Country Report: Turkey
Acknowledgements & Methodology

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

The 2019 update of the report draws on desk research, field visits and information collected from civil society organisations, academia, and legal practitioners in Istanbul, Izmir, Ankara, Hatay, Gaziantep, Şanlıurfa and Van. Access to official information on the situation of persons under international or temporary protection in Turkey remains limited to date.

The information in this report is up-to-date as of 31 December 2019, unless otherwise stated.

The Asylum Information Database (AIDA)

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

This report is part of the Asylum Information Database (AIDA), funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative by the Network of European Foundations, and the European Union's Asylum, Migration and Integration Fund (AMIF). The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of EPIM or the European Commission.
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</tr>
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<tbody>
<tr>
<td>AFAD</td>
<td>Disaster and Emergency Management Authority</td>
</tr>
<tr>
<td>CCTE</td>
<td>Conditional Cash Transfer for Education</td>
</tr>
<tr>
<td>CİMER</td>
<td>Presidency Communication Centre</td>
</tr>
<tr>
<td>ÇODEM</td>
<td>Child Support Centre</td>
</tr>
<tr>
<td>DGMM</td>
<td>Directorate-General for Migration Management</td>
</tr>
<tr>
<td>ECHR</td>
<td>European Convention on Human Rights</td>
</tr>
<tr>
<td>ECtHR</td>
<td>European Court of Human Rights</td>
</tr>
<tr>
<td>ESSN</td>
<td>Emergency Social Safety Net</td>
</tr>
<tr>
<td>GEM</td>
<td>Temporary Education Centre</td>
</tr>
<tr>
<td>GSS</td>
<td>General Health Insurance</td>
</tr>
<tr>
<td>HEP</td>
<td>Accelerated Learning Programme</td>
</tr>
<tr>
<td>IKGV</td>
<td>Human Resource Development Foundation</td>
</tr>
<tr>
<td>IPEC</td>
<td>International Protection Evaluation Commission</td>
</tr>
<tr>
<td>İSKUR</td>
<td>Turkish Employment Agency</td>
</tr>
<tr>
<td>LFIP</td>
<td>Law on Foreigners and International Protection</td>
</tr>
<tr>
<td>MUDEM</td>
<td>Refugee Support Centre</td>
</tr>
<tr>
<td>PDMM</td>
<td>Provincial Directorate for Migration Management</td>
</tr>
<tr>
<td>RFIP</td>
<td>Regulation on Foreigners and International Protection</td>
</tr>
<tr>
<td>SGDD-ASAM</td>
<td>Association for Solidarity with Asylum-Seekers and Migrants</td>
</tr>
<tr>
<td>SIHHAT</td>
<td>Improving the Health Status of the Syrian Population under Temporary Protection and Related Services Provided by Turkish Authorities</td>
</tr>
<tr>
<td>ŞÖNİM</td>
<td>Centre for the Elimination of Violence</td>
</tr>
<tr>
<td>SUT</td>
<td>Health Implementation Directive</td>
</tr>
<tr>
<td>TPR</td>
<td>Temporary Protection Regulation</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
<tr>
<td>YİMER</td>
<td>Foreigners Communication Centre</td>
</tr>
<tr>
<td>YKN</td>
<td>Foreigner Identification Number</td>
</tr>
<tr>
<td>YTB</td>
<td>Presidency for Turks Abroad and Related Communities</td>
</tr>
<tr>
<td>YTS</td>
<td>Foreign Terrorist Fighter</td>
</tr>
</tbody>
</table>
List of DGMM restriction codes and forms

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

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

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A99</td>
<td>Convicted by court (and unable to leave Turkey)</td>
</tr>
<tr>
<td>Ç114</td>
<td>Foreigner under criminal proceedings</td>
</tr>
<tr>
<td>Ç116</td>
<td>Foreigner threatening public morality and public health</td>
</tr>
<tr>
<td>Ç119</td>
<td>Foreigner under administrative fine pursuant to Law 4817 for undeclared employment</td>
</tr>
<tr>
<td>Ç120</td>
<td>Visa / residence permit violation</td>
</tr>
<tr>
<td>Ç137</td>
<td>Person invited to leave</td>
</tr>
<tr>
<td>Ç141</td>
<td>Entry ban</td>
</tr>
<tr>
<td>G78</td>
<td>Illness</td>
</tr>
<tr>
<td>G82</td>
<td>Activities against national security</td>
</tr>
<tr>
<td>G87</td>
<td>General security</td>
</tr>
<tr>
<td>G89</td>
<td>Foreign terrorist fighter</td>
</tr>
<tr>
<td>H42</td>
<td>Drug-related offences</td>
</tr>
<tr>
<td>N82</td>
<td>Work permit – activities against national security</td>
</tr>
<tr>
<td>N99</td>
<td>Work permit – other activities</td>
</tr>
<tr>
<td>O100</td>
<td>Entry ban and cancellation of asylum</td>
</tr>
<tr>
<td>V71</td>
<td>Unknown location</td>
</tr>
<tr>
<td>V74</td>
<td>Person requiring permission to exit</td>
</tr>
<tr>
<td>V84</td>
<td>Short-stay entry (180/90 days)</td>
</tr>
<tr>
<td>V87</td>
<td>Voluntary returned foreigner</td>
</tr>
<tr>
<td>V89</td>
<td>Greece – Return</td>
</tr>
<tr>
<td>V91</td>
<td>Temporary protection holder requiring permission to exit</td>
</tr>
<tr>
<td>V92</td>
<td>Subsequent registered foreigner</td>
</tr>
<tr>
<td>Y26</td>
<td>Illegal terrorist activity</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Deportation / Irregular Entry Form</td>
</tr>
<tr>
<td>T2</td>
<td>Invitation to Leave the Country Form</td>
</tr>
<tr>
<td>T6</td>
<td>Administrative Surveillance Decision Form ordering release from a Removal Centre and reporting obligation</td>
</tr>
</tbody>
</table>
Overview of statistical practice

