syrians, especially Afghans must rely on their own resources, leaving those aiding Afghans unsupported and underfunded by state and international bodies. Other issues regarding the funding<sup>916</sup> are (1) overall budget cuts of different funding instruments, especially for the projects supporting inclusion, (2) overlooking some priorities identified by stakeholders, (3) requirements to access the EU fundings through INGOs, (4) lack of targeted funding to municipalities which provide services to refugees regardless of the status or nationality, and (5) difficulties to ensure the sustainability of the projects.

<sup>&</sup>lt;sup>907</sup> Ibid.

<sup>&</sup>lt;sup>908</sup> Balta, E., Elçi, E., & Sert, D. (2023). 2023 Seçimleri ve Türkiye'deki göç tartışmaları. Istanbul: Heinrich-Böll-Stiftung.

<sup>&</sup>lt;sup>909</sup> Doç. Dr. Didem Danış: "Erdoğan zor bir yol ayrımında çünkü toplumdaki mülteci karşıtlığı çok yükselmiş durumda" – Medyascope, available here

<sup>&</sup>lt;sup>910</sup> GAR, October 2023, Actors and Mechanisms of (Non-)reception of the Afghans in Turkey GAR Report No. 9

<sup>&</sup>lt;sup>911</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>912</sup> Sert, D., Danış, D., & Sevinin, E. (2023). *Göç ve Deprem Durum Tespit Raporu*. Istanbul: Göç Araştırmaları Derneği, GAR.

<sup>&</sup>lt;sup>913</sup> Ege Evrensel, 16.08.2023, İHD İzmir Şubesi, Konak'taki ırkçı saldırıya ve mülteci düşmanlığına tepki gösterdi available here

<sup>&</sup>lt;sup>914</sup> Kisadalga, 07.08.2023, Metropoll'den 'en büyük tehdit' araştırması: Düzensiz göç mü dış güçler mi?, available here

<sup>&</sup>lt;sup>915</sup> GAR Report No. 9, Actors and Mechanisms of (Non-)Reception of the Afghans in Turkey, October 2023, available here

<sup>&</sup>lt;sup>916</sup> Information provided by stakeholders, March – April 2024

# A. Status and residence

#### 2. Residence permit

1.	What is		ors: Residence Permit mits 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.<sup>917</sup> 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.

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.<sup>918</sup> 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.<sup>919</sup>

Prior to 24 December 2019, **refugees** were granted an International Protection Status Holder Identification Document with a validity period of 3 years,<sup>920</sup> **conditional refugees** and beneficiaries of **subsidiary protection** were issued a document valid for 1 year.<sup>921</sup> Currently instead, for those who are granted conditional refugee, subsidiary protection and international protection status, an identity document including foreign identity number is issued.<sup>922</sup> 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 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

<sup>&</sup>lt;sup>917</sup> Article 30(1) LFIP.

<sup>&</sup>lt;sup>918</sup> Article 20(1)(g) LFIP, citing Article 83; Article 93(2) RFIP.

<sup>&</sup>lt;sup>919</sup> Article 83(3) LFIP.

<sup>&</sup>lt;sup>920</sup> Article 83(1) LFIP.

<sup>&</sup>lt;sup>921</sup> Article 83(2) LFIP.

<sup>&</sup>lt;sup>922</sup> Article 83 as amended by 85 7196 Law, 24 December 2019.

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.

# 2. Civil registration

Address verification started at the end of 2021, beginning of 2022 for temporary protection holders then for international protection holders. The number of temporary protection holders whose records have been updated is 986,852 in 2023 and 2,015,955 in 2022<sup>923</sup>. 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.<sup>924</sup> UNHCR provides support to PMM in the update processes of both the registrations of Syrians born in Türkiye and general registrations, as well as address and family component changes<sup>925</sup>.

# 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 *(Uluslararasi Dogum Kayit 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.

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;

<sup>&</sup>lt;sup>923</sup> PMM, Faaliyet Raporu 2023, available here

<sup>&</sup>lt;sup>924</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>925</sup> Information provided by a stakeholder, March 2024.

• 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.<sup>926</sup> The Turkiye Human Rights and Equality Body imposed a fine of 40,000 TL (2,000 EUR) on the Mayor of Bolu for the discriminatory practice.<sup>927</sup> Recently, similar decision was taken by the Mayor of Afyonkarahisar Belediyesi, who increased the cost of marriage procedure to 10,000 TL, which is normally 400 TL<sup>928</sup>.

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.<sup>929</sup> 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.<sup>930</sup>

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.<sup>931</sup>

In 2023, the Turkish Court of Cassation upheld the annulment of a second marriage, conducted in Syria by a Syrian national who later acquired Turkish citizenship, on the grounds of absolute nullity due to violation of public order<sup>932</sup>. The individual had legally married a second wife in Syria while still married to the first, and upon gaining Turkish citizenship, both marriages were registered in Türkiye. The decision, based on Turkish Civil Code Article 145/1, was initially challenged but ultimately confirmed by the Court of Cassation, emphasizing that polygamy is prohibited under Turkish law regardless of the individual's previous nationality and legal practices in their country of origin.

## 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.

## 4. Naturalisation

	Indicators: Naturalisation		
1.	What is the waiting period for obtaining citizenship?	5 years	
2.	Number of citizenship grants to beneficiaries in 2023:	Not available	J

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

<sup>&</sup>lt;sup>926</sup> Hurriyet Daily News, 'Bolu mayor announces 'controversial' wedding fee tariffs', 13 November 2021, available here

<sup>&</sup>lt;sup>927</sup> Sendika, 'Tanju Özcan'ın mültecilere yaptığı ayrımcılıktan dolayı Bolu Belediyesi'ne para cezası', 19 May 2022, available in Turkish here

<sup>&</sup>lt;sup>928</sup> T.C.Afyonkarahisar Belediyesi, X account, 2 May 2024.

<sup>&</sup>lt;sup>929</sup> Information provided by a stakeholder, April 2022.

<sup>&</sup>lt;sup>930</sup> Information provided by a stakeholder, April 2022.

<sup>&</sup>lt;sup>931</sup> Information provided by a stakeholder, May 2023.

<sup>932</sup> RRT, Sığınma hukuk bülteni

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 designated for construction, on which a condominium ownership or condominium servitude has been established, 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.933 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.934 Application for Turkish citizenship by investment is completed in approximately 3 months. 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.935

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<sup>936</sup>. From 2015 to 2022, Iraqi nationals rank first with 43,351 properties and 29,992 Iranians in second place with. Other foreigners buying properties to acquire citizenship are from Russia, Saudi Arabia, Afghanistan and Kuwait<sup>937</sup>. In the last 10 years, TUIK announced that foreigners acquired 381,422 properties<sup>938</sup>. Foreigners has preferred to buy properties mostly from Istanbul, Antalya and Ankara. In 2023, housing sales to foreigners decreased by 48.1% compared to the previous year, reaching 35,005 units. Antalya ranked first in housing sales to foreigners with 12,702 units sold, Istanbul followed with 11,229 units, and Mersin with 3,016 units. Citizens of the Russian Federation purchased the most houses from Türkiye in 2023, buying 10,560 units. They were followed by Iranian citizens, who bought 4,272 houses; Iraqi citizens, who bought 1,917 houses; and Ukrainian citizens, who bought 1,720 houses<sup>939</sup>. According to a statement on October 2023, around 40

Mihci Law Office, 'Yatirim Yoluyla Türk Vatandaşliği', last accessed 25 July 2024, available in Turkish here
 Ibid.

<sup>&</sup>lt;sup>935</sup> Finans Gündem, 'Vatandaşlığı en ucuza satan 3 ülkeden biriyiz', 10 May 2022, available in Turkish here

<sup>&</sup>lt;sup>936</sup> Ibid.

<sup>&</sup>lt;sup>937</sup> Ibid.

<sup>&</sup>lt;sup>938</sup> TUIK, Konut Satış İstatistikleri, Aralık 2023, available here

<sup>&</sup>lt;sup>939</sup> Ibid.

thousand foreigners obtain Turkish citizenship through purchasing property<sup>940</sup>. As of the end of 2022, around 4,000 Afghans became citizens through economic investment<sup>941</sup>.

The number of voters of foreign origin, especially Syrians, was a matter of debate during the 2023 election campaign period. According to a statement made by the CHP (Republican People's Party), among the foreign-born voters, 168,000 were of Syrian origin; 24,000 were born in Afghanistan; 22,000 were born in Iran; 16,000 were of Iraqi origin; and 6,000 were of Libyan origin<sup>942</sup>.

The General Directorate of Population and Citizenship Affairs of the Ministry of Internal Affairs clarified that the person who wants to get married in Türkiye must have the right to legally stay in the country<sup>943</sup>.

While some Syrian nationals under temporary protection have been able to access citizenship through the exceptional circumstances (see Temporary Protection: Naturalisation), access to citizenship is not provided to non-Syrian nationals under international protection in practice. In 2023 there is no data shared on the numbers of non-Syrians nationals obtain Turkish nationalities. As of December 2023, 238,055 Syrian nationals, 100,633 children, under temporary protection have exceptionally acquired Turkish citizenship<sup>944</sup>.

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.<sup>945</sup>

#### 5. Cessation and review of protection status

$\left( \right)$		Indicators: Cessation
	1.	Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure?
	2.	Does the law provide for an appeal against the first instance decision in the cessation procedure? $\Box$ Yes $\Box$ No
	3.	Do beneficiaries have access to free legal assistance at first instance in practice?

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:946

- 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.<sup>947</sup>

<sup>&</sup>lt;sup>940</sup> Hürriyet, Meclis Göç ve Uyum Komisyonu Başkanı: Suriyeli Türkiye'den mülk alamıyor, 07.10.2023.

<sup>&</sup>lt;sup>941</sup> VOA, 15.06.2023, Afganistan'ın Ankara Büyükelçisi Ramin: "Göç tarihsel bir süreç sıfırlanamaz"

<sup>&</sup>lt;sup>942</sup> Euronews, 14 Mayıs'ta oy kullanacak yurt dışı doğumlu seçmen sayısı kaç?, 08.04.2024, available here

<sup>&</sup>lt;sup>943</sup> Medyascope, İçişleri Bakanlığı yabancı uyrukluların evlenmesine "kalış hakkı" zorunluluğu getirdi, 27.06.2024, available here

<sup>&</sup>lt;sup>944</sup> DW, İçişleri Bakanı: 238 bin 55 Suriyeli Türk vatandaşı oldu, 17.12.2023, available here

<sup>&</sup>lt;sup>945</sup> Gunebakis, 'İşte yabancılara verilen vatandaşlık sayıları', 21 August 2022, available in Turkish at: https://bit.ly/44.JjuO9.

<sup>&</sup>lt;sup>946</sup> Article 85(1) LFIP.

<sup>&</sup>lt;sup>947</sup> Article 85(2) LFIP.

**Subsidiary protection** may also be ceased where circumstances have changed to such an extent that protection is no longer needed.<sup>948</sup>

Cessation is to be decided on an individual basis.<sup>949</sup> 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.<sup>950</sup> 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.<sup>951</sup>

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.<sup>952</sup>

#### 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?
2.	Does the law provide for an appeal against the cancellation decision? $\square$ Yes $\square$ No
3.	Do beneficiaries have access to free legal assistance at first instance in practice?

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.<sup>953</sup>

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,<sup>954</sup> the possibility to submit oral or written observations "within a reasonable period" is provided in the RFIP.<sup>955</sup> The remaining rules and procedures are the same as in Cessation.

# **B.** Family reunification

#### 1. Criteria and conditions

1.	Indicators: Family Reunification Is there a waiting period before a beneficiary can apply for family reunification? Yes X No If yes, what is the waiting period?	
2.	Does the law set a maximum time limit for submitting a family reunification application? $\Box$ Yes $\boxtimes$ No	
	If yes, what is the time limit?	
3.	Does the law set a minimum income requirement?	

- <sup>950</sup> Article 85(4) LFIP. <sup>951</sup> Article 97(1) PEIP
- <sup>951</sup> Article 97(1) RFIP.
   <sup>952</sup> Article 80(1)(a) LFIE

<sup>953</sup> Article 86(1) LFIP.

<sup>&</sup>lt;sup>948</sup> Article 85(3) LFIP.

<sup>&</sup>lt;sup>949</sup> Article 97(3) RFIP.

 <sup>&</sup>lt;sup>952</sup> Article 80(1)(a) LFIP.
 <sup>953</sup> Article 86(1) LFIP

<sup>&</sup>lt;sup>954</sup> Article 86(2) LFIP.

<sup>&</sup>lt;sup>955</sup> Article 98(1) RFIP.

Family reunification is governed by Articles 34-35 LFIP. While the law allows **refugees** and **subsidiary protection beneficiaries** to be reunited with family members,<sup>956</sup> 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.<sup>957</sup> Refugees and subsidiary protection holders are expressly exempt from this condition, but conditional refugees are not.<sup>958</sup>

A refugee or beneficiary of subsidiary protection may reunite with the following family members:959

- Spouse, whereby only one spouse may benefit from family reunification in the case of polygamous marriages;<sup>960</sup>
- Minor children or minor children of the spouse;
- Dependent children or dependent children of the spouse.

The Türk Kızlay 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 Kizilay initiated a fund-raising drive in 2022 to support their family reunification activities.<sup>961</sup> Refugee Rights Turkey is also providing counselling on family reunification to unaccompanied refugee minors. Legal clinics supported by UNHCR provides legal support for family reunification cases.

Unaccompanied minors face numerous challenges during the family reunification process<sup>962</sup>. Gathering documentation, waiting for appointments, and interfacing with shelter and migration authorities can take many months. For those living outside Istanbul or Ankara, additional hurdles include securing travel permits and consular appointments, and arranging for inter-city transport and accommodation. While some youth shelters actively support UAMs in their family reunification efforts, others only respond after a request is made. A major obstacle is the requirement for valid passports or travel documents, which many minors lack due to never receiving them, or because they were lost or confiscated during their journey. Consular authorities from some countries, like Afghanistan, complicate matters further by requiring parental consent for issuing passports. This can be particularly challenging if parents are deceased or unreachable, requiring death certificates or the consent of another relative. The financial burden of filing family reunification applications, including visa fees, document translation and notarization, shipping, and travel costs, is another significant challenge. Some costs may be covered by the sponsors, or NGOs such as RRT, to ensure the minors' right to family reunification.

## 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.<sup>963</sup> Holders of this permit have access primary and secondary education institutions without obtaining a student residence permit.<sup>964</sup>

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.<sup>965</sup> However, this condition may be waived in cases where the spouse has been a victim of domestic violence,<sup>966</sup> or in the event of death of the sponsor.<sup>967</sup>

<sup>&</sup>lt;sup>956</sup> Article 34(1) LFIP; Article 30(1)(d) RFIP.

<sup>&</sup>lt;sup>957</sup> Article 35(1)(ç) LFIP.

<sup>&</sup>lt;sup>958</sup> Article 35(4) LFIP.

<sup>&</sup>lt;sup>959</sup> Article 34 LFIP; Article 30 RFIP.

<sup>&</sup>lt;sup>960</sup> Article 34(2) LFIP; Article 30(3) RFIP.

<sup>&</sup>lt;sup>961</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>962</sup> Refugee Solidarity Network and RRT, Reuniting Families: Opportunities and Challenges for Refugees in Turkey.

<sup>&</sup>lt;sup>963</sup> Article 34(1) LFIP.

<sup>&</sup>lt;sup>964</sup> Article 34(4) LFIP.

<sup>&</sup>lt;sup>965</sup> Article 34(5) LFIP.

<sup>&</sup>lt;sup>966</sup> Article 34(6) LFIP.

<sup>&</sup>lt;sup>967</sup> Article 34(7) LFIP.

# 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.<sup>968</sup> 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."<sup>969</sup>

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.<sup>970</sup>

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.<sup>971</sup> 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.<sup>972</sup> 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" (*Yabancılara Mahsus Damgali 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 foreignnationals-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":

- 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".

<sup>&</sup>lt;sup>968</sup> Article 82(1) LFIP; Article 110(4) RFIP.

<sup>&</sup>lt;sup>969</sup> Article 110(5) RFIP.

<sup>&</sup>lt;sup>970</sup> Article 110(1) RFIP.

<sup>&</sup>lt;sup>971</sup> Article 104 RFIP.

<sup>&</sup>lt;sup>972</sup> Article 84(2) LFIP; Article 104(2) RFIP.

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.<sup>973</sup> 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. According to PMM statistics, as of June 2024, 66,876 Syrians had been resettled (since 2016) to the EU, USA, Canada, Australia, New Zealand, UK, Switzerland, and Norway.<sup>974</sup> Resettlement numbers remain low in 2023, similar to previous years, 5,198 resettlements in 2023, 550 between January and March 2024<sup>975</sup>.

In response to the earthquakes<sup>976</sup>, several countries, including Canada, France, Germany, Norway, Spain, the United Kingdom, and the United States, increased their intake of refugees from affected areas. IOM collaborated with these resettlement countries to provide accommodation during the interview process in Ankara and Istanbul and before departure, facilitated rapid visa and exit permit processing, expedited departures using commercial and charter flights, and provided medical support and non-food items to those in need.

More than 16,800 resettlement submissions were made in 2023, 94 percent of which were from the earthquake region<sup>977</sup>. Afghan cases increased among the referrals for resettlement<sup>978</sup>. By the end of September 2023, a total of 10,200 refugees were resettled<sup>979</sup>, nearly 5,000 refugees from the affected areas were resettled, and 1,280 refugees received extended accommodation support<sup>980</sup>. The ICMC-operated Resettlement Support Center in Türkiye has assisted in the resettlement process to the USA, 1,923 were resettled from Türkiye to the USA from 1 October to 31 December 2023<sup>981</sup>.

Regarding the complementary pathways, 7 students went to Italy and 2 to Lithuania with scholarships from universities, additionally three refugees left for Canada through labor pathway opportunities<sup>982</sup>.

# D. Housing

Similar to the situation of applicants (see Reception Conditions: Housing and Temporary Protection Housing), beneficiaries of international protection are expected to secure accommodation through their own means in Türkiye.

# E. Employment and education

<sup>981</sup> ICMC, ICMC's Resettlement Support Centre on Track to Meet Annual Targets, 15 January 2024, available here

<sup>&</sup>lt;sup>973</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>974</sup> See PMM, Temporary protection, available here

<sup>&</sup>lt;sup>975</sup> Information shared by a stakeholder, March 2024.

<sup>&</sup>lt;sup>976</sup> IOM, 2024, Türkiye and Northwest Syria Earthquake Response and Recovery 2023 Achievements Report

<sup>&</sup>lt;sup>977</sup> UNHCR, Bi annual fact sheet, February 2024, available here

<sup>&</sup>lt;sup>978</sup> Information provided by a stakeholder, April 2024.

<sup>&</sup>lt;sup>979</sup> UNHCR Turkiye biannual factsheet, September 2023, available here

<sup>&</sup>lt;sup>980</sup> IOM, 2024, Türkiye and Northwest Syria Earthquake Response and Recovery 2023 Achievements Report

<sup>&</sup>lt;sup>982</sup> UNHCR Factsheet Turkiye September 2023, available here

#### 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.<sup>983</sup>

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.<sup>984</sup>

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.<sup>985</sup> 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.<sup>986</sup> Data on the matter has not been made public in 2023.