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

International protection applicants: 2019

<table>
<thead>
<tr>
<th>Total</th>
<th>56,417</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>35,042</td>
</tr>
<tr>
<td>Iraq</td>
<td>15,532</td>
</tr>
<tr>
<td>Iran</td>
<td>3,558</td>
</tr>
<tr>
<td>Others</td>
<td>2,285</td>
</tr>
</tbody>
</table>


Registered temporary protection beneficiaries: 5 March 2020

<table>
<thead>
<tr>
<th>Total number</th>
<th>Beneficiaries</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Temporary Accommodation Centres</td>
<td>3,525,245</td>
<td>98%</td>
</tr>
<tr>
<td>In Temporary Accommodation Centres</td>
<td>64,044</td>
<td>2%</td>
</tr>
</tbody>
</table>

Breakdown per fifteen main provinces: 5 March 2020

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

### Main legislative acts relevant to international protection and temporary protection

<table>
<thead>
<tr>
<th>Title (EN)</th>
<th>Original Title (TR)</th>
<th>Abbreviation</th>
<th>Web Link</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amended by:</strong> Emergency Decree No 676, 29 October 2016</td>
<td>676 Kanun Hükmünde Kararname Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükûmünde Kararname, 29 ekim 2016</td>
<td></td>
<td><a href="http://bit.ly/2ISX0RA">http://bit.ly/2ISX0RA</a> (TR)</td>
</tr>
<tr>
<td><strong>Amended by:</strong> Law No 7070, 1 February 2018 on the regulation of emergency provisions</td>
<td>7070 Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararname, 1 Şubat 2018</td>
<td></td>
<td><a href="http://bit.ly/2z0t3wh">http://bit.ly/2z0t3wh</a> (TR)</td>
</tr>
<tr>
<td><strong>Amended by:</strong> Decree No 703 on the harmonisation of laws, 9 July 2018</td>
<td>703 Anayasada yapılan değişikliklere uyum sağlanması amacıyla bazı kanun ve kanun hükmünde kararname, 9 temmuz 2018</td>
<td></td>
<td><a href="https://bit.ly/2WAm8nx">https://bit.ly/2WAm8nx</a> (TR)</td>
</tr>
<tr>
<td><strong>Amended by:</strong> Law No 7148 amending several acts, 26 October 2018</td>
<td>7148 Değişiklik Yapılması Hakkında Kanun, 26 ekim 2018</td>
<td></td>
<td><a href="http://bit.ly/2EqekOa">http://bit.ly/2EqekOa</a> (TR)</td>
</tr>
<tr>
<td><strong>Amended by:</strong> Law No 7196 amending several acts, 6 December 2019</td>
<td>7196 Değişiklik Yapılması Dair Kanun, 6 Aralık 2019</td>
<td></td>
<td><a href="http://bit.ly/2TSm0zU">http://bit.ly/2TSm0zU</a> (TR)</td>
</tr>
<tr>
<td>Law No 2577 on Administrative Court Procedures, 6 January 1982</td>
<td>2577 İdari Yargılama Usulleri Kanunu, 6 ocak 1982</td>
<td></td>
<td><a href="http://bit.ly/1KcDTzg">http://bit.ly/1KcDTzg</a> (TR)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Title (EN)</th>
<th>Original Title (TR)</th>
<th>Abbreviation</th>
<th>Web Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation Title</td>
<td>Description</td>
<td>Amended By</td>
<td>Link (TR)</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 nisan 2016</td>
<td>Amended by: Regulation 2018/11208, 16 March 2018</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 mart 2018</td>
<td>Amended by: Regulation 2019/1851, 25 December 2019</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Geçici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2019/1851, 25 aralık 2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019</td>
<td>Gönüllü Geri Dönüş Nedeniyle Kaybı Sonlandırılan Suriyeliler Hk., 07 ocak 2019</td>
<td></td>
<td>TPR Circular 2019/1</td>
</tr>
<tr>
<td>Regulation No 25418 on Legal Aid of the Union of Bar Associations, 30 March 2004</td>
<td>Türkiye Barolar Birliği Adli Yardım Yönetmeliği, 30 mart 2004</td>
<td></td>
<td>Legal Aid Regulation <a href="http://bit.ly/1dg9Nwz">http://bit.ly/1dg9Nwz</a> (TR)</td>
</tr>
<tr>
<td><strong>Ministry of Interior Regulation No 29656 on the Fight against Human Trafficking and Protection of Victims, 17 March 2016</strong></td>
<td><strong>İnsan Ticaretiyle Mücadele ve Mağdurların Korunması Hakkında Yönetmelik, 17 mart 2016</strong></td>
<td><strong>Anti-Trafficking Regulation</strong></td>
<td><a href="https://bit.ly/1VeEOn5">https://bit.ly/1VeEOn5</a> (TR)</td>
</tr>
<tr>
<td><strong>Ministry of Family and Social Policies Regulation No 29656 on Centres for the Prevention and Elimination of Violence</strong></td>
<td><strong>Şiddet Önleme ve İzleme Merkezleri Hakkında Yönetmelik, 17 mart 2016</strong></td>
<td><strong>ŞÖNİM Regulation</strong></td>
<td><a href="https://bit.ly/1ppy1L1">https://bit.ly/1ppy1L1</a> (TR)</td>
</tr>
</tbody>
</table>
Overview of main changes since the previous report update

The report was previously updated in March 2019.

**Covid 19 related measures**

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

- All resettlement from Turkey was suspended in early 2020, including Germany’s and Turkey’s bilateral agreement on the readmission of refugees, due to the Coronavirus. This means that due to travel restrictions departure for resettlement has been postponed. UNHCR resettlement interviews were also postponed as of time of writing. UNHCR is trying to keep up other services including using digital means where possible. ¹

- Some of the appointments for residence permits in Istanbul and Ankara have been rescheduled for later in the year.²

- The Ministry of Family, Labour and Social Services sent instructions to the 81 provincial directorates that documents for Disabled People who receive Disability Benefits and Benefits from Home Care Assistance that expired on 1 January 2020 would be valid until the end of May.³

- While health insurance will not be automatically reactivated for those who do not have any, due to the current situation, emergency health services related to COVID-19 should be accessible for Turkish and foreign nationals regardless of the health insurance situation.

- Presidential Decision number 2399 from 13 April 2020 guarantees that everyone, regardless of whether they have social security or insurance, can access personal protective materials, diagnostic tests and drug treatment free of charge. There have been some problems due to the lack of a written regulation about how to register unregistered / undocumented immigrants who do not benefit from general health insurance in the system and it is unclear at time of writing if hospitalisation is covered.⁴

- Information resources on Coronavirus such as how to look after your health, government measures on curfews and travel restrictions, and how to access government assistance, are available in Turkish, Arabic, English, Farsi, for example by SGDD-ASAM.⁵

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⁵ Available at: https://bit.ly/2wDx2jQ.
There have been measures taken to ensure social distancing in areas where large numbers of people are living together, for example, in the Osmaniye camp for Syrian refugees and in accommodation for agricultural workers, that often include refugees.⁶

Izmir Bar Association released a report on COVID-19 that 19 of those held in Harmandalı Removal Centre had tested positive. Those who fall sick are not isolated and live in over-crowded rooms. There is also a lack of hygiene equipment.⁷

On March 27, Turkey's interior ministry announced that Turkey had removed all the remaining migrants away from the Turkish-Greek border, as a precaution amid the coronavirus pandemic.⁸

General context

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

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

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

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

In the context of the implementation of the EU-Turkey statement between 4 April 2016 and 31 January 2020, Turkey readmitted a total of 2,054 persons from Greece including citizens of Pakistan, Syria, Algeria, Afghanistan, Iraq and Bangladesh.¹⁰ As of March 2020, 26,135 Syrians had been resettled (since 2016) to the EU under the 1:1 scheme.¹¹

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⁹ See the EU Delegation in Turkey: https://www.avrupa.info.tr/en.
The bigger political picture saw Turkey pushing for a ‘safe zone’ in northeastern Syria and promoting returns to Syria. There was also a stand-off between the EU and Turkey in early 2020 as Turkey opened its borders to Europe whilst Greece temporarily closed its borders, including to refugees, resulting in inhumane conditions at the Greek-Turkish border.\textsuperscript{12}

\textbf{International protection}

\textit{International protection procedure}

\begin{itemize}
  \item \textbf{Reform of the Law on Foreigners and International Protection (LFIP):} There was a major amendment to the LFIP in 2019.\textsuperscript{13} This affected provisions on cessation, documentation, the international protection procedure, reception conditions, access to health care and return.
  \item \textbf{Registration:} Since 2018 applications for international protection have been registered by the Provincial Directorate for Migration Management (PDMM) in all 81 provinces. Since the takeover of the process by DGMM and the termination of UNHCR’s registration activities, there have been severe obstacles to accessing the international protection procedure particularly for Afghan nationals,\textsuperscript{14} which continued in 2019. It is often unclear which “satellite city” is open to applications and applicants still have problems having to travel to the assigned province without being provided documentation to attest their intention to seek international protection, thus facing risks of arrest and detention. The number of unregistered irregular migrants grew.
  \item \textbf{Quality of the first-instance procedure:} Overall, practice on the examination and the decision-making at first instance is not uniform across provinces. The quality of interviews, the assessment of evidence, the lack of identification of vulnerable groups, the lack of training of migration experts as well as the lack of available interpreters have been reported as particular concerns throughout the year. Quality gaps at first instance have also been identified by Administrative Courts in certain cases.
  \item \textbf{Access to information:} Several developments have been reported with regard to access to information in 2019. This included \textit{inter alia} the distribution of over 280,000 information leaflets and 10,000 posters on legal aid and international protection procedures in seven languages as well as the possibility to obtain information through hotline services, such as DGMM’s Foreigners Communication Centre (\textit{Yabancı İletişim Merkezi}, YİMER) which was contacted 490,630 times in 2019; as well as UNHCR’s Counselling lines for refugees and asylum seekers, which answered 110,463 unique calls from 1 July to 31 December 2019.
  \item \textbf{Legal assistance:} The legal aid project implemented by the Union of Bar Associations in Turkey in collaboration with UNHCR, continues to provide free legal assistance to asylum seekers at all stages of the international protection procedure, detention, as well as on civil law matters and
\end{itemize}


\textsuperscript{14} Afghans can often be seen as irregular migrants. See for example, DGMM ‘Our General Director Made Statements Regarding the Agenda in the Interview He Gave to the Anatolian News Agency’ 1 April 2020, where the General Director discusses how irregular migrants mainly come from Afghanistan and Pakistan, available at: \url{https://bit.ly/3cylsWK}.
women’s rights. There are now three Refugee Law Clinics in Şanlıurfa, Gaziantep and Hatay that provided legal assistance to more than 2,700 refugees and asylum seekers in 2019.\textsuperscript{15}

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

Reception conditions

\textbullet\ Social cohesion: DGMM issued a new strategy, the Cohesion Strategy and National Action Plan. According to the strategy, six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labor market and social support.