#### 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).

<sup>&</sup>lt;sup>983</sup> Article 89(4)(b) LFIP; Article 4 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>984</sup> Article 18 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>985</sup> Article 89(4)(a) LFIP; Articles 6 and 9 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

<sup>&</sup>lt;sup>986</sup> Refugees International, *I am only looking for my rights: Legal employment still inaccessible for refugees in Türkiye*, December 2017, available here, 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.<sup>987</sup>

### 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.<sup>988</sup> 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.<sup>989</sup> The declaration decision shall elaborate the scope of beneficiaries, the start date of the temporary protection regime and its duration, where necessary.<sup>990</sup> 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.<sup>991</sup>

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".<sup>992</sup> 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.

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

<sup>&</sup>lt;sup>987</sup> Article 10 TPR.

<sup>&</sup>lt;sup>988</sup> Articles 1 and 3 TPR. <sup>989</sup> Article 9 TPP

<sup>&</sup>lt;sup>989</sup> Article 9 TPR. <sup>990</sup> Article 10 TPP

<sup>&</sup>lt;sup>990</sup> Article 10 TPR.

<sup>&</sup>lt;sup>991</sup> Article 11 TPR. <sup>992</sup> Article 15 TPR

<sup>&</sup>lt;sup>992</sup> Article 15 TPR.

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.<sup>993</sup>

### 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.<sup>994</sup> 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.<sup>995</sup>

In some cases, PDMM have referred these persons for a short-term visa and then a short-term residence permit.<sup>996</sup> 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.

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.<sup>997</sup>

<sup>&</sup>lt;sup>993</sup> Information provided by a lawyer of a Bar Association, March 2019.

<sup>&</sup>lt;sup>994</sup> Zeynep Kivilcim, 'Lesbian, gay, bisexual and transsexual (LGBT) Syrian refugees in Türkiye', 2016, 29.

<sup>&</sup>lt;sup>995</sup> Information provided by NGOs, March 2019.

<sup>&</sup>lt;sup>996</sup> *Ibid*.

<sup>&</sup>lt;sup>997</sup> Information provided by a stakeholder, May 2022.

### 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?
2	•	Does the law provide for an appeal against the first instance decision in the cessation procedure? $\Box$ Yes $\Box$ No
3	•	Do beneficiaries have access to free legal assistance at first instance in practice? Yes With difficulty No
. m. n	_	remy protection status shall access for a particular hanafician (where he ar shall 998

Temporary protection status shall cease for a particular beneficiary where he or she:998

- 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.

### 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. UNHCR does not have any program for those who want to return voluntarily, but they continue to monitor voluntary returns to Syria in a number of provinces through presence at PDMMs<sup>999</sup>. UNHCR does not monitor all voluntary returns.

Voluntary, safe, and dignified returns have continued to be a priority policy area for the PMM in 2023, which established its voluntary return programme in 2021. As a reaction to rising anti-refugee sentiment stroked by opposition parties and the society calling for the return of Syrians to Syria, President Erdoğan has promised to relocate at least 1 million Syrians in Turkish-controlled regions of northern Syria.

There is no official data shared in the website. According to statement of President of PMM, 583,618 Syrians voluntarily returned to Syria by October 2023, the efforts and acitivies of PMM working on the voluntary, safe and dignified return of 1 million Syrians, which was set as a target by President Erdogan, continues. Former Minister of Interior, Soylu stated that the return of 1 million refugees in Türkiye will be ensured with the 240 thousand permanent houses to be built in northern Syria with the financing of the Qatar

<sup>&</sup>lt;sup>998</sup> Article 12(1) TPR.

<sup>&</sup>lt;sup>999</sup> Information provided by a stakeholder, March 2024.

Development Fund<sup>1000</sup>. Former Minister of National Defense, Akar stated later that efforts to improve living conditions in northern Syria continue and as a result of these efforts, 600-700 thousand Syrians have returned home safely so far. Lastly, Minister of Interior Affairs, Yerlikaya, stated that the number of Syrian refugees who returned voluntarily from Türkiye to Syria reached 625,000 by February 2024<sup>1001</sup>. One of the main reasons Syrians want to return is financial difficulties<sup>1002</sup>. Stakeholders have worries regarding whether they are voluntary or forced returns.

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.<sup>1003</sup> Turkish authorities have been arguing that returns are "voluntary'.<sup>1004</sup> 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. 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.<sup>1005</sup> Syrian Observatory for Human Rights (SOHR) reported that despite the claims, "Syrians, most of whom have temporary protection IDs, are forcibly deported to Syria every day, on the grounds that they do not have official documents."<sup>1006</sup> Global Detention Project highlighted refugees are coerced into "voluntary return" through ill-treatment to free up space in overcrowded deportation centres<sup>1007</sup>.

Two important decisions support the claims of forced return of Syrians:

On February 15, 2023, the Constitutional Court General Assembly ruled on the application of Wisam Sulaiman Dawood Eaqadah (Application No: 2021/2831). The Court decided that the claims regarding the violation of the prohibition of ill-treatment and the right to an effective remedy in connection with the freedom of settlement, within the context of procedural safeguards in deportation processes, were clearly unfounded and therefore inadmissible. In the Abdulkerim Hammud decision (Application No. 2019/24388, Decision Date May 2, 2023), the Constitutional Court of Türkiye examined, for the first time, an individual application alleging forced return to Syria. The Court unanimously ruled that there had been violations of the right to life and the prohibition of ill-treatment as protected under Article 17 of the Constitution, as well as the right to an effective remedy under Article 40, in parallel with the European Court of Human Rights decision in Akkad v. Turkey.

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.<sup>1008</sup> In 2022, the European Court of Human Rights found a violation of articles 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<sup>1009</sup>.

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

<sup>&</sup>lt;sup>1000</sup> AK PARTİ | Bakanımız Soylu "Gönüllü, Güvenli, Onurlu Geri Dönüş Projesi Temel Atma Töreni"nde konuştu 24-05-2023, available here

<sup>&</sup>lt;sup>1001</sup> AA, İçişleri Bakanı Yerlikaya: 625 bine yakın Suriyeli ülkesine geri dönüş kapsamında geçiş yaptı, 16.02.2024, available here

<sup>&</sup>lt;sup>1002</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1003</sup> Human Rigths Watch, Turkey: Hundreds of Refugees Deported to Syria, 24 October 2022, available here

<sup>&</sup>lt;sup>1004</sup> Milliyet, 'Bir milyondan fazla Suriyeli evine döndü', 21 January 2022, available here

<sup>&</sup>lt;sup>1005</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1006</sup> Biante, 26.02.24, SOHR: "Türkiye Suriyeli mültecileri zorla geri göndermeye devam ediyor, available here

<sup>&</sup>lt;sup>1007</sup> Global Detention Project, Türkiye: Submission to the Committee against Torture, June 2024.

<sup>&</sup>lt;sup>1008</sup> Information provided by a lawyer of a Bar Association, February 2020.

<sup>&</sup>lt;sup>1008</sup> On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings.

<sup>&</sup>lt;sup>1008</sup> ECHR, Akkad v. Turkiye, application number: 1557/19, 21 June 2022, available here

<sup>&</sup>lt;sup>1009</sup> AKKAD v. TURKEY [Turkish Translation] by Istanbul Bar Association, available here

reached. Syrians who are deported to Syria either obtain a visa to enter Syria or are deported to Turkishcontrolled territory.<sup>1010</sup>

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.<sup>1011</sup> 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.<sup>1012</sup> This practice remained the same in 2023.

#### 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.<sup>1013</sup> This policy has changed for holiday permits granted to Syrians during religious holidays. Since 2022 'holiday permits' are not given to Syrians.<sup>1014</sup>

In 2023, exceptionally Syrians under temporary protection who are registered and residing in the earthquake-affected provinces (Kahramanmaraş, Hatay, Gaziantep, Malatya, Kilis, Osmaniye, Diyarbakır, Adana, Adıyaman, Şanlıurfa) could temporarily return to Syria without losing their temporary protection status. The period was between 14 February and 15 September 2023, with staying maximum of six months. Syrians under temporary protection residing in one of these provinces could directly apply to local authorities at the border gate without obtaining a travel permit document from the province they reside in<sup>1015</sup>. The permission was extended by December 2023. There are statements indicating that more than 90% of Syrian who visited Syria with this permission returned back to Türkiye, however there is a considerable number of persons staying in the provinces they moved to after the earthquake. <sup>1016</sup>.

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.<sup>1017</sup> 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.<sup>1018</sup> The Circular also requires PDMM to provide detailed information to temporary protection beneficiaries on the legal implications of signing a "voluntary return document".

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.<sup>1019</sup>

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

<sup>&</sup>lt;sup>1010</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1011</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1012</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1013</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1014</sup> Hürriyet, 'Bayrama giden kalacak', 2022, available here & information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1015</sup> UNHCR Help Turkiye, Duyurular, 14.02.2023, available here

<sup>&</sup>lt;sup>1016</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1017</sup> Article 13 TPR.

<sup>&</sup>lt;sup>1018</sup> PMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.

<sup>&</sup>lt;sup>1019</sup> Information provided by a stakeholder, May 2023.

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.<sup>1020</sup> 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.<sup>1021</sup> These returns were still suspended in 2023 as far as stakeholders were aware.

### 3. Exclusion and cancellation of temporary protection

1.	Indicators: Cancellation         Is a personal interview of the temporary protection beneficiary in most cases conducted in practice in the cancellation procedure?         Yes
2.	Does the law provide for an appeal against the cancellation decision? $\Box$ Yes $\Box$ 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:<sup>1022</sup>

- 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.<sup>1023</sup> In some cases, PMM has also ordered cancellation on the basis of Article 8(1)(e) TPR.<sup>1024</sup> 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.<sup>1025</sup>

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 the exclusion grounds listed above, their temporary protection status shall be cancelled. PMM can delegate this power to governorates as of 25 December 2019.<sup>1026</sup>

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.

<sup>&</sup>lt;sup>1020</sup> Provisional Article 1(6) TPR, as inserted by Article 1 Regulation 2016/8722 of 5 April 2016.

<sup>&</sup>lt;sup>1021</sup> PMM, *Return statistics*, available here

<sup>&</sup>lt;sup>1022</sup> Article 8(1) TPR.

<sup>&</sup>lt;sup>1023</sup> Information provided by various stakeholders, May and June 2023.

<sup>&</sup>lt;sup>1024</sup> 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.

<sup>&</sup>lt;sup>1025</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1026</sup> Article 12(2) TPR.

Beneficiaries of temporary protection were not informed by the authorities of the cancellation of their protection in 2023. 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<sup>1027</sup>.

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.<sup>1028</sup> 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.<sup>1029</sup> At the same time, it is difficult to get an appointment from the Syrian Embassy, and people have to pay. The number of temporary protection holders whose adress were veirfied and updated was 986,852 in 2023 and 2,015,955 in 2022. However, in 2023, there was no data shared regarding the cancellation of registration.

# 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 borde	r
	and returned without examination of their protection needs? Xes 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.<sup>1030</sup>

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".<sup>1031</sup> 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.

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.<sup>1032</sup> In 2019, Türkiye opened the "Olive Branch" border-crossing point in Afrin, reinforced with new technology.<sup>1033</sup> In 2020, Türkiye began using surveillance balloons to patrol the border<sup>1034</sup>. The physical barrier has not completely stopped arrivals, although it has exacerbated difficulties in crossing the Turkish-Syrian border. Refugees have reportedly

<sup>&</sup>lt;sup>1027</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1028</sup> Independent Turkey, İçişleri Bakan Yardımcısı Çataklı: Suriyeli mültecilerden 122 bini kayıp, 22 June 2022, available here

<sup>&</sup>lt;sup>1029</sup> Rudaw, 'Algazi: The annulment of the identity of 150 thousand Syrians marks a change in policy', 20 April 2022, available here

<sup>&</sup>lt;sup>1030</sup> Article 17(2) TPR.

<sup>&</sup>lt;sup>1031</sup> Article 15 TPR.

<sup>&</sup>lt;sup>1032</sup> Daily Sabah, 'Türkiye finishes construction of 764-km security wall on Syria border', 9 June 2018, available here; Hürriyet, 'Türkiye improves border security with smart system', 6 January 2019, available here.

<sup>&</sup>lt;sup>1033</sup> CNN Turk, 'Suriye sınırına akıllı güvenlik', 13 January 2020, available in Turkish here ; Hürriyet, 'Turkish surveillance balloon patrolling Syria border', 21 July 2020, available here

<sup>&</sup>lt;sup>1034</sup> Middle East Monitor, 'Türkiye to open border gate with Syria's Afrin next week – minister', 5 March 2019, available here

had to climb the border wall,<sup>1035</sup> or to bribe border guards to enter Türkiye.<sup>1036</sup> There are also reports of tunnels and that the wall has increased smugglers' prices.<sup>1037</sup> PMM figures for 2023 refer to a total of 254,008 apprehended irregular migrants countrywide, of whom only 58,621 were Syrian nationals.<sup>1038</sup>

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." Applications for temporary protection are not accepted at the border.<sup>1039</sup>

Türkiye's handling of the situation and concerns for the human rights of migrants and refugees continued in 2023. These incidents are further described in Access to the territory and pushbacks. Human Rights Watch<sup>1040</sup>, claimed that the Turkish armed forces and gendarmerie, which are responsible for border security, have been indiscriminately shooting and mistreating Syrians along the Syrian-Turkish border with providing detailes of two specific incidents happened in March 2023, and it has been failed to effectively prevent or investigate. Another claim is that in July 2023, up to 2,000 Syrians were returned to the northern Syria without any individual assessment regarding their health conditions, family ties etc., some of the deportees had been living in Türkiye for a number of years, and carried temporary protection ID cards<sup>1041</sup>.

### 2. Registration under temporary protection

The PDMM are formally in charge of registering temporary protection beneficiaries and referring them to cities.

Registrations are closed in many cities, 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 arrive in Türkiye in irregular way, try to register in Istanbul but have difficulties in accessing registration.<sup>1042</sup> The 20% rule or 'deconcentration policy'<sup>1043</sup> affect cities with larger populations of Syrians such as Kilis where over 38% of the population is made up of Syrians under temporary protection.<sup>1044</sup> 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. Istanbul 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.<sup>1045</sup> In Istanbul, ten districts, Küçükçekmece, Bağcılar, Başakşehir, Avcılar, Bahçelievler, Sultangazi, Esenler, Zeytinburnu, Esenyurt and Fatih are closed to the new registration of foreigners.

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 Centres. 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 Centres;

Hürriyet, 'Footage shows Syrians scaling Turkish border wall with ladders', 7 September 2018, available here
 International Crisis Group, *Mitigating Risks for Syrian Refugee Youth in Türkiye's Şanlıurfa*, February 2019, available here, 5-6.

<sup>&</sup>lt;sup>1037</sup> Information received from stakeholders from Ankara and Şanlıurfa, March 2020.

<sup>&</sup>lt;sup>1038</sup> PMM, *Irregular migration statistics*, available here

<sup>&</sup>lt;sup>1039</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1040</sup> HRW, 'Türkiye'nin Sınır Görevlileri Suriyelileri Öldürüyor, Onlara İşkence Ediyor', 27.04.2023, available here

<sup>&</sup>lt;sup>1041</sup> Middle East eye, 'Hundreds of Syrians left in limbo after being deported from Turkey', 12.08.2023, available here

<sup>&</sup>lt;sup>1042</sup> Information provided by a stakeholder, April 2022.

<sup>&</sup>lt;sup>1043</sup> Turkish Government, Mahalle Kapatma Duyurusu Hk., available here

<sup>&</sup>lt;sup>1044</sup> See PMM website, 'Temporary Protection', available in English here.

<sup>&</sup>lt;sup>1045</sup> Information provided by a stakeholder, May 2023.

- If the applicant has travel restrictions due to medical conditions, and if the applicant has no selfcare 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 Centres 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 Centres 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.<sup>1046</sup>

In 2023, registration of temporary protection continued with many challenges, and not in all cities. For some stakeholders, all registrations were stopped, including temporary protection registrations. At the end of the year there were 3,214,780 people registered under temporary protection.<sup>1047</sup> This is a decrease of 321,118 compared to 2022, more than half million compared to 2021. The reason for the decrease of temporary protection holders might be the individual exits, return, changes in their status (to different residence permits or gaining citizenship) and resettlement. The trend of forcing people to be undocumented might be another reason. However, due to the lack of data transparency, it is hard to give a clear answer. A growing number of Syrians are becoming undocumented in Türkiye, which has increased following the earthquakes in 2023.

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.<sup>1048</sup>

### 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.<sup>1049</sup>

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

<sup>&</sup>lt;sup>1046</sup> UNHCR, Registration with the Turkish authorities, available here

<sup>&</sup>lt;sup>1047</sup> See PMM website, 'Temporary Protection', available in English here

<sup>&</sup>lt;sup>1048</sup> Turkish Government, Mahalle Kapatma Duyurusu Hk., available here

<sup>&</sup>lt;sup>1049</sup> Information provided by a stakeholder, May 2023.

children.<sup>1050</sup> 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. However, in 2023, due to the lack of ID, after the child-birth some women faced high hospital fees they couldn't afford<sup>1051</sup>.

## 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.<sup>1052</sup>

## 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 Administrate 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.

In 2023, Istanbul 1<sup>st</sup> Administrative Court that rejecting the application on the grounds of their entry route (through Lebanon) without a proper interview and necessary investigation violated constitutional principles and the respect for family life, consequently, the court ordered the annulment of the decision.

## 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 Yardim*) 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 funds 45 bar associations specifically for international and temporary protection cases (see International Protection: Regular Procedure: Legal Assistance). A new LEAP Project, implemented by UNICEF and Union of Bar Associations in 14 provinces supports earthquake-affected children's access to justice, and provides legal aid through mobile units, particularly reaching rural areas. This project becomes an important support

<sup>&</sup>lt;sup>1050</sup> PMM Circular 2017/10 of 29 November 2017 on principles and procedures for foreigners under temporary protection.

<sup>&</sup>lt;sup>1051</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1052</sup> *Ibid*.

especially for determination of paternity in case of lack of official birth certificates<sup>1053</sup>. Another partnership with the Union of Bar Associations is the one with UN Women to improve access to justice for women, not exclusing refugee women, affected by earthquakes through field visits and workshops.

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.

Syrians might face some difficulties to access legal aid due to not being able to present necessary documents. The bar association first evaluate the financial situation, ask for documents like a poverty certificate from the mukhtar and examine if there are reasonable grounds to believe in a successful outcome for the legal assistance requested. Based on these evaluations, the bar association will decide whether to grant legal aid or not<sup>1054</sup>. 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.<sup>1055</sup>

## D. Detention in the temporary protection framework

As a rule, temporary protection beneficiaries should not be detained. The TPR does not feature any explicit provision governing administrative detention of persons within the scope of temporary protection laying down grounds and procedural safeguards that apply. Article 35 TPR does, however, provide that beneficiaries who fail to comply with the obligations set out in the Regulation may be temporarily or permanently prevented from residing outside a Temporary Accommodation Centre. Where this provision is applied, beneficiaries are forbidden from leaving the camp, thereby being *de facto* in a state of detention.

In addition, detention has also been – arbitrarily – imposed in some cases as a sanction against temporary protection beneficiaries who violate their obligation to stay in their assigned province, although practice in this regard is not uniform.

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*).

<sup>&</sup>lt;sup>1053</sup> Information provided by stakehodlers, March – April 2024.

<sup>&</sup>lt;sup>1054</sup> RRT & Refugee Solidarity Network, Information portal for refugee in Turkey, available here

<sup>&</sup>lt;sup>1055</sup> Information provided by a stakeholder, May 2022.

The temporary protection framework laid down by the TPR, first and foremost, provides a domestic legal status to beneficiaries granting legal stay in Türkiye;<sup>1056</sup> protection from punishment for illegal entry or presence<sup>1057</sup> and protection from *refoulement*.<sup>1058</sup>

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.<sup>1059</sup> 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.<sup>1060</sup> In 2019 PMM published the Cohesion Strategy and National Action Plan, which addressed six subject areas: social cohesion, information, education, health, labour market, and social support. As the five-year plan is due to end in 2023, UNHCR is collaborating with PMM on the drafting of its revised Strategy and National Action Plan<sup>1061</sup>. In 2023, the policies overlooked social cohesion, instead the priorities were given to (voluntary) return, border management, effective detection of irregular migrants within the country, and deportation.

The rise of anti-immigrant sentiment was often targeting Syrians as the main refugee group in Türkiye. Türkiye'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.<sup>1062</sup> In 2023, the rising anti-migrant discourse led institutions interacting with migrants, particularly municipalities, to face pressures driven by fears of losing votes and negative citizen reactions<sup>1063</sup>. This also resulted in reluctance among local companies to hire Syrians, landlords refusing to rent to Syrians or pressuring existing tenants to leave, and the removal of Arabic signs in some cities<sup>1064</sup>. Following the earthquakes, false accusations against Syrians, such as looting and illegal border crossings, were widely disseminated by political leaders and on social media, intensifying hostility and calls for forced return<sup>1065</sup>. The anti-migrant discourse, fueled by hate speech, damaged social cohesion. (See Content of International Protection).

An interesting report from March 2022 on urban refugees in Marmara<sup>1066</sup> 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,

<sup>&</sup>lt;sup>1056</sup> Article 25 TPR.

<sup>&</sup>lt;sup>1057</sup> Article 5 TPR.

<sup>&</sup>lt;sup>1058</sup> Article 6 TPR.

<sup>&</sup>lt;sup>1059</sup> Içduygu, Ahmet and Simsek, Dogus (2016) Syrian refugees in Türkiye: towards integration policies. *Turkish Policy Quarterly*, 15(3), 59-69, available here

<sup>&</sup>lt;sup>1060</sup> SGDD-ASAM and UN Women, *Needs assessment of Syrian women and girls under temporary protection status in Türkiye*, June 2018, available here, 65.

<sup>&</sup>lt;sup>1061</sup> UNHCR, Türkiye Factsheet, September 2023, available here.

<sup>&</sup>lt;sup>1062</sup> Evren Balta Ezgi Elçi Deniz Sert, Political Party Representation Of Anti-Immigration Attitudes: The Case Of Turkey, December 2022, available here

<sup>&</sup>lt;sup>1063</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available here

<sup>&</sup>lt;sup>1064</sup> Ibid, & information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1065</sup> Özdemir & Ağırday, Quakes Do Strike Refugees: Hyper-precarity of Syrians in Turkey, MiReKoc Working Paper Series, April 2023, available here

<sup>&</sup>lt;sup>1066</sup> Marmara Municipalities Union, *Urban Refugees of Marmara: Process Management of Municipalities*, 9 March 2022. Summary of the report available in Turkish here

being employed as unqualified, cheap labour and housing. Syrian refugees most often request help from municipalities with financial and other aid, employment and shelter.

A recent study<sup>1067</sup> reported the most challenging issues faced by Syrians are (1) movement restrictions that prevent them from relocating within the country, (2) difficulties in continuing to reside in their current homes due to increased demand for housing, high rent cost and financial insecurity (3) obtaining or renewing legal documentation, (4) disparities in aid distribution, and (5) experiencing hate speech and violence from police officers. In addition to those mentioned in both studies, the fear of return and having inactived identity cards forcing them to being undocumented hinders their access to services<sup>1068</sup>.

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.<sup>1069</sup> 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.

#### EU Funding Projects in Türkiye<sup>1070</sup>

The EU continued to support Türkiye's huge efforts to accommodate the largest refugee population in the world in 2023 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.<sup>1071</sup> For 2023 and 2024, the EU has pledged over 2 billion EUR in support for Syrian refugees and their host communities. It was stressed that the EU would continue to collaborate with Turkiye to ensure the delivery of cross-border aid to Syria.<sup>1072</sup> As part of the MFF mid-term review package, the European Council on 1 February 2024 agreed to increase by 1.5 billion EUR the Solidarity and Emergency Aid Reserve for the period 2024-2027<sup>1073</sup>.

The sustainability of FRIT-funded projects varies. Infrastructure projects, such as schools and hospitals, have been integrated into the Turkish national systems, with operational costs covered by the national budget. However, socio-economic support projects have struggled with sustainability. While 15 community centres continued operations with alternative funding, social cohesion activities and vocational training ceased due to a lack of funds.

The earthquakes in February 2023 exacerbated challenges for refugees in Türkiye. Both the PIKTES and SIHHAT projects were significantly impacted by the earthquakes. Schools in the earthquake-affected provinces were closed; some were heavily damaged or destroyed and equipment and provisions were lost. In the case of SIHHAT, approximately 45 of the 102 (extended) migrant health centres were damaged. The Turkish Ministry of National Education did not provide data on Syrian children and children from host

<sup>&</sup>lt;sup>1067</sup> 11.11.11, Syrian refugees in Türkiye Community Perspectives on Basic Rights and Support, January 2024, available here

<sup>&</sup>lt;sup>1068</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1069</sup> For a list of active organisations, see Ministry of Interior, *Foreign CSOs permitted to operate in Türkiye*, available here

<sup>&</sup>lt;sup>1070</sup> This section is based on the information from several resources: DG NEAR EU Support to Refugees in Türkiye, available here & EC, Seventh Annual Report of the Facility for Refugees in Turkey, COM(2023) 543 final, 22.9.2023, Brussels & EUROPEAN COURT OF AUDITORS, Special report 06/2024: The Facility for Refugees in Turkey – Beneficial for refugees and host communities, but impact and sustainability not yet ensured

<sup>&</sup>lt;sup>1071</sup> ICMPD, 'Migration Outlook 2022 Western Balkans & Turkey Nine migration issues to look out for in 2022', 2022, available here

<sup>&</sup>lt;sup>1072</sup> AA, 'EU pledges over \$2B at donors conference for Syria', 15 June 2022, available here

<sup>&</sup>lt;sup>1073</sup> EC, Commission signs €400 million agreement with Türkiye to support its recovery after the 2023 earthquakes, 07.02.2024, available here

communities, which limited the audit's ability to assess the impact of FRIT education projects. With only 65% of Syrian pupils in formal education as of January 2023, integrating one million refugee children remains a significant challenge due to an insufficient number of teachers and schools. The Supporting Migrant Health Services in Türkiye (SIHHAT I) project identified the need for one migrant health unit per 4,000 refugees. However, 45 out of 102 migrant health centres were damaged in the earthquakes, disrupting healthcare services. Temporary units were established to mitigate the impact, and by December 2023, several centres had reopened.

The EU delegation identified a need for an additional 632.4 million EUR to complete projects as planned. Prior to the earthquakes, 554 million EUR was already requested to cover inflation and increased construction costs. Post-earthquake, cash-assistance programs and agricultural employment support projects required further funding. The earthquakes also led to significant project delays, with 20 out of 33 ongoing FRIT projects needing extensions of 1 to 3 years.

In February 2024, the EU announced an additional 26 million EUR in humanitarian aid to support vulnerable refugees and earthquake-affected communities in Türkiye. This funding includes 4 million EUR earmarked for education in emergencies and aims to address critical needs such as water, sanitation, hygiene, and specialised healthcare services. The EU's continued support, in collaboration with Turkish authorities, underscores its commitment to assisting the most vulnerable populations based on their humanitarian needs.

The Facility has significantly contributed to infrastructure support, particularly in education and municipal services<sup>1074</sup>, resulting in the construction of 117 schools and the installation of 8,700 smartboards in primary and secondary schools. Additionally, the Facility has improved energy efficiency through solar panel installations on school rooftops. In municipal infrastructure, projects have enhanced essential services, including water supply, sanitation, and waste management, exemplified by the completion of a mechanical biological waste treatment facility in Gaziantep. These efforts have collectively improved the living conditions and service accessibility for both refugees and host communities.<sup>1075</sup> In terms of integration, Türk Kızılay runs 19 community centres for migrants in different locations across the country<sup>1076</sup>.

It is hard to find a detailed breakdown of the funding, and the funded projects have not been designed by refugees nor, consulted to refugees to identify their priorities, there is a lack of refugees' meaningful involvement in project designs, and identifying the priorities for the communities<sup>1077</sup>. In 2023, there is a decrease in the funds coming to Türkiye, due to its loss of priority among the other suppressing crises in the world<sup>1078</sup>.

## 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 benefitoriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.<sup>1079</sup> 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

<sup>&</sup>lt;sup>1074</sup> EC, Seventh Annual Report of the Facility for Refugees in Turkey, COM(2023) 543 final, 22.9.2023, Brussels.

<sup>&</sup>lt;sup>1075</sup> EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available here EC, Seventh Annual Report of the Facility for Refugees in Turkey, COM(2023) 543 final, 22.9.2023, Brussels.

<sup>&</sup>lt;sup>1076</sup> IOM, 'Göçmen ve Mülteci Destek Faaliyetleri , 2023, available here

<sup>&</sup>lt;sup>1077</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>1078</sup> Information provided by stakeholder, March – April 2024.

<sup>&</sup>lt;sup>1079</sup> 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.

who are in the country,<sup>1080</sup> and Syrians that are under temporary protection shall be deported if they do not comply with their notification duty three times consecutively.<sup>1081</sup>

Since 2018, deportation decisions have been increasingly issued to registered Syrians based on the abovementioned provisions, similar to persons seeking international protection in Türkiye. Voluntary, safe, and dignified returns have continued to be a priority policy area for the PMM in 2023, which established its voluntary return programme in 2021. This process is less transparent, and it is unknown how many people are returning. Previous minister, Soylu stated that 554 thousand voluntary returns have been provided by May 2023, and the return of 1 million refugees in Türkiye will be ensured with the 240 thousand permanent houses to be built in northern Syria<sup>1082</sup>. The Minister of Interior Affairs, Yerlikaya, stated that the number of Syrian refugees who returned voluntarily from Türkiye to Syria reached 625,000 due to the normalisation of the life on the safe zone in Syria by February 2024<sup>1083</sup>. PMM mentioned in the Annual Report 2023 there was 30% increase in voluntary and safe returns<sup>1084</sup>, and in July 2023 it was announced that the number of voluntary returns was 562 thousand<sup>1085</sup>.

Stakeholders have worries regarding whether they are voluntary or forced returns. According to Human Rights Watch<sup>1086</sup>, since 2017, thousands of Syrian refugees have been often coerced into signing "voluntary" return forms and deported to northern Syria, in July 2023 alone, Türkiye sent back over 1,700 Syrians into the Tel Abyad area. It is claimed that there were Syrians who were deported because they did not have an ID or they involved in a crime, but these people were able to come back to Türkiye through crossing border in irregular way<sup>1087</sup>.

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.<sup>1088</sup> In the Abdulkerim Hammud decision (Application No. 2019/24388, Decision Date May 2, 2023)<sup>1089</sup>, the Constitutional Court of Türkiye examined, for the first time, an individual application alleging forced return to Syria. The Court unanimously ruled that there had been violations of the right to life and the prohibition of ill-treatment as protected under Article 17 of the Constitution, as well as the right to an effective remedy under Article 40, in parallel with the European Court of Human Rights decision in Akkad v. Türkiye (Application No. 1577/2019, Decision Date June 21, 2022<sup>1090</sup>). The Court also ruled 50,000 TL in non-pecuniary damages for the applicant. The incidents in both the Hammud and Akkad cases are similar, involving Syrian applicants under temporary protection in Türkiye who were placed in administrative detention and allegedly forcibly returned to Syria based on a voluntary return form within a few days<sup>1091</sup>.

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 2023 see the section on the Safe third country.

<sup>&</sup>lt;sup>1080</sup> Mülteci-Der, Joint Assessment: Proposed Amendments in the Law on Foreigners and International Protection of Türkiye, 4 December 2019, available here

<sup>&</sup>lt;sup>1081</sup> Evrensel, 'Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya', 25 December 2019, available in Turkish here

<sup>&</sup>lt;sup>1082</sup> AK PARTİ | Bakanımız Soylu "Gönüllü, Güvenli, Onurlu Geri Dönüş Projesi Temel Atma Töreni"nde konuştu 24-05-2023, available here

<sup>&</sup>lt;sup>1083</sup> AA, İçişleri Bakanı Yerlikaya: 625 bine yakın Suriyeli ülkesine geri dönüş kapsamında geçiş yaptı, 16.02.2024, available here

<sup>&</sup>lt;sup>1084</sup> PMM, Faaliyet Raporu 2023, available here

<sup>&</sup>lt;sup>1085</sup> Mülteciler Derneği, Türkiye'deki Suriyeli Sayısı Mayıs 2024, available here

<sup>&</sup>lt;sup>1086</sup> HRW, "Everything is by the Power of the Weapon", 29 February 2024, available here

<sup>&</sup>lt;sup>1087</sup> BBC Turkiye, Düzensiz göçmenlere yönelik kontroller arttı: 'Aylardır evden dışarı çıkmıyoruz', 19.12.2023, available here & Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1088</sup> HUDOC, Akkad v. Türkiye judgement available here

<sup>&</sup>lt;sup>1089</sup> Resmi Gazete, Abdulkerim Hammud decision (Application No. 2019/24388, Decision Date May 2, 2023), available here

<sup>&</sup>lt;sup>1090</sup> HUDOC, Akkad v. Türkiye judgement available here

<sup>&</sup>lt;sup>1091</sup> Refugee Rights Turkey, RRT, Sığınma hukuk bülteni

### 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.<sup>1092</sup> 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.<sup>1093</sup> 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 through this exercise.<sup>1094</sup> 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 mayoralty and then visit their registered PDMM 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.<sup>1095</sup> The number of temporary protection holders whose address verification took place was 986,852 in 2023 and 2,015,955 in 2022<sup>1096</sup>.

The Directorate of Migration Management announced that the travel permits of individuals under temporary protection who are in Istanbul but registered in a different province will not be extended as of September 24, 2023, except for those registered in the earthquakes affected zone and holding travel permit<sup>1097</sup>. It was stated that those who are found to be in Istanbul "without legal right to stay here" will be taken to Temporary Accommodation Centres<sup>1098</sup>. It is known that during police checks, people whose IDs were registered in another province were sent to the removal centres or temporary accommodation centres and from there they were sent to the cities where their IDs were registered<sup>1099</sup>.

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,

<sup>&</sup>lt;sup>1092</sup> Article 2 TPR.

<sup>&</sup>lt;sup>1093</sup> PMM, 'Türkiye'de Geçici Koruma Kapsamında Bulunan Yabancıların Kişisel Verilerinin Doğrulanması', 22 March 2018, available in Turkish here

<sup>&</sup>lt;sup>1094</sup> UNHCR, *Türkiye: Operational Update 2018 Highlights*, available here

<sup>&</sup>lt;sup>1095</sup> Hayata Destek Online, 'Adres Kayıt ve Güncelleme İşlemleri Nasıl Yapılır?', 12 April 2022, available here

<sup>&</sup>lt;sup>1096</sup> PMM, Faaliyet Raporu 2023, available here

<sup>&</sup>lt;sup>1097</sup> T.C. Istanbul Valiliği, İstanbul İlinde İkamet Eden Geçici Koruma Kapsamındaki Suriye Uyruklu Yabancıların Kayıtlı Oldukları İllere Dönmeleri Hakkında Duyuru, 28.07.2023.

<sup>&</sup>lt;sup>1098</sup> PMM, İstanbul'da Bulunan Geçici Koruma Kapsamındaki Suriye Uyruklu Yabancıların Kayıtlı Oldukları İllere Dönmeleri Hakkında Duyuru, 21.09.2023

<sup>&</sup>lt;sup>1099</sup> BBC Turkiye, Düzensiz göçmenlere yönelik kontroller arttı: 'Aylardır evden dışarı çıkmıyoruz', 19.12.2023, available here & Information provided by stakeholders, March-April 2024.

despite their claims.<sup>1100</sup> 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 PDMM, their IDs get reactivated, but those who were unable to visit PDMM loose their IDs. In some cases, they are not aware that their IDs are not active. Syrian-led NGOs and activists estimate that 150,000 IDs have been revoked as of April 2022.<sup>1101</sup>

#### 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. 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, in practice citizenship is granted to highly qualified Syrians, having work permit or studying in a university, although other categories can also obtain it.<sup>1102</sup> The process to acquire citizenship is not clear.

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.<sup>1103</sup> This number was previously announced as 120,133 on 19 August 2022.<sup>1104</sup> As of December 2023, 238,055 Syrian nationals under temporary protection have exceptionally acquired Turkish citizenship, 156,987 of them over age of 18<sup>1105</sup>.

The legal status of children born in Türkiye has been extensively debated. As of July 2023, it was reported that 754,000 children born in Türkiye<sup>1106</sup>. There are no available statistics on the number of non-Syrian children.<sup>1107</sup>\_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.<sup>1108</sup>

Despite the difficulties, more new-born Syrians become Turkish citizens every year. As of December 2023, 100,633 children had been granted Turkish citizenship.<sup>1109</sup>

<sup>&</sup>lt;sup>1100</sup> Information from a stakeholder, April 2022.

<sup>&</sup>lt;sup>1101</sup> Ömer Sönmez, 'Algazi: The annulment of the identity of 150 thousand Syrians marks a change in policy', *Rudaw,* 28 April 2022. Available in Turkish here

<sup>&</sup>lt;sup>1102</sup> Information provided by various stakeholders, May and June 2023.

<sup>&</sup>lt;sup>1103</sup> Multeciler, Turkiyedeki Suriyel Sayisi, 20 June 2023, available here

<sup>&</sup>lt;sup>1104</sup> Obianet, 'News List', 2023, available here

<sup>&</sup>lt;sup>1105</sup> DW, İçişleri Bakanı: 238 bin 55 Suriyeli Türk vatandaşı oldu, 17.12.2023.

<sup>&</sup>lt;sup>1106</sup> BSHA, Bakan Koca, "754 Bin Suriyeli Bebeğimiz Dünyaya Geldi", 7.7.2023, available here

<sup>&</sup>lt;sup>1107</sup> Obianet, 'News List', 2023, available here

<sup>&</sup>lt;sup>1108</sup> Institute on Statelessness and Inclusion and the European Network on Statelessness, *Joint Submission to the Human Rights Council at the 35<sup>th</sup> Session of the Universal Periodic Review, (Third Cycle, January 2020), Türkiye*, July 2019 page 6, available here

<sup>&</sup>lt;sup>1109</sup> DW, İçişleri Bakanı: 238 bin 55 Suriyeli Türk vatandaşı oldu, 17.12.2023.