\textbullet\ Housing: One of the most prominent shortcomings of Turkey’s legal framework for asylum remains the failure to commit to providing state-funded accommodation to international protection applicants. International protection applicants and status holders must secure their own accommodation by their own means and financial assistance to cover housing expenses is not provided. There is only one remaining Reception and Accommodation Centre in operation in the province of Yozgat with a modest capacity of 100 places.\textsuperscript{18} As a result, many applicants are left destitute and homeless, live in poor conditions and are at risk of serious human rights violations.

\textbullet\ Health care: There were changes to the LFIP in December 2019. Article 89(3)(a) LFIP now provides that access to health care under Turkey’s General Health Insurance (Genel Sağlık Sigortası, GSS) is provided to applicants for international protection for one year after the registration of their application, with the exception of persons with special needs. The right to health care ceases upon the issuance of a negative decision.\textsuperscript{19}

Detention of asylum seekers

\textbullet\ Detention without legal basis: Intensified police checks and apprehension of persons found outside their assigned “satellite city” have led to an increase in detention in Removal Centres, even though there is no basis in the LFIP for detaining an applicant for violating residence restrictions. Operations by the authorities in Istanbul starting in July 2019 increased the unlawful detention of unregistered Syrians and non-Syrians. According to Istanbul PDMM, 42,888 irregular migrants were sent to detention centres in several cities and 6,416 unregistered Syrians were sent to temporary accommodation centres between 12 July 2019 and 15 November 2019.\textsuperscript{20}

\textbullet\ Place of detention: Detention capacity increased in 2019 with a total of 28 active Removal Centres accommodating 20,000 persons. In times of pressure in 2019 other facilities were used for pre-removal detention due to capacity shortage including police stations and sport venues.

\textsuperscript{15} UNHCR, Turkey Operational Highlights 2019, 6 March 2020, available at: http://bit.ly/3d0MsyY.

\textsuperscript{16} Constitutional Court, Decision 2016/22418, 30 May 2019, available in Turkish at: https://bit.ly/2wHa3Eq.

\textsuperscript{17} Law No 7196 amending several acts, 6 December 2019, available in Turkish at: http://bit.ly/2TSm0zU.


\textsuperscript{19} Law No 7196 amending several acts, 6 December 2019, available in Turkish at: http://bit.ly/2TSm0zU.

\textsuperscript{20} Istanbul PDMM statement available in Turkish at: https://bit.ly/33LBDwB.
Alternatives to detention: New amendments to the law in December 2019 included Article 57(A) LFIP which lays down alternatives to pre-removal detention including inter alia: residence at a specific address, working on a voluntary basis for public good, reporting duties, family based return, return counselling, financial guarantees and electronic tagging. These measures shall not be applied for more than 24 months and non-compliance shall be a ground for imposing pre-removal detention. However, it is too early to tell how this will affect practice overall.

Appeals against detention orders: In 2019 lawyers complained of ‘systematic’ rejections of appeals against detention orders in Antakya and Izmir and widespread rejections in Van.

Access to detention facilities: Although the situation improved in 2019 there can still be restrictions for lawyers seeking to meet those in detention in Removal Centres in certain detention facilities, for example, Izmir, and for younger or less experienced lawyers.

Content of international protection

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

Temporary protection

Temporary protection procedure

Registration: The issues mentioned above on the registration of applicants for international protection also apply to the registration of individuals falling under the temporary protection procedure (i.e. unclarity as to which cities are open/closed for registration, lack of ID documents resulting in irregular migrants being at risk of deportation and administrative detention). Additional issues relate to the significant delays in security checks and pre-registration which may take several months depending on the province. This is exacerbated by a lack of interpreters and other practical impediments to registration such as errors on the part of DGMM officials, which may only be corrected following time-consuming legal intervention.

Voluntary return: Many stakeholders have expressed serious concerns on the enforced signing of voluntary return forms in 2019, particularly from detention.24 This included providing wrong and/or misleading information as well as intimidation. Following an important operation that started in mid-July, 42,888 irregular migrants were sent to detention centres in several cities and 6,416 unregistered Syrians were sent to temporary accommodation centres between 12 July 2019 and 21 October 2019.

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21 Article 83(1) LFIP.
22 Article 83(2) LFIP.
23 Article 83 as amended by 85 7196 Law, 24 December 2019.
15 November 2019. Several appeals against administrative detention and deportation decisions are now pending before courts in Istanbul.

❖ **Access to services upon return to Turkey:** A DGMM Circular of 7 January 2019 clarified that persons returning to Turkey as of 1 January 2019 after having signed a "voluntary return document", especially pregnant women, elderly persons and children, should be allowed to re-access services. This has worked in some provinces but not in others and many stakeholders have noted difficulties in getting temporary protection status ‘re-activated’ once people are back in Turkey.

*Content of temporary protection*

❖ **The Temporary Protection Regulation:** This was amended on 25 December 2019. The amendment announced new courses on personal development, social, cultural, professional, technical, artistic and sports for beneficiaries of temporary protection. However, according to the amendment, Syrians under temporary protection will now be deported if they do not comply with their notification duty three times consecutively. This leaves refugees with language problems and a lack of legal advice more vulnerable.

❖ **Housing:** The number of temporary accommodation centres (TACS) is steadily reducing. In 2019 a further six TACs closed. A one-off cash relocation assistance package to cover transportation, rent and immediate needs was provided to over 77,800 refugees (15,400 families) choosing to move out of the TACs. As of 27 February 2020, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,587,266, of which less than 2% were accommodated in the TACs, whereas 3,523,218 were resident outside the camps. However, many of them face several important issues after having been moved out including social cohesion, language barriers, access to services and housing. This can result in poor living conditions and incidents of tension, discrimination as well as violence with locals.

❖ **Access to education:** The authorities, the EU and other stakeholders continued to support large scale efforts to increase access to education, including formal, informal and vocational for beneficiaries of international protection. The number of Temporary Education Centres (*Geçici Eğitim Merkezi*, GEM) continued to drop.