## **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 Kızlay, 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.<sup>1110</sup> There is no available data in 2023.

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.<sup>111</sup> IOM supports more than 20 countries including USA, Canada and EU countries in these efforts.<sup>1112</sup> 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. In case of reunification with a family member who resides in Germany, family members apply for a family reunification visa through the German Consulates.

### C. Movement and mobility

### 1. Freedom of movement

	Indicators: Freedom of Movement		
1.	Is there a mechanism for the dispersal of beneficiaries across the	e 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.<sup>1113</sup> 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".<sup>1114</sup>

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.

<sup>&</sup>lt;sup>1110</sup> Information provided by Turk Kizilay, June 2023.

<sup>&</sup>lt;sup>1111</sup> UNHCR, 'Üçüncü Ülkeye Yerleştirme', last accessed 13 July 2022, available here

<sup>&</sup>lt;sup>1112</sup> IOM, 'Yeniden yerleştirme', 2023, available here

<sup>&</sup>lt;sup>1113</sup> Article 10(1)(ç) TPR.

<sup>&</sup>lt;sup>1114</sup> Article 15(1) TPR.

Since 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 2023 around 58,621 Syrians accounted of the total number of 254,008 apprehensions across the country. The number increased in 2023, more than doubled comparing to 2021.<sup>1115</sup>

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 make the necessary official declarations, they are not able to change their address. 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.<sup>1116</sup> In 2023, 986,852 Syrians' addresses were verified.

In early 2022, it was formalized in the "20% 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 16 July 2023<sup>1117</sup>, 1,169 neighbourhoods in 63 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. Aydın, Antalya, Ankara, Bursa, Çanakkale, Düzce, Edirne, Hatay, İstanbul, İzmir, Kırklareli, Kocaeli, Muğla, Sakarya, Tekirdağ and Yalova are some of the cities that fall into this category.<sup>1118</sup>

### 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" (*Yabancılara 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.

<sup>&</sup>lt;sup>1115</sup> PMM, *Irregular migration statistics*, available here

<sup>&</sup>lt;sup>1116</sup> Hayata Destek Online, 'Adres Kayıt ve Güncelleme İşlemleri Nasıl Yapılır?', 12 April 2022, available here

<sup>&</sup>lt;sup>1117</sup> PMM, "İstanbul'da 39 İlçenin Yabancıların İkamet İzinlerine Kapatıldığı" İddialarına İlişkin Basın Açıklaması, 16.07.2023, available here

<sup>&</sup>lt;sup>1118</sup> Mülteciler Derneği, 'Türkiye'deki Suriyeli Sayısı Haziran 2023', 2023, avaible here

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.<sup>1119</sup>

In 2022, Ministry of Interior Affairs issued a circular to PDMMs 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.<sup>1120</sup> In 2023, there is no information regarding this implementation.

During the road checks of the gendarmerie teams in Gaziantep, 339 foreign nationals traveling between cities without a road permit were identified, and a total administrative fine of 2 million 178 thousand TL was imposed on these people<sup>1121</sup>.

Even though it was not free from challenges, Syrians who temporarily moved from earthquakes-affected region to other parts of Türkiye were able to obtain and extend their travel permits during their stay. With this permit, they were allowed to access services and rights such as education and healthcare. There were also 90-day extensions on their permits, and no restrictions were imposed if they wanted to return to their provinces<sup>1122</sup>. It is thought that approximately 200,000 people who temporarily moved to different provinces after the earthquake, but some of them returned after a while<sup>1123</sup>. For example, there were those who returned to Hatay despite the serious destruction in the city.

### 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. 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.<sup>1124</sup>

As of 2021, PMM and European Union Agency for Asylum (EUAA) has started to work together in terms of resettlement to the EU countries and to improve the resettlement referral mechanisms of PMM under the roadmap for cooperation.<sup>1125</sup> The Roadmap on strengthening the asylum and reception systems in line with the Common European Asylum System and EU standards had been implemented for a period of 24 months between 1 January 2022 and 31 December 2023<sup>1126</sup>. EUAA's collaboration to create a one-stop shop for the resettlement processes by providing all logistical supports to EU member states and some associated countries started during 2019- 2021 with a pilot phase, supporting 8 countries, this support continues under a more structured way starting from mid-2021 for 4 years period, providing logistical supports on medical checks, transportation, interpretation etc. There is ongoing work to relaunch the contact for another 4 years, after mid-2025<sup>1127</sup>.

Departure of temporary protection beneficiaries to third countries for the purpose of resettlement is subject to the permission of PMM.<sup>1128</sup> A so-called "exit permission" must be issued in order for a beneficiary to be

<sup>&</sup>lt;sup>1119</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1120</sup> AA, 'İçişleri Bakanı Soylu: Taksicilere yabancı yolcuların il dışı seyahat izin belgelerini kontrol yükümlülüğü getiriyoruz', 2022, available in Turkish here

<sup>&</sup>lt;sup>1121</sup> İzinsiz yolculuk yapan yabancılara 2 milyon 178 bin lira ceza - Son Dakika Haberleri, available here 20 03 2024

<sup>&</sup>lt;sup>1122</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1123</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1124</sup> IOM, 'Yeniden yerleştirme', 2023, available here

<sup>&</sup>lt;sup>1125</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1126</sup> Roadmap for Cooperation between the EUAA–PMM (2022-2023) Strengthening the asylum and reception systems in line with the Common European Asylum System and EU standards, available here

<sup>&</sup>lt;sup>1127</sup> Information provided by a stakeholder, April 2024.

<sup>&</sup>lt;sup>1128</sup> Article 44 TPR.

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. There have been no issues regarding neither the exit permits nor travel permits, PMM was collaborative<sup>1129</sup>.

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.<sup>1130</sup>

#### 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 the EU Member States for each Syrian national returned from Greece to Türkiye, taking into account the UN vulnerability criteria.<sup>1131</sup> Since 2021, the European Union Agency for Asylum (EUAA) has collaborated with PMM to facilitate resettlement in EU member states. Selection missions from member states that handle selection processes, conduct cultural interviews, and pre-departure orientation training. The International Catholic Migration Commission (ICMC) Resettlement Support Center in Istanbul provides logistical support to the selection missions. 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.<sup>1132</sup>

As of December 2023, there are 39,647 persons that have been resettled under this "1:1 scheme", with primary resettlement destinations being Germany, France, the Netherlands, and Sweden<sup>1133</sup>.

Resettlement of Syrian refugees under 1:1 scheme		
Country of destination	Number of resettled persons	
Germany	16,833	
France	6,071	
Netherlands	5,520	
Sweden	3,174	
Finland	2,876	
Belgium	1,795	
Spain	1,213	
Portugal	463	
Italy	399	
Romania	254	
Croatia	250	
Austria	219	
Luxembourg	206	
Lithuania	102	
Bulgaria	85	
Estonia	59	

46 34

31

As of 7 December 2023, the following numbers of refugees had been resettled to the EU under the 1:1 scheme:

Latvia

Slovenia Denmark

<sup>&</sup>lt;sup>1129</sup> Information provided stakeholders, March & May 2024.

<sup>&</sup>lt;sup>1130</sup> PMM, *Temporary protection*, available here

<sup>&</sup>lt;sup>1131</sup> Council of the European Union, *EU-Türkiye statement*, 18 March 2016, para 2.

<sup>&</sup>lt;sup>1132</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1133</sup> IOM, Migrants' Presence Monitoring Situation Report, December 2023

Malta	17
Total	39,647

Source: IOM, Migrants' Presence Monitoring Situation Report, December 2023

As of 7 December 2023, 365 Syrians have been resettled from Türkiye to EU countries under different regimes, mainly to Sweden, Austria, Belgium and Romania<sup>1134</sup>. In total, from May 2023 to June 2024, 4,134 Syrians were resettled to the EU member states. Some countries froze their programme due to the housing crisis and lack of capacity in the reception centres, such as the Netherlands in 2023. In 2024, around 13 EU countries are expected to be a part of the resettlement efforts, including Belgium, the Netherlands, Slovenia, Italy, Finland, France, Norway, Ireland<sup>1135</sup>. In 2023, Syrians from earthquake-affected locations were prioritized for resettlement interviews. 94% of the resettlement submissions made by UNHCR in 2023 were from the earthquake-affected region<sup>1136</sup>. (Fore more details, see Content of International Protection: Resettlement)

## **D.** Housing

Indicators: Housing	
1. For how long are beneficiaries entitled to stay in camps?	Not regulated
2. Number of beneficiaries staying in camps	63,881
	· · · · · · · · · · · · · · · · · · ·

### 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.<sup>1137</sup> These camps are officially referred to as Temporary Accommodation Centres.<sup>1138</sup> A further amendment to the LFIP in 2018 sets out provisions on the financing of camps set up by PMM.<sup>1139</sup>

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 Affairs<sup>1140</sup>. 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 December 2023, nine large-scale camps are accommodating a total of 63,881 temporary protection beneficiaries, spread across five provinces in Southern Türkiye (Hatay, Kahramanmaraş, Adana, Malatya, and Osmaniye) in the larger Syria border region.<sup>1141</sup> In two months after the earthquake, the number of Syrians residing in the temporary accommodation centres increased from 47,467 to 63,730<sup>1142</sup>. After the earthquake, these camps were opened to Turkish citizens as well, as they could provide essential facilities such as shelter, heating, showers, toilets, and infirmaries. For instance, in the temporary accommodation centre in Kahramanmaraş, where 10,000 Syrians holding Temporary Protection Identification Cards resided

<sup>&</sup>lt;sup>1134</sup> IOM, Migrants' Presence Monitoring Situation Report, December 2023

<sup>&</sup>lt;sup>1135</sup> Information shared by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1136</sup> UNHCR Türkiye bi-annual fact sheet, February 2024, available here

<sup>&</sup>lt;sup>1137</sup> Article 37(3) TPR, as amended by Regulation 2018/11208.

<sup>&</sup>lt;sup>1138</sup> Article 3 TPR.

<sup>&</sup>lt;sup>1139</sup> Article 121A LFIP, inserted by Article 71(e) Decree 703 of 9 July 2018.

<sup>&</sup>lt;sup>1140</sup> Article 24 as amended by Regulation 2019/30989.

<sup>&</sup>lt;sup>1141</sup> IOM Quarterly Report: Migrant Presence Monitoring Türkiye, Overview of the Situation with Migrants, 2023, available here

<sup>&</sup>lt;sup>1142</sup> Deprem Sonrası Göç ve İnsan Hareketlilikleri: Durum Değerlendirme Raporu AYBÜ-GPM Rapor Serisi Güncellenmiş 2. Baskı: 15 Nisan 2023

before the earthquake, it was reported that the camp's population, including Turkish citizens, had increased to 16,500 for a period<sup>1143</sup>.

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 Centres. 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 Centres.
- If the applicant has travel restrictions due to medical conditions, and if the applicant has no selfcare 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 Centres 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 Centres 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.<sup>1144</sup>

By the end of 2023 less than 2% of Syrians lived in camps: **Adana** (Sarıçam), **Hatay** (Apaydın, Yayladağı, Altınözü), **Kahramanmaraş** (Merkez), **Kilis** (Elbeyli), **Osmaniye** (Cevdetiye), **Gazinatep** (Nizip) and Malatya (Beydağı).<sup>1145</sup>

### 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 the end of 2023, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,214,780, as of June 2024 the number decreased to 3,113,478.<sup>1146</sup>

More than half of the Syrians were registered in 5 out of the 81 Turkish provinces hosting the highest number of Syrians (İstanbul, Gaziantep, Şanlıurfa, Hatay and Mersin). While İstanbul hosts the largest number of registered temporary protection beneficiaries with 530,690, this only corresponds to 3.28% of its population. Conversely, temporary protection beneficiaries correspond to 16.58% of the population in Gaziantep, 10,98% in Şanlıurfa, 14,28% in Hatay and in 9,43% in Mersin. In Kilis, 3 out of every 10 people are Syrians.<sup>1147</sup>

<sup>&</sup>lt;sup>1143</sup> GAR, March 2023, Durum Tespit Raporu: Göç ve Deprem, (Hazırlayanlar: Deniz Sert, Didem Danış, Eda Sevinin), available here

<sup>&</sup>lt;sup>1144</sup> UNHCR, 'Registration with the Turkish authorities', last accessed 13 July 2023, available here

<sup>&</sup>lt;sup>1145</sup> PMM, 'GEÇİČİ KORUMA', 14 June 2024, available in Turkish at: https://bit.ly/3NSpvkG.

<sup>&</sup>lt;sup>1146</sup> PMM, 'GEÇİCİ KORUMA', 14 June 2024, available in Turkish at: https://bit.ly/3NSpvkG.

<sup>&</sup>lt;sup>1147</sup> PMM, 'GEÇİCİ KORUMA', 14 June 2024, available in Turkish at: https://bit.ly/3NSpvkG.

Syrian nationals are barred from owning property in Türkiye because of a reciprocal ban that Syria implemented after Hatay issue since 1930<sup>1148</sup>. 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. Syrian refugees in Türkiye face housing discrimination through selective overpricing, ethnic filtering, and arbitrary interrogations, driven by anti-refugee sentiment<sup>1149</sup>. To navigate these challenges, Syrians often rely on local community members, Syrian mediators, and Syrian-only segregated settlements<sup>1150</sup>. After 2021, the rising cost of living in urban areas has had a devastating impact on refugees and deteriorated their living conditions.<sup>1151</sup> Between 2019 and 2023, rental prices in Türkiye surged by 583% nationwide, with an average increase of 697% in metropolitan cities. The highest rental hike occurred in Antalya at 1,109%, followed by Mersin at 963%, Muğla at 935%, Ankara at 833%, and Istanbul at 713%<sup>1152</sup>, amid inflation-driven rent increases disproportionately affecting the most vulnerable groups, including refugees.

Disputes between property owners and Syrian tenents have increased. Syrians feared being deported if they filed a lawsuit against an unlawful rent increase<sup>1153</sup>. 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.<sup>1154</sup> 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.<sup>1155</sup>

The closure of certain neighborhoods to residency has significantly reduced housing opportunities for Syrians in both urban and rural areas. Only a small number of Syrians in urban areas can move to middleclass neighborhoods that are still open to residency<sup>1156</sup>. Before these closures, their relocation options were already limited to specific neighborhoods, but now they can only move within the same neighborhood. This restriction also means that even if their financial situation improves, they cannot move to a better home in another Syrian-populated neighborhood, forcing them to remain in poor living conditions<sup>1157</sup>. Address verification started at the end of 2021 and continued in 2023. If they are not at home during the address verification visits, their IDs are inactivated, in some cases they might not be aware of the situation, which makes them vulnerable if they encounter any ID control at the street. Due to the increased anti-migrant sentiment, often targeting Syrians, Syrians prefer to be less visible in the urban areas<sup>1158</sup>.

A study on Syrians seasonal agricultural workers, conducted by FAO<sup>1159</sup>, displays that majority of them live in makeshift tents, where they have challenged on accessing safe drinking water, hygiene and sanitation, particularly affecting women and children. However, there are examples with adequate infrastructure.

#### The impact of the earthquakes<sup>1160</sup>:

<sup>&</sup>lt;sup>1148</sup> Hürriyet, 'Meclis Göç ve Uyum Komisyonu Başkanı: Suriyeli Türkiye'den mülk alamıyor', 7 October 2023, available here

<sup>&</sup>lt;sup>1149</sup> Sunata, U., & Güngördü, F. N. (2024). (Non-state) actors in internal bordering and differential inclusion: Syrian refugees' housing experience in Turkey. Ethnic and Racial Studies, 1–22. Available here

<sup>&</sup>lt;sup>1150</sup> Akdemir Kurfalı, M., & Özçürümez, S. (2023). Residing without settling: Housing market and tactics of Syrian forced migrants in Turkey. Population, Space and Place, 29 (3), available here

<sup>&</sup>lt;sup>1151</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1152</sup> BBC Türkçe, Konut krizi: 'Kiralar 4 yılda en az 6 kat arttı, yatırımcı uzaklaştı, bankalar kredi vermeye gönülsüz', 5 June 2023, available here

<sup>&</sup>lt;sup>1153</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1154</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1155</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1156</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1157</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available here

<sup>&</sup>lt;sup>1158</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1159</sup> FAO. 2023. Geçici Koruma Altındaki Suriyeliler ve Ev Sahibi Topluluklardan Oluşan Mevsimlik Tarım İşçilerinin Karşılaştıkları Zorluklar Hakkında Genel Bir Değerlendirme, available here

<sup>&</sup>lt;sup>1160</sup> This section is based on the information from several resources: Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here & Türk Tabipleri Birliği & Sağlik ve Sosyal Hizmet

The main obstacle confronting refugees in the earthquakes-affected region, especially in Hatay, is securing adequate housing<sup>1161</sup>. While accommodation presents a significant challenge for all residents in the area, refugees encounter additional barriers in accessing suitable housing. Refugees must declare a formal address to maintain active identification cards, enabling them to access their rights and essential services. Failure to declare an address may result in inactive ID cards, leading to potential difficulties and obstacles for refugees in accessing necessary resources. For example, a Syrian family who was living in a heavily damaged building could find themselves in a situation where they could not access education or healthcare due to the restriction code identified in their IDs, as their address was removed from the system<sup>1162</sup>. In some cases, they might not be aware of the situation. Syrians no longer want to go to the immigration office with the idea that a restriction code may have been defined for them without their awareness<sup>1163</sup>. The fear drives people not to access services. Moreover, this might cause cuts in some aids such as ESSN and CCTE, which are very important resources to cover basic needs for many families<sup>1164</sup>.

The other main accommodation types in the region are rental flats, informal tent camps, container settlements, and lastly Temporary Accommodation Centres. Before the earthquake, similar to the rest of Türkiye, Syrians, and other refugees were living in rental houses. Renting a flat, especially in the most affected areas, is almost impossible for refugees<sup>1165</sup>. Closed neighborhood practices, a scarcity of housing in the centres, and an increase in housing rents due to inflation exacerbate the situation. Tenants are often compelled to vacate their rented accommodations since landlords want to increase rents, sometimes more than the legal obligation, or want to move to these flats leading to forced evictions. Refugees hesitate to file complaints due to increased vulnerabilities and fear of being deported. Although registration has been reopened for five neighborhoods in Hatay, these areas are not the ones usually preferred by refugees<sup>1166</sup>. In Şanlıurfa sometimes refugees continue living in moderately damaged buildings, leaving them in precarious conditions. Overall, the combination of these factors poses significant difficulties for refugees seeking to secure stable and affordable housing to rent in the aftermath of the earthquake. Sometimes, this situation leads them to find accommodation to rent in remote places which makes accessing to healthcare, education and employment very difficult for them.