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26 Information provided by a lawyer from the Istanbul Bar Association, February 2020.
27 DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.
Introduction to the asylum context in Turkey

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

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

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

1. Persons who fall within the refugee definition in Article of the 1951 Convention and come from a “European country of origin” qualify for refugee status under LFIP, in full acknowledgment of Turkey’s obligations under the 1951 Convention.

2. Persons who fall within the refugee definition in Article of the 1951 Convention but come from a so-called ‘non-European country of origin’, are instead offered conditional refugee status under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from ‘non-European’ states and those originating from ‘European’ states.

3. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at “individualised risk of indiscriminate violence” due to situations or war or internal armed conflict, qualify for subsidiary protection status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive.

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


32 For the purpose of “geographical limitation” in regards to the interpretation of the 1951 Convention, Government of Turkey considers Council of Europe member states as ‘European countries of origin’.
the temporary protection regime, which is based on Article 91 LFIP and the Temporary Protection Regulation (TPR) of 22 October 2014.

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

1. Flow chart

- Application on the territory
  - DGMM

- Application in detention
  - DGMM

  Reporting to “satellite city”
  (15 days)

  Registration of application
  - DGMM

  Regular procedure
  - (6 months)
  - DGMM

  Accelerated procedure
  - (8 days)
  - DGMM

  Refugee status
  - Conditional refugee status
  - Subsidiary protection

  Rejection

  Appeal
  - Administrative Court

  Onward appeal
  - Council of State

  Suspensive
2. Types of procedures

<table>
<thead>
<tr>
<th>Indicators: Types of Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Which types of procedures exist in your country?</td>
</tr>
<tr>
<td>❖ Regular procedure:</td>
</tr>
<tr>
<td>• Prioritised examination:33</td>
</tr>
<tr>
<td>• Fast-track processing:34</td>
</tr>
<tr>
<td>❖ Dublin procedure:</td>
</tr>
<tr>
<td>❖ Admissibility procedure:</td>
</tr>
<tr>
<td>❖ Border procedure:</td>
</tr>
<tr>
<td>❖ Accelerated procedure:35</td>
</tr>
<tr>
<td>❖ Other</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Stage of the procedure</th>
<th>Competent authority (EN)</th>
<th>Competent authority (TR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>Directorate General for Migration Management (DGMM)</td>
<td>Göç İdaresi Genel Müdürlüğü (GİGM)</td>
</tr>
<tr>
<td>Refugee status</td>
<td>Directorate General for Migration Management (DGMM)</td>
<td>Göç İdaresi Genel Müdürlüğü (GİGM)</td>
</tr>
<tr>
<td>determination</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>International Protection Evaluation Commission Administrative Court</td>
<td>Uluslararası Koruma Değerlendirme Komisyonu Idare Mahkemesi</td>
</tr>
<tr>
<td>Onward appeal</td>
<td>Council of State</td>
<td>Danıştay</td>
</tr>
<tr>
<td>Subsequent application</td>
<td>Directorate General for Migration Management (DGMM)</td>
<td>Göç İdaresi Genel Müdürlüğü (GİGM)</td>
</tr>
</tbody>
</table>

4. Number of staff and nature of the determining authority

<table>
<thead>
<tr>
<th>Name in English</th>
<th>Number of staff</th>
<th>Ministry responsible</th>
<th>Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate General for Migration Management (DGMM)</td>
<td>Not available</td>
<td>Ministry of Interior</td>
<td>☑ Yes ■ No</td>
</tr>
</tbody>
</table>

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

33 For applications likely to be well-founded or made by vulnerable applicants.
34 Accelerating the processing of specific caseloads as part of the regular procedure.
35 Labelled as “accelerated procedure” in national law.
The functions and structure of DGMM were revised in 2018 following the inauguration of the presidential system in Turkey. Presidential Decree No 4 abolished previously established councils within DGMM such as the Migration Policy Council and the Migration Advisory Council, which were responsible for developing policies in this area.37

UNHCR continues to assist DGMM in building capacity in refugee law and provided training to 368 staff members in 2019.38 Similarly, EASO continues providing support to DGMM and PDMMs on working methodologies in the asylum process, especially on matters concerning vulnerable groups, through the implementation of an enhanced roadmap for the period 2019-2021.39

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

5. Short overview of the asylum procedure

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

An international protection applicant has the right to remain on the territory throughout the asylum procedure, although a derogation applies on grounds of “public safety”, “public health” and “membership of a terrorist or criminal organisation”. The Constitutional Court issued a pilot judgment in the case of Y.T. in 2018, launching the pilot procedure to examine whether requests for interim measures it has received stem from a structural problem to protection from refoulement and, if so, what measures can be taken. The Court published its decision in July 2019.41 In its decision, the Court says that the application of Articles 53(3) and 54 of LFIP should be revised and that appeals against deportation should have suspensive effect especially where deportation could create severe human rights violations. The Court gave the governmental authorities one year to make the necessary legal changes or it would examine all applications filed requesting an interim measure to stop deportations in substance. The legal amendment was made by the authorities in December 201942. The authorities obey the ruling and now appeals often stop deportations, so rights to prevent refoulement have been strengthened. However, there have been concerns that this had a knock-on effect of increasing ‘voluntary returns’43 (see sections on Removal and refoulement and Cessation of temporary protection).

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

40 Information provided by a lawyer of the Izmir Bar Association, March 2019.
42 Articles 53(3) and 54 of LFIP that were amended by Law No 7196 amending several acts, 6 December 2019, available in Turkish at: http://bit.ly/2T5mOzU.
43 Information provided by a stakeholder, February 2020.
The LFIP also provides a differentiated set of remedies against decisions issued under the regular procedure compared to the accelerated procedure and admissibility decisions. Judicial appeals against negative decisions under the accelerated procedure and inadmissibility decisions have to be filed within 15 days. Negative decisions in the regular procedure can be challenged at the International Protection Evaluation Commission (IPEC) within 10 days or directly at the competent Administrative Court within 30 days; in practice, the latter remedy is applied. All international protection appeals generally carry suspensive effect and guarantee applicants’ right to stay in Turkey until the full exhaustion of remedies, except for persons facing deportation on grounds of “public safety”, “public health” and “membership of a terrorist or criminal organisation”.

B. Access to the procedure and registration

1. Access to the territory and push backs

<table>
<thead>
<tr>
<th>Indicators: Access to the Territory</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs?</td>
</tr>
</tbody>
</table>

1.1. Access at the land border

Turkey has constructed a 144km wall on its Iranian border,^44^ although some stakeholders have questioned its efficacy. In 2019 irregular arrivals were mostly reported in Van, Ağrı and Erzurum in the east, and Muğla, Aydın, İzmir, Çanakkale, Edirne and İstanbul in the west. According to DGMM statistics, Afghanistan was the top nationality of persons apprehended for irregular migration, with 201,437 out of a total of 454,662 apprehended persons in 2019 – the highest number since records began.^45^ In the east people continued to arrive on foot or with the assistance of smugglers, following Ministry of Interior instructions to bus companies not to sell tickets to persons who do not hold valid documentation.^46^ Increasing numbers of arrivals through the Iranian border has led to restrictive measures and arbitrary detention and deportation practices (see Place of Detention), with mainly single Afghan men being issued deportation (“T1”) forms.^47^ The “T1” forms are usually issued following administrative detention in a Removal Centre or a police station, and are stored in the DGMM electronic file management system named “Göç-Net”. If a “T1” deportation decision has been issued, the person cannot apply for international protection and the decision can only be challenged by a judicial appeal.^48^ In 2019 there were push backs from Greece to Turkey.^49^ Lawyers in Van assisted in several cases and highlighted illegalities in the deportation procedures.^50^

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^46^ Information provided by a stakeholder in February 2019.


^48^ Information provided by a stakeholder in March 2019.


^50^ Information provided by a lawyer from the Van Bar Association, February 2020.
As of November 2019, 23,789 Afghan nationals had reportedly been deported from Turkey.\(^{51}\)

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

1.2. Access at the airport

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

2. Removal and refoulement

2.1. The derogation from the non-refoulement principle

Applicants for international protection generally have the right to remain on the territory of Turkey throughout the procedure.\(^{52}\) However, an exception to this rule was introduced by way of emergency decree in October 2016, providing that a deportation decision “may be taken at any time during the international protection proceedings” against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.\(^{53}\) The reform was consolidated by Law No 7070 on 1 February 2018.

For foreigners who have been convicted of an offence, the Public Prosecutor shall request the opinion of the Ministry of Interior as to whether or not they should be removed from the country.\(^{54}\)

The law effectively enables the deportation of asylum seekers, beneficiaries of international protection and beneficiaries of temporary protection (see Temporary Protection: Protection from Refoulement) on the aforementioned grounds which remain largely vague and could be interpreted widely.\(^{55}\) The reform introduced by the Decree has been criticised for facilitating and exacerbating risks of arbitrary deportations jeopardising the life and safety of refugees.\(^{56}\)

Cases of deportation under Article 54(1)(b), (d) and (k) LFIP continued in 2019.\(^{57}\) Cases reported by lawyers refer to criminal investigations, even if they do not result in a conviction, followed by administrative detention for the purpose of removal (see Grounds for Detention).

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\(^{52}\) Article 80(1)(e) LFIP.

\(^{53}\) Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676.

\(^{54}\) Article 77 Regulation No 28578 on Conditions of Probation, 5 March 2013, as amended by Article 1 Regulation No 30631 of 20 December 2018.


\(^{57}\) Information provided by a lawyer of the İzmir Bar Association, March 2019.
Deportation on public order, public security and public health grounds is linked to the security restriction codes issued by DGMM, a practice still not governed by clear, publicly available criteria. The implementation and regulation of these codes is not set out in the law but likely in internal circulars and instructions within the administration.

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

Security-related codes such as “G89” for foreign terrorist fighters and “G87” for general security seem to still be applied, though only in specific parts of the country, such as Gaziantep. The assessment of risks, conducted by the Risk Analysis Department as far as airports are concerned, 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. 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.

Security codes can be only appealed before the Administrative Court of Ankara, since they are issued by DGMM Headquarters. In appeals against the issuance of restriction codes, confidential documents submitted by DGMM are not available to the individual or his or her lawyer; they can only be accessed in person at the registry of the Administrative Court of Ankara. The court generally leaves a wide margin of discretion to DGMM with regard to the issuance of codes. It has not taken a uniform approach to the scrutiny of codes, with some rulings annulling the issuance of codes for want of evidence and others upholding them. In Izmir lawyers had some success in appealing codes due to procedural errors by the administration who at times have been unable to provide information on the legal basis for applying the code, or where there is a lack of legal notification or translation. In Izmir there is no specific profile of the people being assigned codes, anyone can be assigned a code, even Americans or Germans.