Living in informal camps remains common among refugee groups at the time of writing this report. These camps often have substandard conditions, lacking access to basic necessities such as water and sanitation, and presenting security and privacy concerns, particularly for women and children<sup>1167</sup>. Single women, feeling vulnerable, opt to remain invisible to avoid becoming targets of violence or abuse. Inadequate security measures, including insufficient lighting, contribute to an environment conducive to abuse, increasing cases of gender-based and domestic violence. While NGOs' mobile teams effort to provide essential services in these informal tent settlements, the sudden removal of tents without prior notice makes it challenging for NGOs to track vulnerable cases effectively<sup>1168</sup>. One of the most significant issues refugees face in informal tent areas is the lack of fixed addresses, consequently, refugees may encounter difficulties in maintaining active identification during their stay in these areas.

While residents of container cities may encounter similar problems, especially regarding security, the conditions are generally better than those in tents. Since the containers have been recently provided addresses, refugees can declare their addresses. The Bebek Köyü area in Adıyaman hosts refugees in container settlements, albeit far from the city center, raising concerns about isolation and vulnerability. Similarly, a camp area consisting of 3,182 containers was prepared for the settlement of refugees in the Uzümdalı neighborhood of Antakya, located in a remote area of the city. Currently, this area is called Hilalkent, and the number of containers increased, and refugees living there. The containers in the area are office-type containers, consisting of a single compartment, lacking toilet and bathroom facilities. The lack of proper facilities in container settlements also adds to the discomfort experienced by refugees. In

Emekçileri Sendikasi Şubat 2023 Depremleri 1. Yil Raporu, 2024, available here & Information provided by stakeholders, March - April 2024 and Information provided by refugees in focus group discussions, April 2024.

<sup>&</sup>lt;sup>1161</sup> Information provided by stakeholders, March - April 2024 and refugees in a focus group discussion, April 2024.

Information shared by a refugee in a focus group discussion, April 2024.
 Information shared by stakeholders. March – April 2024.

<sup>&</sup>lt;sup>1163</sup> Information shared by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1164</sup> Information shared by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1165</sup> Information provided by stakeholders, March - April 2024 and Information provided by refugees in focus group discussions, April 2024.

<sup>&</sup>lt;sup>1166</sup> Information shared by stakeholders, April 2024.

<sup>&</sup>lt;sup>1167</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1168</sup> Information provided by stakeholders, March - April 2024.

Hilalkent Hatay, they need to share the shower, toilets, and kitchen areas, which makes it very difficult especially for women to access the toilet or shower.

Hatay Branch of the Human Rights Association<sup>1169</sup> reports the violation of rights in Hilal Kent, the container city area, from health to nutrition, from education to security, from the right to privacy to children's rights. According to their estimation, there were approximately 3500 containers in total, 800 in Hilalkent1 container city and 2700 in Hilalkent2, which both located in Üzümdalı village, approximately 80% of these containers were in use.

Living in segregated areas, located in remote places leads to their isolation and creates a ground for being targeted. As a result, this segregative attitude deepens the feeling of otherness and makes it difficult to speak of well-being in such circumstances<sup>1170</sup>. Lack of privacy and insufficient security cause increased cases of gender-based and domestic violence.

It is reported that living in tents in the eatquake zones exacerbates domestic violence, particularly for refugee women. These conditions worsen the situation for women experiencing violence, as they face continued assaults and threats even under restraining orders. Additionally, the lack of translation support, difficulty reaching the police, and challenges in accessing women's shelters due to their migrant status and family circumstances further complicate their ability to seek safety and assistance<sup>1171</sup>.

There is also an increase in child abuse incidents in earthquake-affected regions, with the exact number of affected children remaining undetermined. Early marriages were reported to be more common among refugees in these areas, particularly among young women and children who have lost their parents. The lack of data or statistics underscores the challenge of accurately assessing the scope of these issues<sup>1172</sup>.

Additionally, efforts to segregate refugee and Turkish citizen living areas in tent/container cities indicate a concerning trend of anti-migrant sentiment. Limited mobility of women and children in camps further exacerbates the situation, as men often leave for work, leaving them confined due to safety concerns<sup>1173</sup>. Moreover, inadequate private spaces in informal tent camps or container settlements pose challenges, particularly for women and children's sanitation needs. Overall, these issues deepen the sense of otherness among refugees and make achieving well-being in such conditions challenging.

## E. Employment and education

#### 1. Access to the labour market

1.	Indicators: Access to the Labour Market Does the law allow for access to the labour market for beneficiaries? If yes, when do beneficiaries have access the labour market?	Yes I No 6 months
2.	Does the law allow access to employment only following a labour market test?	🛛 Yes 🗌 No
3.	<ul> <li>Does the law only allow asylum seekers to work in specific sectors?</li> <li>If yes, specify which sectors:</li> </ul>	🛛 Yes 🗌 No
4.	<ul><li>Does the law limit beneficiaries' employment to a maximum working time?</li><li>If yes, specify the number of days per year</li></ul>	🗌 Yes 🔀 No
5.	Are there restrictions to accessing employment in practice?	🛛 Yes 🗌 No

<sup>&</sup>lt;sup>1169</sup> IHD, March 2024, Hilalkent Konteyner Yaşam Alanındaki Hak İhlalleri Raporu, available here

<sup>&</sup>lt;sup>1170</sup> Türk Tabipleri Birliği & Sağlik ve Sosyal Hizmet Emekçileri Sendikasi Şubat 2023 Depremleri 1. Yil Raporu, 2024, available here

<sup>&</sup>lt;sup>1171</sup> Gender Analysis in Earthquake Areas: Women's Access to Justice and Legal Aid, Prof. Dr. Gülriz Uygur, https://rm.coe.int/tur-2023-wa2j-gender-analysis-in-earthquake-areas/1680ae1fae

<sup>&</sup>lt;sup>1172</sup> Gender Analysis in Earthquake Areas: Women's Access to Justice and Legal Aid, Prof. Dr. Gülriz Uygur, https://rm.coe.int/tur-2023-wa2j-gender-analysis-in-earthquake-areas/1680ae1fae

<sup>&</sup>lt;sup>1173</sup> Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here

### 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.<sup>1174</sup> 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.<sup>1175</sup> An application for a work permit may be lodged following 6 months from the granting of temporary protection status,<sup>1176</sup> by the employer through an online system (*E-Devlet Kapısı*) or by the beneficiary him or herself in the case of self-employment.<sup>1177</sup>

The Regulation foresees an exemption from the obligation to obtain a work permit for seasonal agriculture of livestock works.<sup>1178</sup> In that case, however, beneficiaries must apply to the relevant provincial governorate to obtain a work permit exemption.<sup>1179</sup> 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.<sup>1180</sup> 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.<sup>1181</sup>

When deciding on 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.<sup>1182</sup> 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.<sup>1183</sup> The Ministry may also set a quota on temporary protection beneficiaries based on the needs of the sectors and provinces.<sup>1184</sup> 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 2023, the work permit fee for temporary protection applicants was of 2.732,40 TL (78 EUR) for jobs lasting more than 1 one year.<sup>1185</sup> Under the Regulation, temporary beneficiaries may not be paid less than the minimum wage.<sup>1186</sup> In 2024, the minimum wage (net) was 20.002,50 TL (around 570 EUR).

As of 2023, a total of 108,520 work permits were issued to immigrants from Syria, around 94% of work permits for Syrians were granted to men.<sup>1187</sup> Approximately more than 1 million Syrians are estimated to be working informally without legal protections and rights.<sup>1188</sup> Research indicates several possible factors contributing to the low employment rate among women: (1) cultural factors, (2) conditions in the informal sectors that hinder women from fulfilling their household responsibilities, and (3) a higher number of children per household that need care<sup>1189</sup>. In Türkiye, Syrian women under Temporary Protection are primarily employed in the food and agriculture sectors.

<sup>1179</sup> *Ibid*.

<sup>&</sup>lt;sup>1174</sup> Article 29 TPR.

<sup>&</sup>lt;sup>1175</sup> Article 4(1) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1176</sup> Article 5(1) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1177</sup> Article 5(2)-(3) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1178</sup> Article 5(4) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1180</sup> Article 5(5) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1181</sup> Article 6(2) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1182</sup> Article 7(1) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1183</sup> Article 7(2) Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1184</sup> Article 8 Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1185</sup> Ministry of Labour and Social Security, 'Work Permit Fees', last accessed 13 July 2023, available in Turkish here

<sup>&</sup>lt;sup>1186</sup> Article 10 Regulation on Work Permit for Foreigners under Temporary Protection.

<sup>&</sup>lt;sup>1187</sup> Ministry of Family, Labour and Social Services, Work Permits of Foreigners, available here

<sup>&</sup>lt;sup>1188</sup> Danish Refugee Council, Syrian Refugees' Perceptions of the (Formal) Labour Market in Southeast Türkiye, August 2021, available here ILO (2023). ILO's support to refugees and host communities in Turkey.

<sup>&</sup>lt;sup>1189</sup> ILO, Türkiye'deki Depremlerin Ardından Yerel İşgücü Piyasası Dinamiklerinin ve Beceri İhtiyaçlarının Değerlendirilmesi, 28 August 2023, available here

457 refugees were registered with İŞKUR with EU support in the first half of 2023, bringing the total to 72,364, a majority of those registered were men (81%). Most Syrian refugees registered with İŞKUR have received few or no job offers, even among young males with a decent level of education and Turkish language proficiency, consequently, the refugee community does not view İŞKUR as a reliable source of support<sup>1190</sup>.

Temporary protection beneficiaries who cannot provide the necessary documents under the Recognition and Equivalency Regulation, or whose diplomas cannot be verified, are subject to special procedures. For those with original diplomas and transcripts that cannot be verified, and for those who can only provide copies or certified translations of their diplomas and/or transcripts, the recognition process proceeds based on recommendations from the Field of Science Advisory Commissions, university opinions, and the Recognition and Equivalency Commission. Individuals unable to provide complete documents must submit a Temporary Protection Identification Document, a declaration form with their educational information, and, if applicable, official documents and certified copies of their work experience in their field<sup>1191</sup>. Information is provided in Turkish, English and Arabic.

Beneficiaries face difficulties on accessing 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 first half of 2023, various initiatives implemented awareness-raising and capacity-building activities for businesses in an effort to improve refugee and refugees and vulnerable host community beneficiary access to the labour market. In the first half of 2023, these activities reached over 1,450 businesses, bringing the total number of businesses reached to date to 6,929 by the mid 2023. According to reports, the difficulties employers face in obtaining work permits for refugees, including the costs, bureaucracy and waiting times, create significant disincentives to employ refugees.<sup>1192</sup> Overall challenges include (1) difficulties in accessing work permits, (2) exploitation in workplaces, (3) no complaint mechanism when they do not work legally, (4) increasing vulnerability to face GBV<sup>1193</sup>.

## **1.2. Working conditions**

Experiences of temporary protection beneficiaries in Türkiye regarding the integration process differ from city to city. However, having to work informally / without security, low wages and language barriers were the most reported problems in all provinces. 35.1 percent of Syrians state that they are not satisfied with their economic situation (comparing to 58.6 percent of Turkish respondents)<sup>1194</sup>.

Syrians are impacted by the widespread practice of undeclared employment under substandard working conditions and low wages.<sup>1195</sup> A research highlights the factors that drive Syrian workers into the informal sector, such as administrative barriers, monetary and non-monetary incentives, and a lack of familiarity with labor regulations, and shows that Syrian business owners and self-employed individuals operate informally due to the desire to hire Syrian workers, difficulties in adhering to labor regulations, and fear of deportation<sup>1196</sup>. Another study emphasises other barriers such as anti-refugee sentiments, geographical restrictions and economic crises<sup>1197</sup>. A significant number of Syrians, work in agricultural sector that match their experiences in Syria or the skills they have acquired in Türkiye, however, Syrians working seasonally

<sup>&</sup>lt;sup>1190</sup> EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 12, December 2023, available here

<sup>&</sup>lt;sup>1191</sup> Available here

<sup>&</sup>lt;sup>1192</sup> EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 11, June 2023, available at: https://bit.ly/44nbVwT.

<sup>&</sup>lt;sup>1193</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1194</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available at https://tr.boell.org/sites/default/files/2023-11/gocmenyasamirapor\_tr\_28.11.23\_web.pdf

<sup>&</sup>lt;sup>1195</sup> Evrensel, 'Kayıt dışı, güvencesiz çalışma ve sömürü kıskacında mülteci işçiler', 2022, available in Turkish at: https://bit.ly/43oe9ee.

<sup>&</sup>lt;sup>1196</sup> Badalič, V. (2023). Trapped in the underground economy: Syrian refugees in the informal labour market in Turkey. Third World Quarterly, 44(5), 967–984. https://doi.org/10.1080/01436597.2023.2170224

<sup>&</sup>lt;sup>1197</sup> Mohammed, U. (2024), "Caught in crises: Syrian refugees in Türkiye's labor market", International Journal of Migration, Health and Social Care, Vol. 20 No. 2, pp. 320-336. https://doi.org/10.1108/IJMHSC-08-2023-0077

in the agricultural sector often need to find jobs in cities outside their registration, which creates difficulties in accessing services. If it is discovered that they are not registered in the city where they are working, they are required to return to their registered cities<sup>1198</sup>. People are vulnerable to exploitation and may not receive their salaries. Some projects offer salary support during training periods, to prevent any issues to access salary, salaries are directly deposited into the individual's bank account<sup>1199</sup>.

Syrians with professions, 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.<sup>1200</sup> Professions such as doctors, lawyers, teachers, and pharmacists require very long procedures for recognition of qualifications to work in their fields, however, those specialized in areas such as services, trade, and information technology, which do not require recognition of qualification, can find jobs easier in the private sector<sup>1201</sup>.

Poor health and safety conditions at work are also a matter of concern, it was reported that 828 migrants lost their lives in work-related accidents in 2022 including as a result of fires, equipment failure and road accidents<sup>1202</sup> between 2013-2022 and 51% of the victims were Syrians.<sup>1203</sup>

Women, in particular, face significant challenges in obtaining effective access to the labour market. This is due, on the one hand, legal restricitons such as obstacles to access childcare, lack of information and training opportunities.<sup>1204</sup> 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, especially single women face gender based violence in workplaces.<sup>1205</sup> Syrian women often try to find a solution by doing piecework at home in order to ensure their economic freedom<sup>1206</sup>. The Promotion of Economic Prospects Project (PEP) in Türkiye, implemented by GIZ takes a multifaceted approach to foster gender equality, 1620 Syrian women participated in vocational training tailored to meet the skills required by the Turkish labour market<sup>1207</sup>.

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.<sup>1208</sup> Ministry of Labour and Social Security announced a six-year National Action Plan to Fight Against Child Labour in 2017. It shows that at least 4.4% of the child population, are working, with the main causes of child labor in Turkiye being child poverty, deficiencies in social protection, and the informal economy<sup>1209</sup>. A research, conducted with 884 Syrian refugees, revealed a high proportion of employed Syrian children demonstrates that 41% of Syrian respondents are aware of child labour in Türkiye, either within their own household (26%) or outside of it (15%). <sup>1210</sup> 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.<sup>1211</sup> A research shows a high percentage of paid job among Syrian boys: 18.8 percent of 12–14 year-olds and

<sup>&</sup>lt;sup>1198</sup> Mülteci tarım işçisi kadınların çadır ve tarla arasındaki yaşamı, available here

<sup>&</sup>lt;sup>1199</sup> Information provided by a stakeholder, March 2024.

Relief Web, 'Türkiye 3RP Country Chapter 2023-2025', 16 March 2023, available here

<sup>&</sup>lt;sup>1201</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available here

<sup>&</sup>lt;sup>1202</sup> Ibid.

<sup>&</sup>lt;sup>1203</sup> Isig Meclisi, 'Yoksulluğun nedeni sermaye iktidarıdır... Son on yılda (2013-2022) en az 828 göçmen/mülteci işçi hayatını kaybetti', 2022, available here

<sup>&</sup>lt;sup>1204</sup> Alternatif Politika, 'Gender Negotiation In Syrian Women's Paid Workforce Participation In The Context Of Forced Migration', 2022, available here

<sup>&</sup>lt;sup>1205</sup> IOM, 'Yeniden yerleştirme', 2023, available at: https://bit.ly/3XPYsuW and Suriyeli kadın işçiler: '6 bin liraya kayıt dışı çalışmak zorundayız', 13 September 2023, available here

<sup>&</sup>lt;sup>1206</sup> Hayata Destek, Sanki yeniden doğmuş gibi, November 2023: available here

<sup>&</sup>lt;sup>1207</sup> GIZ, 2024, Women Empowerment Through Promotion of Economic Prospects Project In Türkiye, available here

<sup>&</sup>lt;sup>1208</sup> Irina Fehr & Conny Rijken, 'Child Labor Among Syrian Refugees in Turkey', *Frontiers,* 2022, available here

<sup>&</sup>lt;sup>1209</sup> UNICEF, Çocuk işçiliği, available here

<sup>&</sup>lt;sup>1210</sup> Irina Fehr & Conny Rijken, 'Child Labor Among Syrian Refugees in Turkey', *Frontiers*, 2022, available here

<sup>&</sup>lt;sup>1211</sup> Tüses & Heinrich-Böll-Stiftung, 'hak temelli yerel politika bağlamında beyoğlu'ndaki göçmenler: nitel bir araştırma', 2022, available here

48.0 percent of 15–17 year-olds, and that children from poorer households with more dependents living in industrialized regions of Türkiye with female head of households are more likely to work<sup>1212</sup>. More than 8000 Syrian children working were identified by Türk Kızılay by their 19 community centres<sup>1213</sup>. Many NGOs work on child protection, prevention child labour and being out of school provide child friendly spaces and pschosocial support.

Youth unemployment is another critical issue to which attention must be paid. According to TUIK, the youth unemployment rate in Türkiye among 15-24 year olds was of 17.4% in 2023. 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 gender-based discrimination (8%) are the most prevalent.<sup>1214</sup> 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.<sup>1215</sup>

Refugees and host community members received a variety of employability capacity development and support services in 2023. During the first half of 2023, an additional 4,706 beneficiaries were enrolled in short-term vocational training programmes amd 4,185 individuals completed training designed to increase their employability. As of June 2023, 66,710 beneficiaries had completed short-term vocational skills development training with EU refugee programme support. Since the project's inception, a total of 124,108 people has benefited from employment counselling services During the first half of 2023, an additional 123 beneficiaries obtained a nationally recognised certificate in a vocational skill area issued by an authorised certification body, bringing the total indicator value to 17,804 (10% female). <sup>1216</sup> Between 2014 and 2023, a total of 3,717,253 foreign trainees participated in courses organized in public education centres, with 2,870,266 of them being Syrian trainees<sup>1217</sup>. More than 4000 Syrians participated in informative courses on public employment services<sup>1218</sup>.

There are projects aiming to address some of the abovementioned challenges. "Increasing Employability for Syrians and Host Community Members in the Renewable Energy Sector Project" has been carried out since 2020 in cooperation with the General Directorate of Lifelong Learning and the United Nations Development Programm<sup>1219</sup>. ILO Promoting Resilience and Social Cohesion through Decent Livelihood Opportunities Project aims to promote decent work and sustainable livelihood opportunities, with particular emphasis on investing in a skilled and competent workforce, promoting job creation and job development, protecting employment, and strengthening labour market governance institutions and practices for both home and host communities in Istanbul, Izmir, Bursa, Ankara, Adana, Mersin, Şanlıurfa, Kahramanmaraş, Konya, Hatay, Eskişehir, Denizli, Gaziantep, Manisa and Kilis<sup>1220</sup>. Transition to Formality Programme (KIGEP), which is implemented by the ILO Office for Türkiye and the Directorate of International Labour Force, employers whose workplaces are registered in one of the provinces of Adana, Ankara, Aydın, Bursa, Gaziantep, Istanbul, Izmir, Kahramanmaraş, Kilis, Kocaeli, Konya, Manisa, Mersin, Osmaniye and Şanlıurfa, may receive support payment for Syrian workers whom they employ. A monthly support payment

<sup>&</sup>lt;sup>1212</sup> Dayıoğlu, M., Kırdar, M. G., & Koç, İ. (2023). The Making of a "Lost Generation": Child Labor among Syrian Refugees in Turkey. International Migration Review, 0(0) available here

<sup>&</sup>lt;sup>1213</sup> Turkish Red Crescent, March 2024, The Effects of Irregular Migration on Child Labor: The Situation of Migrant Children in Türkiye, available here

<sup>&</sup>lt;sup>1214</sup> ILO, 'Youth employment in Turkey: Structural challenges and impact of the pandemic on Turkish and Syrian youth', 2022, available here

<sup>&</sup>lt;sup>1215</sup> Tüses & Heinrich-Böll-Stiftung, 'SUriyeli Ve Türkiyeli Genç Kadinlar Ve Erkeklerin Gündelik Yaşamlari: Küçükçekmece Ve Sultanbeyli'de Nitel Bir Araştirma', 2022, available here

<sup>&</sup>lt;sup>1216</sup> EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 12, December 2023, available here

<sup>&</sup>lt;sup>1217</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu: available here

<sup>&</sup>lt;sup>1218</sup> ILO, Opportunities for lives, more opportunities, better lives Project, available here

<sup>&</sup>lt;sup>1219</sup> Hayat Boyu Ögrenme Genel Müdürlügü, 29.12.2023, available here

<sup>&</sup>lt;sup>1220</sup> ILO, available here

of 2,500 TRY for 5,790 employees including 2,895 Syrians under Temporary Protection and 2,895 Turkish citizens are provided for six months. Besides, one-off work permit fee of 1,500 TRY per worker is reimbursed by the Programme for 2,895 Syrian employees in 2023.

The "Supporting Transition to the Labor Market Project,"<sup>1221</sup> funded by the EU under FRIT 2 and facilitated by the World Bank, is implemented by the Ministry of Labor and Social Security, İŞKUR, and the Turkish Red Crescent. The project aims to enhance the employability of ESSN beneficiaries and Turkish citizens, aiding their access to the labor market and helping employment transition out of the Social Cohesion Assistance (SUY) program. Training activities will be conducted at Turkish Red Crescent Community Centres in various cities (Adana, Bursa, Gaziantep, Istanbul, Kocaeli, Konya, and Şanlıurfa. A "Labor Market Transition Guide" will also be created to provide essential information and support to local and migrant beneficiaries during their job market transition and integration.

#### Entrepreunership

Self-employed Syrians have encountered significant difficulties on the labour market. Access to financial services remains a persistent obstacle for refugee owned SMEs due to a number of factors, including inability to benefit from any established micro or small enterprise financing schemes, and being unaware of any sources of financing. A study showed that Syrian entrepreneurs can manage their projects and obtain financing resources and loan<sup>1222</sup>.

Several initiatives have been enacted beginning in 2021 to enhance the entrepreneurial skills and potential of self-employed Syrians. Under the EU-financed projects, around 720 Syrian refugee-owned small and medium-sized enterprises (SMEs) received advisory services, including budget management, occupational health and safety, and proposal writing and 275 Syrian-owned businesses received financial and/or material assistance to mid-2023. 4070 Syrians are benefitted from the entrepreneurship training. By June 2023 around 360 refugee-owned enterprises had been established or expanded, with most of the enterprises in the micro or small size categories.<sup>1223</sup> "

Some projects have been implemented to officially register businesses owned by refugees, but a lack of detailed information has been provided about what their responsibilities are as a registered business, regarding the taxes, etc., and the difficulties these business owners experience after becoming registered and how sustainable these projectss are not fully known and evaluated<sup>1224</sup>.

Through livelihood and employment opportunities, ICMPD, Ministry of Industry and Commerce-managed ENHANCER project aims to increase the entrepreneurial activity of Syrians 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.<sup>1225</sup> In 2023, DAHİL programme, implemented by SPARK, provides training for SMEs to increase their awareness of the basics of credit scoring in Türkiye (Findecks), business plan competitions award winning business ideas with seed funding, business networking events boost social cohesion between Syrian and Turkish business-owners.<sup>1226</sup> KOSGEB Applied Entrepreneurship Training" provided to more than 400 Syrians participants who owned businesses or worked as managers in their countries<sup>1227</sup>

<sup>&</sup>lt;sup>1221</sup> Resmi Gazete, İşgücü Piyasasina Geçişin Desteklenmesi Projesi (P171471), available here

Alkhazam, and Ugurlu, 2023. International Journal of Economics and Management Engineering, 17 (7).
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EU Facility for Refugees in Türkiye, The Facility Results Framework Monitoring Report No. 12, December 2023, available here

<sup>&</sup>lt;sup>1224</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1225</sup> ICMPD & Ministry of Industry and Technology, 'Enhancer Project', last accessed 13 July 2023, available here

<sup>&</sup>lt;sup>1226</sup> SPARK, 06.07.2023, From E-mail Novice to Digital Entrepreneur: Rahaf Shami's Inspirational Journey, available here

<sup>&</sup>lt;sup>1227</sup> ILO, Opportunities for lives, more opportunities, better lives Project, available here

#### The impacts of the earthquakes:

The aftermath of earthquakes in the region has led to significant challenges in accessing employment opportunities for affected individuals. As of March 2023, the number of paid employees in 11 provinces located in the earthquake zone decreased 23.6 percent compared to the end of 2022, in 4 provinces (Kahramanmaraş, Hatay, Adıyaman and Malatya) which were affected the most by the earthquake the decrease in the number of workplaces was over 50 percent and the total number of employees decreased by 28 percent<sup>1228</sup>. More than 40 percent of the employees in Hatay left their jobs, migrated, or lost their lives. According to the ILO (2023), the earthquakes left more than 658,000 workers unable to earn their living<sup>1229</sup>. Since many workplaces have been destroyed and significant losses were also experienced especially in the sectors many refugees are employed such as textile and agriculture, the limited job market leads to hurdles for those seeking employment for refugees.

The earthquakes also had a negative impact on the ability of government and non-government institutions to provide services related to employment and enterprise development to refugees and host community members, due to the loss and damage of their facilities and equipment. Considerable damage was experienced by the Provincial Directorates of the Public Employment Agency (İŞKUR) in Adıyaman, Kahramanmaraş and Gaziantep<sup>1230</sup>.

Furthermore, concerns about health, disabilities, and the fear of gender-based violence in workplaces contribute to difficulties in finding jobs. The situation is particularly concerning for women, as safety concerns for themselves and their children hinder their ability to seek employment, and as their burden on caring the people with disability and domestic work increases<sup>1231</sup>. Research analyzing the needs of women entrepreneurs in the region post-earthquake indicates that 70% of them face increased caregiving responsibilities for children, the elderly, and individuals with disabilities. Therefore, there is a critical need to improve and enhance caregiving facilities to increase women's employment opportunities, aligning with previous studies on the situation of Syrian women under temporary protection before the earthquakes<sup>1232</sup>. Women mainly work as agricultural laborers near the tent camps, and job opportunities in male-dominated industries further limit their access to employment<sup>1233</sup>.

Moreover, the heightened demand for workers in the construction sector following the earthquakes has been addressed by refugees. However, the concentration of job opportunities in construction limits refugees' ability to find work in their specialised fields and exposes them to potential exploitation. Interviews with refugee workers reveal that many are uninsured and receive wages below the minimum wage, further deepend their precarious employment situation<sup>1234</sup>.

In cooperation with UNHCR, textile workshops were established in 19 public education centres in 5 provinces affected by the earthquake region<sup>1235</sup>. There are some projects led by NGOs. The Social Entrepreneurship, Empowerment, and Integration Project<sup>1236</sup>, funded by the EU and implemented by the General Directorate of Development Agencies of the Ministry of Industry and Technology with the support of the World Bank aims to boost women's employment in the region, and supports new project proposals to empower women entrepreneurs including the involvement of Syrian workers, with a focus on encouraging Syrian women to join the workforce. Grant support and mentoring training are also offered to project participants. Sustenance and Recovery Bazaar for Access to Secure Food – SAFEBAZE Project<sup>1237</sup>

<sup>1234</sup> Ibid.

<sup>&</sup>lt;sup>1228</sup> TEPAV, July 2023, Deprem Bölgesinde Sürdürülebilir İş Gücü İstihdamı: EBRD - TEPAV Field Survey and Results April 2023 İhtiyaçlar ve Fırsatlar TEPAV Saha Araştırması ve Bulguları, available here

ILO (2023) Assessing the Local Labour Market Dynamics and Skills Needs Following the Earthquakes in Türkiye
 DG NEAR, EU Support to Refugees in Türkiye, Results Framework Monitoring Report No. 12 December 2023, available here

<sup>&</sup>lt;sup>1231</sup> Information provided by stakeholders March – April 2024.

<sup>&</sup>lt;sup>1232</sup> Kagider and UN Women. 2023. Deprem Bölgesindeki Kadın Girişimciler İhtiyaç Analizi. Available here: https:// kagiders3.eu-central-1.amazonaws.com/uploads/projectPictures/36582b25-8ab5-4989bc1be24239960e94.pdf

<sup>&</sup>lt;sup>1233</sup> Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here

<sup>&</sup>lt;sup>1235</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu: available here

<sup>&</sup>lt;sup>1236</sup> SEECO, Proje Teklif Çağrısı, available here

<sup>&</sup>lt;sup>1237</sup> ASAM, Güvenli Gıdaya Erişimi Kolaylaştırma ve Destekleme Projesi, https://sgdd.org.tr/proje/guvenli-gidayaerisimi-kolaylastirma-ve-destekleme-projesi/

supported by WFP, implemented by ASAM aims to provide indirect services to 22,000 residents residing in the Üzümdalı Temporary Shelter Center, including 30 business owners affected by the earthquake and their families, and to meet their urgent food needs. A marketplace will be built that will accommodate approximately 12 small businesses and 18 mobile stalls to enable vendors to sell various food products, thereby enhancing access to food and increasing local producers' access to markets.

### 2. Access to education

Indicators: Access to Education 1. Does the law provide for access to education for children beneficiaries?	🛛 Yes 🗌 No
2. Are children able to access education in practice?	🛛 Yes 🗌 No

Under Turkish law, "basic education" for children consists of 12 years, divided into 3 levels of 4 years each. All children in Turkish jurisdiction, including foreign nationals, have the right to access "basic education" services delivered by public schools. All children registered as temporary protection beneficiaries have the right to be registered at public schools for the purpose of basic education.

### 2.1. Public schools

Public schools in 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 and they are registered in the city where they reside. 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.<sup>1238</sup> However, there is a tendency not to enrol children in school as they think it will encourage parent not to register with authorities<sup>1239</sup>.

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.<sup>1240</sup> As of January 2022, the EU facility for refugees in Türkiye factsheet reported 89 new schools built.<sup>1241</sup> Due to the earthquake, and increased construction and labour cost effected by economic crisis, during the first six months of 2023, limited progress was made in terms of constructing and upgrading education facilities. In 4 schools were completed, 8 schools were upgraded<sup>1242</sup>.

The education response in Türkiye is led and coordinated by the Ministry of National Education (MoNE). 1,073,121 (32.53%) Syrian are of school age. Out of this school-age population, 811,860 (75.65%) are enrolled in education. Among these students, 787,122 are registered in the e-school system, 9,564 in open schools, and 15,174 in the Vocational Education Center System (MESEM)<sup>1243</sup>. Between 2014 and 2023, a total of 2,870,266 Syrian trainees participated in courses organized at public education centres.

<sup>&</sup>lt;sup>1238</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1239</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1240</sup> Delegation of the European Union to Türkiye, 'Education for all in times of crisis II', available here

<sup>&</sup>lt;sup>1241</sup> European Commission website, 'EU Facility for Refugees in Türkiye', January 2022, available here

<sup>&</sup>lt;sup>1242</sup> EU support to refugees in Türkiye Monitoring Report: December 2023, available here

<sup>&</sup>lt;sup>1243</sup> Hayat Boyu Öğrenme Genel Müdürlüğü 2023 Yili Birim Faaliyet Raporu, available here

In 2023 stakeholders confirmed that the schooling rate was still low among Syrians in especially metropolitian cities<sup>1244</sup>, and the challnges to access schooling has increased with the earthquake in the region. The percentage of out of school children increases from primary school to high school. A report states that 66.3% of enrolled Syrian children attend primary or middle school, and 29.8% attend high school or university<sup>1245</sup>. Şanlıurfa is one of the provinces with the lowest schooling rate, for instance in Eyubiye where 30-40 thousand Syrians live, 90 percent of the children are out of school<sup>1246</sup>.

In 2023, the significantly reduced purchasing power and income of refugee families in Türkiye, due to the economic situation, have been the main causes of school dropouts among children. This exacerbates problems such as child labour and early marriage. Bullying in schools, fueled by anti-refugee discourse, remains a significant issue. This has led to families fearing to send their children to school and children being reluctant to attend. Additionally, fear of deportation affects access to education<sup>1247</sup>.Children whose IDs become inactive due to not living in the registered city, inability to verify their addresses, or other reasons causing a security code on their IDs can access education through provisional injunctions. Although there are occasional minor issues, lawyers generally obtain injunctions that allow these children to attend school. However, challenges in implementing these decisions persist, mainly due to limited capacity at schools and varying attitudes among school administrators<sup>1248</sup>. The children of parents who work in seasonal agriculture sector face challenges to access education due to the frequent movement and address declaration requirement<sup>1249</sup>.

Children with disabilities can be included in special education or integrated classes in schools<sup>1250</sup>. Sometimes it can take a very long time to obtain a health report that proves their condition. In addition, due to reasons such as families having difficulty following up on the report, capacity problems in the schools they are referred to, lack of awareness on the part of the family, and transportation problems to school, it can take up to a year for them to access education.

To ensure children's access to the education system, another programme, Conditional Cash Transfer for Education (CCTE), was 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. CCTE programme was handed over to the Government in 2022. 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.<sup>1251</sup> According to Türk Kızılay, in cases were a child has not attended school for over 4 days, protection officers from 15 centres and 2 mobile protection centres 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.1252 According to data released by UNICEF in April 2022, CCTE benefited 29,111 pre-school children and 335,561 primary school children. The CCTE is being disbursed to 477,983 beneficiaries and 244,644 householders as of March 2024. CCTE has mainly focused on primary school children. Families are compensated 90 TL (2.5 EUR) for boys and 100 TL (2.8 EUR) for girls attending kindergarten and primary scool per month and 130 TL (3.7 EUR) for boys and 150 TL (4.3 EUR) per girls attending high school per month.

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

<sup>&</sup>lt;sup>1244</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1245</sup> Heinrich Böll Stiftung, Göçmen Mahallelerinde Yaşam: Türkiye'de 2010 Sonrası Göçler ve Göçmenlerin Toplumsal Katılımı, November 2023, available here

<sup>&</sup>lt;sup>1246</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1247</sup> 3 RP Country Report 2023-2026.

<sup>&</sup>lt;sup>1248</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1249</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1250</sup> Information provided by stakeholders, March-April 2024.

<sup>&</sup>lt;sup>1251</sup> Ministry of Family and Social Services, 'Şartlı Eğitim (ŞEY) ve Şartlı Sağlık (ŞSY) Yardımı', 2023, available in Turkish here

<sup>&</sup>lt;sup>1252</sup> Toplum Merkesi, 'Toplum Merkezine Hoşgeldiniz', last accessed 13 July 2023, available in Turkish here

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.<sup>1253</sup>

In the context of CCTE, a pilot programme for social integration in education has been implemented in Istanbul and Şanlıurfa with the assistance of the Maya Association, providing training on how to end bullying and violence in schools.<sup>1254</sup> Bilingual videos to raise awareness on (ciber) bullying for caregivers are available in their website<sup>1255</sup>.

The Early Childhood Education Project, aimed at improving conditions that support early childhood development for Syrian children aged 3-6 and disadvantaged children in the host community, is being carried out under the protocol "Promoting Early Childhood Education for Syrian and Turkish Children" signed between the General Directorate of Lifelong Learning, the General Directorate of Basic Education, and the German International Cooperation Agency (GIZ)<sup>1256</sup>. The project equips pre-schools and public education centres with teaching materials and offers training courses for teachers, focusing on joint teaching for Syrian and Disadvantaged Turkish children. Additionally, it supports families, promotes parental involvement, developed a bilingual app, and is focused on reopening pre-schools and implementing compensatory measures for children affected by the earthquake. To facilitate access to education and social services for Syrian children, a Memorandum of Understanding was signed with UNICEF, resulting in recruitment of 1,112 personnel across 23 provinces under the Syrian Support Staff Program.

#### The impact of the earthquakes:

Access to education for refugee children in the earthquakes-affected zone presents a multifaceted challenge. Approximately 390,000 refugee and migrant children, among nearly 4 million children affected, grapple with disrupted learning opportunities across 11 provinces.<sup>1257</sup> 576 schools were destroyed or damaged due to the earthquakes<sup>1258</sup>. The extensive devastation and displacement caused by the earthquakes, the subsequent reordering of government agencies' priorities, and the consequences for the regional economies—including the scarcity of contractors—all contributed to a major slowdown in the advancement of infrastructure projects<sup>1259</sup>. However, the obstacles extend beyond the infrastructural problems; financial constraints, language barriers, transportation limitations, inactivated IDs, discrimination including peer bullying, and sanitation issues further impede access to quality education<sup>1260</sup>.

Research indicates that 15% of families surveyed in the provinces reported withdrawing children from school or sending them to work as a strategy to cope with reduced income levels<sup>1261</sup>. Coping mechanisms, including reduced food intake and decreased healthcare spending, underscore the severity of the situation<sup>1262</sup>. Moreover, girls and boys are increasingly vulnerable to exploitation, with instances of child labor, and child marriages on the rise. The absence of school access, especially at the secondary level, significantly contributes to the increased rate of children dropping out<sup>1263</sup>. Financial obligations often prompt boys to leave school to contribute to their families, while safety concerns lead parents to limit their daughters' access to schools. Furthermore, specialised education for refugee children with disabilities is extremely limited<sup>1264</sup>

<sup>&</sup>lt;sup>1253</sup> Piktes, 'about us', last accessed 13 July 2023, available here.

<sup>&</sup>lt;sup>1254</sup> UNICEF, April 2022, Suriyeli ve Diğer Mülteciler için Şartlı Eğitim Yardımı (ŞEY) Programı, available here

<sup>&</sup>lt;sup>1255</sup> Maya Vakfi, Education Programmes, available here

<sup>&</sup>lt;sup>1256</sup> GIZ, 2023, Promoting early childhood education for Syrian and Turkish children, available here

<sup>&</sup>lt;sup>1257</sup> UNICEF, 2024, UNICEF Türkiye Humanitarian Situation Report No. 19, 6 February – 31 December 2023

<sup>&</sup>lt;sup>1258</sup> T.C. Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı – SBB, Türkiye Earthquakes Recovery and Reconstruction Assessment

<sup>&</sup>lt;sup>1259</sup> EU support to refugees in Türkiye Monitoring Report: December 2023, available here

<sup>&</sup>lt;sup>1260</sup> Information provided by stakeholdera, March – April 2024.