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

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

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58 Information provided by a lawyer of the Istanbul Bar Association, February 2019.
60 Information provided by a lawyer of the Antakya Bar Association, February 2019.
62 Information provided by a stakeholder, February 2018.
64 Information provided by a stakeholder, February 2019.
65 For examples of decisions cancelling a “G87” code due to lack of evidence, see 1st Administrative Court of Ankara, Decision 2018/2207, 13 February 2019; Decision 2018/524, 14 March 2018.
66 Information provided by a lawyer from the Izmir Bar Association, February 2020.
70 Information provided by a stakeholder in Izmir, February 2020.
Recent amendments to the LFIP allow for the travel costs for removal to be borne by the deportee. If the individual does not have sufficient money, the expense shall be borne by DGMM yet in the same article it states “money belonging to the foreigner, apart from the amount that is required to meet the basic needs identified by the Directorate General, will be recorded as income to the Treasury”.71

2.2. Appeal before the Administrative Court

Courts have clarified that the removal decision must be properly notified to the individual, either in writing or orally, and include information on appeal possibilities.72 The appeal against a deportation decision is a remedy separate from remedies in the international protection procedure.73 It now has automatic suspensive effect, following a review of the LFIP in reforms from December 2019, and the deletion of exceptions to the right to remain on the territory.74

However, removal decisions must be appealed before the Administrative Court within seven days of notification.75 Lawyers say it is extremely difficult to gather all the information and write an appeal in seven days particularly if the case needs translation work or there are difficulties accessing a client in detention. This short time limit has a negative affect both on access to justice and the quality of the lawyer-client relationship.76

On the other hand, because the appeal now stops the deportation and practice is in conformity with the law, lawyers no longer need to apply to the Constitutional Court to stop deportations. Lawyers now only need to apply when an administrative body unlawfully deports their client or to secure a possible application to ECtHR.77

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

There was a positive decision from the Van 1st Administrative Court concerning the deportation of a Christian Iranian in 2019. The grounds for the positive decision were the submission of translated evidence from the criminal court case of the applicant from Iran. The applicant was caught in Van without ID and sent to the removal centre to be deported. His application for international protection was not accepted by the removal centre management without a cover letter from his lawyer. The client was told that the accelerated procedure would be applied but did not receive a reply from Van PDMM for 11 months during which time he was in detention. His application was accepted only after the positive judgement of the Van 1st Administrative Court cancelling the deportation decision. His lawyer was not notified about his release from

72 District Court of Izmir, 6th Chamber, Decision 2017/1109, 15 September 2017. The court overturned the decision of the 1st Administrative Court of Izmir, which had deemed the appeal inadmissible due to the expiry of the 15-day deadline.
73 Article 53 LFIP.
74 Law No 7196 amending several acts, 6 December 2019, available in Turkish at: http://bit.ly/2TSm0zU.
75 Article 53(3) LFIP. This time limit has been ruled to be in line with the Turkish Constitution: Constitutional Court, Decision 2016/135, 14 July 2016, available in Turkish at: http://bit.ly/2DQwB8m.
76 Information provided by a lawyer from the Istanbul Bar Association, February 2020.
77 Information provided by a lawyer from the Istanbul Bar Association, February 2020.
the removal centre. After three applications for his release from the removal centre which were all rejected without any legal grounds, he was released on the grounds that ‘the detention period was long enough’ and obliged to give his signature weekly in Van. Once he was registered in Van and received international protection, he applied for family reunification.78

In an important case in Izmir, an appeal was accepted based on a need to undertake a careful assessment as per Article 55(2) of the LFIP. The potential returnee was from Mali although the government claimed he was lying and actually from Cameroon, which was a ground for deportation. The court ruled there was not enough due diligence and a lack of assessment to find out the returnee’s real name and nationality so the deportation should be cancelled. The assessment of nationality was not carried out in an effective way as required by Article 55(2) LFIP.79

Lawyers in Van, Izmir and Antakya expressed serious concerns about clients being forced to sign voluntary return forms.

Deportations are executed from Van either to deportees’ own countries if they are from Iran or Afghanistan or to another safe country. Clients who signed voluntary return forms have been deported to Armenia.80

In the removal centre in Van, there are leaflets and advertisements on voluntary return but no information about international protection or legal aid. Lawyers thus assume that the system is return-oriented. Clients were often deported even after lodging an appeal. There were allegations that potential returnees were given wrong or fraudulent information to make them sign the voluntary return document. In most cases, signatures are taken without the presence of a lawyer. Out of three cases of voluntary return forms assessed by a lawyer in Van, none of them were really ‘voluntary’. In one case, two Iranians signed the form because they did not want to stay in the removal centre. In another case, a client with a long-term residence permit in Turkey was caught in Bodrum by the police while he was on holiday with his friend. When the police found a plastic boat in his car they assumed that he wanted to leave Turkey illegally.81 He was sent to the removal centre to be deported to Iran. He is now in Iran but wants to come back to Turkey. However, there is a code on his name and a ban to enter Turkey for 18 months.82

There have been returns from the Izmir removal centre which were also judged not to be ‘voluntary’. People reported they were forced to sign the forms by threat or were given the wrong information.83 There were also allegations that an illiterate Syrian had his finger broken while forcing him to put his fingerprint on the form. ‘Real’ voluntary returns took longer. For instance, a voluntary return of a Pakistani refugee took three months. 84

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

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78 Van 1st Administrative Court, Case number 2018/2558, decision number 2019/981, date 30 April 2019.
79 Izmir 1st Instance Administrative Court, Case number 2019/692 2019/1331.
80 Information provided by a lawyer from the Van Bar Association, February 2020.
81 Not at a border crossing point as per Article 5(1) LFIP.
82 Information provided by a lawyer from the Van Bar Association, February 2020.
84 Information provided by a lawyer from the Izmir Bar Association, March 2020.
However, in between, she was forcibly deported. The lawyer tried to stop the deportation by calling politicians, NGOs and emailing DGMM saying that the client had changed her mind and she did not want to go back to Syria. The lawyer also obtained a written statement from the client that she had changed her mind and did not want to return to Syria. Although the migration officer assured the lawyer that she would not be deported, the family notified the lawyer that she had already been deported to the Syrian border alone.

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

Article 60(a) LFIP on assisted voluntary return was amended in December 2019 to add that in-kind or cash support can be provided to persons deemed appropriate by the DGMM in cases of voluntary return to their country of origin.