<sup>&</sup>lt;sup>1261</sup> EU support to refugees in Türkiye Monitoring Report: December 2023, available here

<sup>&</sup>lt;sup>1262</sup> UNICEF, 2024, UNICEF Türkiye Humanitarian Situation Report No. 19, 6 February – 31 December 2023

<sup>&</sup>lt;sup>1263</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1264</sup> Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here

Schools, particularly secondary and high school level, are still lacking in many of the settlements or the capacity of the schools is not sufficient to accommodate all the children living in these areas<sup>1265</sup>. Early child care is very limited<sup>1266</sup>, NGOs provides some psychosocial supports to children, for instance, ASAM provides some activities for the pre-schoolers in the temporary settlement areas. These schools in the temporary settlement areas are segregated for Turkish and refugee, as the accommodation centres are segregated, which might have a long-term impact regarding the social cohesion<sup>1267</sup>.

The geographical distance of the temporary shelters poses challenges for refugee families, who cannot afford transportation for their children to attend school and are apprehensive about their safety using public transport, consequently, the majority of school-age refugee children had no access to education<sup>1268</sup>, especially for those high school aged children<sup>1269</sup>. With the scope of mobile education, some schools provide transportation facilities, while others do not have this option available, this situation leads refugees to refrain from sending their children to school due to financial constraints or security concerns<sup>1270</sup>. Moreover, parents might feel afraid to go to school to talk with teachers, in case of any issues such as peer bullying due to the fear of deportation<sup>1271</sup>.

20 Child, Adolescent, and Family Support Centres have been established by ASAM with the support of UNICEF funds, providing services in the provinces of Adana, Adıyaman, Gaziantep, Hatay, Kahramanmaraş, Kilis, and Malatya<sup>1272</sup>. Five Mobile Teams stationed in Adıyaman, Gaziantep, Hatay, Kahramanmaraş, and Malatya provide services for individuals with limited access to these centres in the region. The project aims to provide services to those affected by the earthquakes, individuals in Temporary Shelter Centres, and communities hosting displaced populations in the affected areas. Under the MoNE-UNICEF Cooperation Program 2023-2024 Work Plan, which includes the "Access to Early Childhood Education and Quality of Early Childhood Education" initiative, cooperation between the Ministry and UNICEF has led to the establishment of 35 children's playrooms in public education centres in 11 earthquake-affected provinces.

Refugee children displaced to different provinces due to the earthquake should be able to access education by obtaining a travel permit, but some schools do not accept their registration. Inconsistence implementation between cities, and even schools is observed<sup>1273</sup>.

## 2.2. 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 request universities to recognise the credits (courses) that they have already completed. The decision whether to recognise courses passed in Syria is made by each university and may differ from one department to another.<sup>1274</sup> Sometimes there can be problems in the recognition of previous education including qualifications.

<sup>&</sup>lt;sup>1265</sup> Türk Tabipleri Birliği & Sağlik ve Sosyal Hizmet Emekçileri Sendikasi Şubat 2023 Depremleri 1. Yil Raporu, 2024, available here

<sup>&</sup>lt;sup>1266</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1267</sup> Ibid.

<sup>&</sup>lt;sup>1268</sup> Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here Information provided by stakeholders, March – April 2024 & Information shared by refugees in focus group discussions, April 2024.

<sup>&</sup>lt;sup>1269</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1270</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1271</sup> Information provided by refugees in focus group discussions, April 2024.

<sup>&</sup>lt;sup>1272</sup> ASAM, Çocuk, Ergen, Aile Destek Merkezleri Projesi, available here

<sup>&</sup>lt;sup>1273</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1274</sup> UNHCR, *Education*, available here

In total in the 2023-2024 academic year, 60,750 Syrian students (32,183 male, 27,657 female) were enrolled in Turkish Higher Education Institutions.<sup>1275</sup> A new regulation was introduced in 2022 whereby foreign students have to pay a contribution fee for public higher education, including Syrian students and blue cardholders.<sup>1276</sup> However, some universities<sup>1277</sup> are listed "Syrian citizens who are placed in universities according to the principles determined by the Council of Higher Education" are the among those who are exempt from tuition fees. Due to the financial barriers, accessing to private universities is an option for a few of Syrians. 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.<sup>1278</sup> There is a scholarship programme 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 organizations<sup>1279</sup>.

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 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.<sup>1280</sup>

# 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.<sup>1281</sup> The programme has now been handed over to the DG NEAR from DG ECHO, in line with the EU humanitarian-development-peace nexus approach. Applicants for international protection and temporary protection beneficieries fall within the scope of this programme.

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

<sup>&</sup>lt;sup>1275</sup> Turkish government, official higher education statistics, available at: https://istatistik.yok.gov.tr/

<sup>&</sup>lt;sup>1276</sup> 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 here

<sup>&</sup>lt;sup>1277</sup> For example, Anadolu University, available here

<sup>&</sup>lt;sup>1278</sup> UNHCR, *Education*, available here

<sup>&</sup>lt;sup>1279</sup> ICMPD, 'BEUrs:', last accessed 13 July 2023, available here

<sup>&</sup>lt;sup>1280</sup> UNHCR, 'Education', last accessed 13 July 2023, available here

<sup>&</sup>lt;sup>1281</sup> European Commission, 'European Civil Protection and Humanitarian Aid Operations', last updated in 2023, available here

or 9 service centres of Türk Kızılay and fill in an application form for a *Kızılaykart*. After 5-9 weeks, applicants can receive their cards ready to use from the contracted bank.<sup>1282</sup>

Eligibility criteria for receiving the ESSN are have a foreigner's identification number starting with 99, being single women between the ages of 18 and 59, single seniors aged, single parents or single fathers with at least one child under the age of 18, families with one or more disabled individuals with a disability level of 40% or more (disability status must be documented with a disability report to be obtained from the authorized state hospital), families with more than 4 children, families with a large number of dependents (children, elderly, disabled) (this criterion is determined by the proportion of 1.5 or more dependents per healthy adult (18-59 years old) in the family)<sup>1283</sup>. A monthly allowance is 500 TL (14  $\in$ ) per family member through the *Kızılaykart*.<sup>1284</sup>

The ESSN scheme is the single largest humanitarian project in the history of the EU. As of April 2024, 2,3 billion EUR were distributed, 1,211,205 people and 257,799 householders were being reached.<sup>1285</sup> Among the beneficiaries of this programme majority (1,1 millions) are Syrians, and other main groups are Afghanistan, Iraq and Iran nationals. As reported from a stakeholder, Ukrainians under international protection have benefitted from ESSN programme.<sup>1286</sup>

Considering that the net minimum wage is 17.002 TL<sup>1287</sup> (around 485 EUR), the hunger threshold is 16,792 TL and the poverty threshold is 57,736 TL<sup>1288</sup>, the monthly payments are far from covering the needs for a dignified life, which is not the main purpose of the programme.

- 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 2024, 375,944 people and 84,944 householders were receiving support, for an amount of 700 TL (20 EUR) per month.<sup>1289</sup>
- In-Camp Food Assistance Programme: This programme which is funded by the United States Agency for International Development, and implemented in cooperation with Türk Kızılay and the WFP, provides assistance to refugees residing in 7 Temporary Accommodation Centres. People receiving assistance receive e-vouchers for the monthly per capita aid (300 TL /8.5 EUR) that they can use for food and non-food shopping inside the camp via the Kizilay Card. As of April 2024, 33,864 people were benefiting from it.<sup>1290</sup> Majority of beneficieries are Syrians, other top 3 nationalities are Ukraine, Iraq, and Russia.
- 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 and gender. The CCTE is being disbursed to 477,983 beneficiaries and 244,644 householders as of March 2024.<sup>1291</sup> CCTE has mainly focused on primary school children.<sup>1292</sup> It is 90 TL (2.5 EUR) for boys and 100 TL (2.8 EUR) for girls attending kindergarten and primary scool per month and 130 TL (3.7 EUR) for boys and 150 TL (4.3 EUR) per girls attending high school per month.<sup>1293</sup>
- 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

<sup>1284</sup> Ibid.

<sup>1286</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1282</sup> ibid.

<sup>&</sup>lt;sup>1283</sup> Multeci-der, SUY, available here

<sup>&</sup>lt;sup>1285</sup> Kızılaykart, 'Monthly ESSN Programme Infographics, 2024, available here

<sup>&</sup>lt;sup>1287</sup> T.C. Çalışma ve Sosyal Güvenlik Bakanlığı | Asgari Ücret, available here

<sup>&</sup>lt;sup>1288</sup> NTV, 30.04.2024, Açlık sınırı asgari ücretin üzerine çıktı, available here

<sup>&</sup>lt;sup>1289</sup> Kizilaykart, 'Monthly CCTE Programme Infographics, 2023, available here

<sup>&</sup>lt;sup>1290</sup> Ibid.

<sup>&</sup>lt;sup>1291</sup> Ibid.

<sup>&</sup>lt;sup>1292</sup> *Ibid*.

<sup>&</sup>lt;sup>1293</sup> *Ibid.* 

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. As of October 2023, a total of 229 students (122 boys and 107 girls) have been supported under the Accelerated Learning Programme (ALP) with 150 TL per person for one payment period.<sup>1294</sup>

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.<sup>1295</sup>

## 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.<sup>1296</sup> 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.<sup>1297</sup> This does not apply to vulnerable groups, however. The practice of contribution fees is different in each province with no uniform application. Reimbursement is not foreseen in the law.

Persons who are eligible for temporary protection but have not yet completed their registration have only access to emergency medical services and health services pertaining to communicable diseases as delivered by primary health care institutions.

Temporary protection beneficiaries are only entitled to access health care services in the province where they are registered. However, where appropriate treatment is not available in the province of registration or where deemed necessary for other medical reasons, the person concerned may be referred to another province.<sup>1298</sup>

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.<sup>1299</sup>

### **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.

<sup>&</sup>lt;sup>1294</sup> Turk Kizilay, available here

<sup>&</sup>lt;sup>1295</sup> 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 here. Page 66.

<sup>&</sup>lt;sup>1296</sup> Article 27 TPR.

<sup>&</sup>lt;sup>1297</sup> Article 27(1)b as amended by Regulation no.30989.

<sup>&</sup>lt;sup>1298</sup> 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 here

<sup>&</sup>lt;sup>1299</sup> isvesosyalguvenlik, 'Gelir Testinde G0 – G1 – G2 – G3 Ne Demek ?', 2018, available here

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.<sup>1300</sup> 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.<sup>1301</sup>

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.<sup>1302</sup> Among foreign women who had children in 2023, Syrian mothers were in the first place with 6,425 babies.<sup>1303</sup>

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.

Free health care coverage for registered temporary protection beneficiaries also extends to mental health services provided by public health care institutions. A number of NGOs are also offering a range of psychosocial services in some locations around Türkiye with limited capacity. For instance, Türk Kızılay runs community centres providing services on health and protection. (Find more information in Reception Conditions: Healthcare)

With EU funding, in the frame of the "Improving the Health Status of the Syrian Population under Temporary Protection and Related Services Provided by Turkish Authorities" (SIHHAT-1) and (SIHHAT-2) projects, 190 Migrant Health Centres (*Göçmen Sağlığı Merkezi*) were established for migrants, especially targering Syrian beneficiaries of temporary protection in 32 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.<sup>1304</sup> The EU-funded SIHHAT project supported and developed primary health care services to increase access to health services. The project mainly focuses on reproductive health, mental health and psychosocial support, immunization, mobile health services, cancer screening, and health literacy training. In 51 Migrant Health Centres; in addition to primary health care services, internal medicine, gynecology and obstetrics, pediatrics, oral and dental health services, laboratory, x-ray and psychosocial support services are also provided under the Strengthened Migrant Health Center structure. 10 Community Mental Health Centres and over 100 hospitals offer healthcare solutions in migrants' native languages, with 4,000 health workers<sup>1305</sup>. In 2022, over 7 million primary healthcare consultations were conducted in these

<sup>&</sup>lt;sup>1300</sup> 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 here

<sup>&</sup>lt;sup>1301</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1302</sup> Ministry of Health, 'Avrupa Bölgesi Göç ve Sağlık Yüksek Düzeyli Toplantısı İstanbul'da Gerçekleştirildi', March 2022, available in Turkish here

<sup>&</sup>lt;sup>1303</sup> NTV, "Türkiye'de doğum yapan Suriyeli anne sayısı azaldı", 17.05.2024, available here

<sup>&</sup>lt;sup>1304</sup> AA, 'Bakan Koca: Ayrım yapmaksızın göçmenlerin sağlık ihtiyacına ilişkin ortak bir yol izlemek hepimizin asli görevi', 17 March 2023, available in Turkish here

<sup>&</sup>lt;sup>1305</sup> Sihhat Project, *Instagram*, available here

facilities. Between 2017 and October 2023, these centres provided more than 33 million medical consultations and 9 million doses of vaccine were administered in these centres. The project also improved health infrastructure by constructing two new state hospitals in Dörtyol Hatay and Kilis<sup>1306</sup>.

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.<sup>1307</sup> The project plans the construction or rehabilitation of primary health care facilities in 120 different locations across the country, with a significant focus to the earthquakes-affected zone. The third steering committee meeting was held in January 2023.<sup>1308</sup>

In addition, NGOs have operated projects aimed at enhancing vulnerable groups' access to health care. Doctors of the World (DDD) has been actively providing emergency response in Türkiye and northwest Syria from the onset of the eartquake. Supported by the MdM International Network, they have delivered comprehensive healthcare services, including primary health care, medicine distribution, sexual and reproductive health care, dignity and hygiene kits, mental health and psychosocial support, protection, case management, and support for secondary health care facilities. DDD has also operated mobile medical units for hard-to-reach areas and established a women and child-friendly safe space to assist the most vulnerable populations<sup>1309</sup>. DDD implemented several projects in the affected areas in collaboration with international organisations:

A post-emergency response and reconstruction project which is funded by Agence française de Développement (AFD) and Fondation de France, started at the beginning of January 2024 aims to assist populations in Hatay province affected by the February 2023 earthquakes. The ongoing project focuses on providing primary health services, protection, and psychosocial support to the most vulnerable groups. Initially, DDD will deliver emergency response through mobile teams and "safe spaces" for confidential consultations, ensuring access to hard-to-reach areas. In the second phase, the project will transition to post-emergency response, incorporating capacity-building activities to gradually transfer services to local authorities<sup>1310</sup>.

Within the scope of a partnership between UNFPA Türkiye and DDD, another project on Provision of Sexual and Reproductive Health (SRH) services through Mobile SRH Medical Teams in Hatay Türkiye was completed between July 2023 and December 2023. The project offered both static and mobile sexual and reproductive health (SRH) services to the most vulnerable women and girls in Hatay province, including refugees, pregnant women, and lactating mothers<sup>1311</sup>.

Funded by IOM and PRM, DDD implemented a humanitarian project on primary healthcare services through Mobile Medical Units (MMUs) in Hatay province to restore the pre-earthquake healthcare system by deploying mobile medical teams to remote areas lacking regular access to primary healthcare. The project's objectives were to provide timely and life-saving health and nutrition assistance to earthquake-affected populations, enhance community resilience, and support the rapid resumption of essential health services in underserved communities. The project included triage, outpatient consultations, management of communicable and non-communicable diseases, maternal and child health, nutrition services, immunizations, referrals, and health education<sup>1312</sup>.

Another project aimed to enhance the resilience of earthquake-affected communities in Türkiye by improving their physical and psychological health, particularly focusing on women and children. In response to mass displacement from cities like Antakya and Iskenderun to rural areas with less damage, DDD deployed mobile medical units (MMUs) to hard-to-reach locations and new displaced camps. These MMUs, comprising medical and support personnel, provided medical screenings, psychosocial support, and various health services. Key activities included primary healthcare consultations, sexual and reproductive

<sup>&</sup>lt;sup>1306</sup> European Commission, Türkiye 2023 Report, 8.11.2024, available here

<sup>&</sup>lt;sup>1307</sup> CEB, CEB approves € 250 million loan to the Republic of Türkiye and establishes Disaster Prevention and Recovery Fund, 24 April 2023, available here

<sup>&</sup>lt;sup>1308</sup> Ministry of Health, '3rd Steering Committee Meeting of SHIFA Project', 9 February 2023, available here

<sup>&</sup>lt;sup>1309</sup> Doctors of the World Türkiye Programme, available here

<sup>&</sup>lt;sup>1310</sup> Doctors of the World, Eartquake Response Projects, available here

<sup>&</sup>lt;sup>1311</sup> Ibid.

<sup>&</sup>lt;sup>1312</sup> Ibid.

health services, antenatal and postnatal care for pregnant and lactating women, and other essential nursing services<sup>1313</sup>.

### **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

Syrians with temporary protection registrations in different provinces face several limitations in accessing the public health system<sup>1314</sup>. These individuals are required to pay for their medications. Increased measures to check IDs and control refugee movements have heightened fears of leaving their homes to access healthcare or psychosocial support from NGOs. Previously, they could use migrant health centres even without an active ID, but now many avoid leaving their homes, due to the increased police control, hindering their access to health services<sup>1315</sup>.

In some provinces, the petitions for the injunction decision to access healthcare for children submitted by parents without active IDs are not accepted, blocking their access to court services and healthcare. While efforts are made to ensure healthcare access for children and those with chronic illnesses, obtaining health reports for children and adults with disabilities can take a long time, and families struggle to keep up with the process<sup>1316</sup>. Finding appointments can also be challenging.

The language barrier is one of the primary obstacles temporary protection recipients face when attempting to access health care services. Although interpreters are available in some public health institutions, such services are unavailable in the majority of health care facilities. There have been also reports of translators and interpreters not translating the patient's complaints and making fun of them.<sup>1317</sup> 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 Turkish<sup>13181319</sup>.

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.

Seasonal agricultural workers, particularly in İzmir (Torbalı), suffer from poor living conditions, lacking hygiene. Some of them may be reluctant to access hospitals because they are not registered in the province they work in. This situation especially causes delays in vaccinations, and increases in scabies cases<sup>1320</sup>. Two mobile medical units from Médecins du Monde Türkiye delivered primary health care and sexual and reproductive health services to 4,000 Syrian seasonal workers in the rural areas within the scope of the project "*Provision of health protection and resilience of at-risk Syrians and undocumented migrants*"<sup>1321</sup>. These services included preventive and curative care for common illnesses and postnatal care.

People who entered Türkiye from Syria with an emergency travel document can be referred to hospitals in Istanbul after arriving through Hatay or Kilis, especially following the earthquake. However, this referral

<sup>&</sup>lt;sup>1313</sup> Ibid.

<sup>&</sup>lt;sup>1314</sup> Information provided by stakeholders, March - April 2024.

<sup>&</sup>lt;sup>1315</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1316</sup> Information provided by a stakeholder, May 2023

<sup>&</sup>lt;sup>1317</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1318</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1319</sup> Cagla Aydin, '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 here

<sup>&</sup>lt;sup>1320</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1321</sup> Dünya Doktorları, 2023, Provision of health protection and resilience of at-risk Syrians and undocumented migrants in Turkey, available here

needs to be renewed periodically, requiring them to return to their initial entry point. This process poses challenges as they may face health problems or have childcare responsibilities that hinder their ability to travel<sup>1322</sup>. Additionally, they incur medical expenses that cannot be covered due to a lack of social security, and it is difficult to find institutions that will cover these costs. Without access to their ID, they are expected to receive treatment and then return. As a result, some may choose to return to their home country.

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 sex workers, LGBITQ+, and persons living with HIV, through its implementing partners, Positive Living Association and Red Umbrella Sexual Health and Human Rights Association, in five cities.<sup>1323</sup> 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.<sup>1324</sup>

Migrant Health Centres provide services to those having no IDs and protection. However, in practice, undocumented refugees have to wait until their health condition becomes very serious before they can access free healthcare services. Some cases reported that those who cannot afford to pay medical expenses are being reported to the police or the hospital confiscates their passports until they pay<sup>1325</sup>.

A research<sup>1326</sup> identified the most significant barriers to accessing mental health services as language difficulties and a lack of information about available services, and service providers and policymakers echoed these concerns, citing low awareness of mental health issues, daily living challenges, and language and cultural barriers as key obstacles. Another study<sup>1327</sup> also included other major challenges in accessing healthcare such as discrimination, and stigmatization, despite these issues, they reported satisfaction with the mental health services, particularly psychiatric nursing care.

Challenges faced by children with disabilities, particularly after the earthquake, include limited access to special education and services, fees to access education services, lack of participation in decision-making and policy implementation, and limited targeted programming<sup>1328</sup>.

#### The impact of the earthquakes:

Around 7000 TPB lost their lives, and around 4000 were injured<sup>1329</sup>. According to Turkish authorities, more than 2,306 bodies were sent to Syria from the border within the first 10 days after the earthquake<sup>1330</sup>.

After the earthquake, the healthcare system was significantly affected due to damaged hospitals, loss of personnel, a high number of injured individuals, and increased health problems caused by the disaster. The earthquakes caused trauma and directly impacted the health of people living in the area. Refugees face numerous challenges due to their status or lack of active ID cards. There has been a noticeable increase in the number of disabled individuals, leading to difficulties in accessing healthcare services. Refugees with disabilities face specific challenges, such as difficulties accessing physical therapy centres and issues faced

<sup>&</sup>lt;sup>1322</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1323</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1324</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1325</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1326</sup> Kiliç C, Kaya E, Karadağ Ö, Üner S. Barriers to Accessing Mental Health Services Among Syrian Refugees: A Mixed-Method Study. Turk Psikiyatri Derg. 2024 Summer;35(2):87-94. doi: 10.5080/u27044.

<sup>&</sup>lt;sup>1327</sup> Öztürk et al, 2023, "Syrian refugees' experiences while receiving mental health services and psychiatric nursing care: A qualitative study" Journal of Advanced Nursing, 80 (4).

<sup>&</sup>lt;sup>1328</sup> Ulusal Koruma Çalışma Grubu, Ortak 3RP Koruma Sektörü Çalıştayı, 2-3 Ağustos 2023 & Information shared by a stakeholder in April 2024.

<sup>&</sup>lt;sup>1329</sup> AA, 2023. "Bakan Soylu: 11 Bölgede 57 Bin Enkazın 50 Bini Bitti." 22 April 2023, available here, & Information provided by a stakeholder, April 2024

<sup>&</sup>lt;sup>1330</sup> BBC News, Kahramanmaraş depremi: Türkiye'deki Suriyeli depremzedeler yakınlarının cenazelerini Suriye'ye gönderiyor - BBC News Türkçe, available here

particularly by children using prostheses, as it requires frequent adjustments in the prostheses<sup>1331</sup>. Services for persons with disabilities are severely lacking, heightening their vulnerability<sup>1332</sup>.

Refugees living in accommodation centres encounter physical barriers in reaching hospitals, exacerbated by the distance of these centres from city centres and the financial strain of public transport<sup>1333</sup>. Additionally, inadequate hygiene, clean water, and food in camps pose significant health risks for residents. In urgent health situations, such as cancer or pregnancy, hospitals still require an active ID, creating additional barriers for refugees in the region. To activate their IDs, the provincial immigration administration demands a health report. However, to obtain this health report, they need an active ID, which further complicates access to healthcare. The same issue arises when obtaining a disability report for refugees. In cases of extreme urgency, such as pregnancy, with the support of NGOs, refugees manage to access healthcare<sup>1334</sup>.

Under the scope of "Project Facilitating Health Services to Earthquake Victims in Türkiye" implemented by ASAM, in the provinces affected by the earthquake, particularly Hatay, primary healthcare services are provided in Container Health Clinics and Mobile Health Clinics. Within the scope of the project, support for container clinics is provided to ensure the supply of all medical consumables and the proper storage of materials in healthy conditions<sup>1335</sup>. Médecins du Monde Türkiye implements similar project through their mobil service units and at least 10,000 services were provided between January-April 2024, including primary health care, sexual and reproductive health, mental health and psychosocial support<sup>1336</sup>. In collaboration with Relife International, MUDEM assists people with disability in Malatya, by providing wheelchairs, walking aids, glasses, hearing devices, and other medical needs<sup>1337</sup>.

Within the framework of the EU-supported "Sihhat" project, there are 2 Syrian doctors (1 General Practitioner, 1 Gynecologist), 2 Syrian nurses, and 1 Turkish dentist working in the Temporary Shelter Center in Adıyaman. Additionally, psychosocial support activities are carried out in the field (with personnel support provided in Adıyaman Center and Kâhta District, as well as in Besni and Gölbaşı districts)<sup>1338</sup>. Accessing to basic health care in the temporary shelter areas is very crucial, especially for vaccinations, pregnancy etc., due to the transportation problems.

# H. Guarantees for vulnerable groups

As with the LFIP, the TPR also contains definitions of "persons with special needs" and "unaccompanied children" and provides for additional guarantees. According to Article 3 TPR, "unaccompanied minors, persons with disability, elderly, pregnant women, single parents with accompanying children, victims of torture, sexual assault or other forms of psychological, physical or sexual violence" are to be categorised as "persons with special needs".

The TPR and other related secondary legislation providing the legal framework and procedures for the provision of services to temporary protection beneficiaries identify the Ministry of Family and Social Services as the responsible authority for "persons with special needs".

As provided by the AFAD Circular 2014/4 on "Administration of Services to Foreigners under the Temporary Protection Regime", "services such as accommodation, care and oversight of unaccompanied minors, persons with disabilities and other persons with special needs are the responsibility of the Ministry of Family and Social Services. The Ministry is responsible for the referral of vulnerable persons to children centres, women shelters or other appropriate places."

<sup>&</sup>lt;sup>1331</sup> Information provided by a stakeholder, April, 2024.

<sup>&</sup>lt;sup>1332</sup> Ibid.

<sup>&</sup>lt;sup>1333</sup> Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here

<sup>&</sup>lt;sup>1334</sup> Information provided by stakeholders, March - April, 2024.

<sup>&</sup>lt;sup>1335</sup> ASAM, Türkiye'deki Depremzedelere Sağlık Hizmeti Sunulmasının Kolaylaştırılması Projesi – SGDD-ASAM, available here

<sup>&</sup>lt;sup>1336</sup> DDD, LinkedIn, available here

<sup>&</sup>lt;sup>1337</sup> Information provided by a stakeholder, April 2024.

<sup>&</sup>lt;sup>1338</sup> Türk Tabipleri Birliği & Sağlik ve Sosyal Hizmet Emekçileri Sendikasi Şubat 2023 Depremleri 1. Yil Raporu, 2024, available here

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."<sup>1339</sup>

#### 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.<sup>1340</sup> 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 unaccompanied children, but the number of unaccompanied children placed in these institutions has not been made public.<sup>1341</sup>

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.<sup>1342</sup>

Purple Roof Women's Shelter Foundation highlights several problems<sup>1343</sup> faced by unaccompanied children in the earthquake-affected zone. Firstly, unaccompanied children have been settled to the shelters of some organisations that are not reliably acting in the children's best interests. Secondly, there is a lack of clarity

<sup>&</sup>lt;sup>1339</sup> Article 48 TPR.

<sup>&</sup>lt;sup>1340</sup> Article 30(3) TPR, as inserted by Regulation 2018/11208. The previous provision in Article 23(4) TPR has been repealed by the amendment.

<sup>&</sup>lt;sup>1341</sup> Obianet, 'News List', 2023, available here

<sup>&</sup>lt;sup>1342</sup> 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 Riza Atici, 'Ortaokullarda öğrenim gören mülteci ve göçmen çocukların motor beceri düzeyleri ve beden eğitimi temel psikolojik ihtiyaçlarının incelenmesi' 2023, available here

<sup>&</sup>lt;sup>1343</sup> Türkiye'de Deprem Bölgesindeki Refakatsiz Çocukların Durumuna İlişkin Bilgi Notu, 2 Mart 2023

on the determination of the adults accompanying the children were their mothers. There is no appropriate review procedure or reliable process to ensure the best interests of non-Turkish unaccompanied children regarding the person that children can be handed over. Furthermore, decisions regarding Syrian unaccompanied children appear to have been made without thorough assessment, relying solely on the children's statements.

### 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.<sup>1344</sup> 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.<sup>1345</sup>

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, in 2023, in total there are 149 women's shelters with a capacity of 3,650<sup>1346</sup>; 112 shelters affiliated with the Ministry in 81 provinces provided services with a capacity of 2,805; 33 women's shelters affiliated with municipalities in 13 provinces with a capacity of 735; 1 women's shelter affiliated with NGOs with a capacity of 20; and 3 women's shelters affiliated with PMM with a capacity of 90. In 2023, to maintain women's shelter services in Hatay, which was affected by the earthquake, 3 containers were provided, furnishing support was given to shelters in need.

Since women's shelters are intended to house both Turkish and foreign nationals, temporary protection and international protection recipient women are also affected by the capacity issues. In refugee dense areas such as Gaziantep, Adana, and Şanlıurfa, there is an urgent need for more women's shelters. For instance, in Şanlıurfa, the conditions are not good, especially bacuse of the overcrowding<sup>1347</sup>. In case of a lack of capacity, the referred women might be placed in other cities. In 2023, the women are often reluctant to access these centres, due to lack of trust, the fear of return, deportation, or any possible negative consequences<sup>1348</sup>. Sometimes due to the differences in legal systems between countries, there is a lack of awareness among refugee women about domestic violence experienced by girls and women, to share information about what violence is, women's shelters, and restraining orders, <sup>1349</sup>.

<sup>&</sup>lt;sup>1344</sup> 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 here. 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.

<sup>&</sup>lt;sup>1345</sup> Birkan Doğan & Hasan H. Taylan, 'Geçici Koruma Altindaki Suriyelilerin Aile İçi Sorunlarinin İncelenmesi: Kocaeli Örneği', 2022, available here

<sup>&</sup>lt;sup>1346</sup> T.C. Aile ve Sosyal Hizmetler Bakanlığı, 2023 Faaliyet Raporu, available here

<sup>&</sup>lt;sup>1347</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1348</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1349</sup> Information provided by stakeholders, March – April 2024.

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. 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.<sup>1350</sup>

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 Kırkkale for one month (see International Protection: Special Reception Needs).<sup>1351</sup>

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 2023, some women's shelters required registration with the municipality and a valid identification number.<sup>1352</sup> In 2023, in some cities, women who were victims of SGBV had their applications taken, and they could access protection immediately. In some small towns, some ŞÖNİMs (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.<sup>1353</sup>

Conditions in shelters are restrictive and many migrant women leave after a short period of time due to discrimination and psychological violence from other women<sup>1354</sup>. LGBTQI+ women are automatically excluded from these shelters.<sup>1355</sup>

The number of the identified victims of human trafficking is 223 in 2022 and the vast majority are Turkish citizens and unaccompanied children, and the Ministry of Family and Social Services provides support to the victims in question. In addition, a significant number of identified foreign victims do not want to benefit from the victim support program. The PMM annual report mentioned that there was an increase in the number of Syrian, Afghan and Turkish citizens among the identified victim nationalities<sup>1356</sup>.

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. Some NGOs provides information on their rights, such as Women's Solidarity Foundation, Mavi Kalem, and Refugee Rights Türkiye.

One exemplary initiative to ensure access to justice for refugee women is the grant agreement between the Council of Europe and the Union of Turkish Bar Associations (UTBA<sup>1357</sup>). This grant, part of the "Women's Access to Justice in Türkiye" project, aims to provide comprehensive legal aid services, particularly targeting women victims of violence and those from vulnerable groups such as refugees and migrants. The

<sup>&</sup>lt;sup>1350</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1351</sup> PMM, 'İnsan Ticareti İle Mücadele 2023', available here

<sup>&</sup>lt;sup>1352</sup> Information provided by a stakeholder, March 2024.

<sup>&</sup>lt;sup>1353</sup> Information provided by a stakeholder, May 2022 and May 2023.

<sup>&</sup>lt;sup>1354</sup> Ibfirnation provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1355</sup> Information provided by a stakeholder, March 2021 and May 2023.

<sup>&</sup>lt;sup>1356</sup> PMM, Annual Report 2023, available here

<sup>&</sup>lt;sup>1357</sup> CoE, December 2022, Understanding Barriers to Women's Access to Justice and Legal Aid in Türkiye, available here

project emphasizes gender-responsive legal aid, training lawyers in gender sensitivity, and ensuring that applicants receive consistent and intersectional support. Additionally, it seeks to remove barriers and geographical obstacles to legal aid, ensuring that trained legal aid lawyers, selected by local bar associations, provide quality legal advice and representation, thereby safeguarding women's human rights in alignment with European standards.

Courts issue suspension orders in cases of domestic violence, but in 2023, they have been still ineffective because the perpetrators and victims sometimes reside in the same household. Violence perpetrated along the migration route is pervasive but completely invisible. Syrian women cannot discuss sexual harassment or assault of this nature.<sup>1358</sup> In case of living in common settlement areas in the earthquakes affected region, there is a difficulty regarding the implementation of the restraining order, an injunction decision is taken, but in some cases, the security has no information about this order which make harder to implement the order and provide the security to the women<sup>1359</sup>.

## 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.<sup>1360</sup> In 2023, it is observed that there is an increase on child marriages, especially in the earthquakes-affected area<sup>1361</sup>.

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 some 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.<sup>1362</sup> 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.<sup>1363</sup>

In 2023, the Turkish Court of Cassation upheld the annulment of a second marriage, conducted in Syria by a Syrian national who later acquired Turkish citizenship, on the grounds of absolute nullity due to violation of public order. The individual had legally married a second wife in Syria while still married to the first, and upon gaining Turkish citizenship, both marriages were registered in Türkiye. The decision, based on Turkish Civil Code Article 145/1, was initially challenged but ultimately confirmed by the Court of Cassation, emphasizing that polygamy is prohibited under Turkish law regardless of the individual's previous nationality and legal practices in their country of origin.

In spite of criminalisation 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.<sup>1364</sup> Statistics on such reports are not available countrywide in 2023.

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. Many NGOs have child protection activities.

<sup>&</sup>lt;sup>1358</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1359</sup> Information provided by stakeholders, March – April 2024.

<sup>&</sup>lt;sup>1360</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1361</sup> Information provided by stakeholders, March – April 2024

<sup>&</sup>lt;sup>1362</sup> *Ibid*, page 7.

<sup>&</sup>lt;sup>1363</sup> *Ibid*, page 8.

<sup>&</sup>lt;sup>1364</sup> Information provided by a stakeholder, May 2023

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.<sup>1365</sup>

### 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.<sup>1366</sup> 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 2023.<sup>1367</sup> Syrian cisgender sex workers who are victims of gender-based violence have the right to be placed in SONIM, but due to the language barrier, they typically leave the shelter after three to four days.<sup>1368</sup>

According to the study conducted by the Red Umbrella Association, Syrian sex workers are stigmatized on the basis of both being a Syrian and doing sex work/ Syrian sex workers interviewed said that they were subjected to discriminatory treatment and ill-treatment in their encounters with law enforcement officers. Syrian sex workers do not know which center they should apply to for which health problem<sup>1369</sup>.

#### 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 is also a small number of NGOs, such as Human Rights Foundation of Türkiye, that specialise in treatment and rehabilitation services to torture survivors.

#### 4. LGBTQI+ 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.<sup>1370</sup> 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.<sup>1371</sup>

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 care problems and wish to leave Türkiye as soon as possible.<sup>1372</sup> 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.<sup>1373</sup>

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 Kahramanmaras, while another

<sup>&</sup>lt;sup>1365</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1366</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1367</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1368</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1369</sup> Gerçek Gündem, 'Araştırma: Türkiye'deki yabancılar (2) Suriyeli seks işçileri Türkiye'de neler yaşıyor?', 19.07.2023, available here

<sup>&</sup>lt;sup>1370</sup> Information provided by a stakeholder, June 2023.

<sup>&</sup>lt;sup>1371</sup> Information provided by s stakeholder, June 2023.

<sup>&</sup>lt;sup>1372</sup> Open Democracy, 'I Am Not Your Refugee: From All Over: LGBTQ Türkiye', 6 October 2022, available here

<sup>&</sup>lt;sup>1373</sup> Information provided by a stakeholder, June 2023.

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 accesible.

In the context of widespread discrimination targeting both refugee and LGBTIQ+ communities, LGBTIQ+ refugees feel unsafe and vulnerable. This discrimination is prevalent when they seek accommodation or labour market access<sup>1374</sup>.

Following the earthquakes, the marginalised position of LGBTQI+ individuals exacerbated existing societal inequalities and discrimination. These individuals faced heightened violence, discrimination, and hate speech, exacerbated by longstanding government targeting. In earthquake-affected areas, LGBTQI+ persons encountered significant obstacles accessing essential services, with their specific needs and challenges often overlooked and minimized. Local LGBTQI+ organizations and groups played a crucial role in meeting even basic needs through solidarity activities. The state's prioritisation of "family" in determining and providing aid exacerbated discrimination against LGBTQI+ individuals, both in earthquake-affected zones and among those who relocated to other cities<sup>1375</sup>.

#### 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.<sup>1376</sup> 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.

Research conducted by Kırkayak Kültür<sup>1377</sup> has revealed that negative perceptions, attitudes and discriminatory practices against Dom and Abdal communities, and the inability of Dom and Abdal communities to access rights and services in the aftermath of the earthquake appears to be a result of multilayered discriminatory practices.

(For more information see AIDA Turkiye 2022.)

<sup>&</sup>lt;sup>1374</sup> Information provided by s stakeholder, March 2024.

<sup>&</sup>lt;sup>1375</sup> Kadınişçi.org, Depremden kurtulan LGBTİ+'lar, katmerli ayrımcılıkla boğuşuyor, available here

<sup>&</sup>lt;sup>1376</sup> Information provided by a stakeholder, May 2023.

<sup>&</sup>lt;sup>1377</sup> Kirkayak Kültür, February 2024, "We started from zero, we returned to zero again...", available here.