2.3. The complaint procedure before the Constitutional Court

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

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

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

85 Antakya Administrative Court, Docket number 2019/1209.
86 Decision of Hatay Governate PDMM to release 28 people from administrative decision because of diverse vulnerabilities eg women children. 27 December 2019, decision 3196 3003-000-E-48024.
87 Information provided by a lawyer from the Antakya Bar Association, March 2020.
89 Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.
Court seems to grant interim measures on different issues such as access to a lawyer or prevention of refoulement.\(^{91}\)

After the entry into force of Emergency Decree No 676, the only effective recourse for preventing removal was a complaint before the Constitutional Court together with a request for interim measures. This changed in 2019. The Court had delivered a pilot judgment in the case of \(Y.T.\) on 12 June 2018, launching a pilot procedure to examine whether requests for interim measures stemmed from a structural problem to protection from refoulement and, if so, what measures should be taken.\(^{92}\) In its decision published in July 2019,\(^{93}\) the Court said that Articles 53(3) and 54 of LFIP should be revised and that appeals against removal should have suspensive effect, especially where deportation could create a structural problem and severe human rights violations. The Court gave the authorities one year to make the necessary legal changes otherwise the Court would examine all applications filed requesting an interim measure to stop deportations in substance. According to the Court, there were 1,545 such applications between 29 October 2016 and 8 April 2019. The Court also accepted the request of the applicant to not be deported and awarded compensation and legal fees. A legal amendment to these and other articles of the LFIP was made in December 2019.\(^{94}\)

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

Where the Constitutional Court grants interim measures, it is up to the legal representative of the applicant to transmit the order to the PDMM so as to prevent the execution of the removal decision.\(^{96}\) There have been cases where deportations took place due to the failure of lawyers to inform the PDMM of existing interim measures.

3. Registration of the asylum application

<table>
<thead>
<tr>
<th>Indicators: Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are specific time limits laid down in law for asylum seekers to lodge their application?</td>
</tr>
<tr>
<td>2. If so, what is the time limit for lodging an application?</td>
</tr>
</tbody>
</table>

According to LFIP, the PDMM is the responsible authority for receiving and registering applications for international protection.\(^{97}\)

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91 ECtHR, \textit{Sakkal and Fares v. Turkey}, Application No. 52902/15, Judgment of 7 June 2016, para 64. Although the Court had granted a Rule 39 interim measure on 26 October 2015, it dismissed the application as inadmissible.
94 Law No 7196 amending several acts, 6 December 2019, in Turkish at: http://bit.ly/2TSm0zu.
95 Information provided by a lawyer from the Istanbul Bar Association, February 2020.
96 On the contrary, decisions of the Administrative Court are notified to the PDMM since they are party to the proceedings.
97 Turkey is administratively divided into 81 provinces. The provincial governorate is the highest administrative authority in each province. Therefore, provincial directorates of all government agencies report to the Office of the Governor. The agency responsible for registering all applications for international protection is the PDMM, which technically serves under the authority of the Provincial Governorate.
3.1. Applications on the territory

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

According to the law, for applicants who are physically unable to approach the PDMM premises for the purpose of making an international protection request, officials from the PDMM may be directed to the applicant’s location in order to process the application. In the same way, registration interviews with unaccompanied minors and other persons who are unable to report to the designated registration premises in the province may be carried out in the locations where they are. 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.

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

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

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

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98 Article 65(1) LFIP.
99 Article 65(3) LFIP.
100 Article 65(1) RFIP.
101 Article 65(2) RFIP.
102 Article 65(1) RFIP.
103 Article 69(1) LFIP.
104 Article 70(2) LFIP.
106 UNHCR, “UNHCR will end registration process in Turkey on 10 September 2018”, available at: https://bit.ly/2HRy2FO.
107 Information provided by a stakeholder, February 2019.
Article 69 LFIP does not lay down any time limits for the completion of registration by the PDMM, although its Implementing Regulation, the Regulation on Foreigners and International Protection (RFIP), requires applications to be recorded “within the shortest time on the institutional software system” of DGMM.\(^\text{108}\) The RFIP provides that application authorities shall notify the applicant a date for his or her registration interview during the application if possible, otherwise at a later stage.\(^\text{109}\)

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

According to a report of the Court of Auditors published in September 2019, DGMM did not perform in conformity with the law in publishing its strategy, activity plan and performance report in 2018.\(^\text{111}\) Issues remained in 2019 and arbitrariness increased after the takeover of registration of non-Syrians.\(^\text{112}\) It is difficult to assess the overall system since there is no standardised application.\(^\text{113}\) However, the main public policy seemed to be to leave people unregistered and thus push them to leave Turkey, especially Afghans, except in vulnerable cases.\(^\text{114}\) Afghans are thus kept as ‘unregistered irregular migrants’ in the migration system or they are treated under the accelerated procedure when their application for international protection is received.\(^\text{115}\)

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

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

The registration interview serves to compile information and any documents from the applicant to identify identity, flight reasons, experiences after departure from country of origin, travel route, mode of arrival in Turkey, and any previous applications for international protection in another country.\(^\text{119}\) The PDMM may carry out a body search and checks on the personal belongings of applicants in order to confirm that all

\(^\text{108}\) Article 70(4) RFIP.
\(^\text{109}\) Article 66(2) RFIP.
\(^\text{110}\) Information provided by UNHCR, February 2019.
\(^\text{111}\) Court of Auditors, 2018 report on DGMM, September 2019, available in Turkish at: https://bit.ly/2yhfiJA.
\(^\text{112}\) Information provided by a stakeholder, February 2020.
\(^\text{113}\) Information provided by a lawyer from the Van Bar Association, March 2020.
\(^\text{114}\) Information provided by a stakeholder and a lawyer from the Van Bar Association, March 2020.
\(^\text{115}\) Information provided by a lawyer from the Van Bar Association, March 2020.
\(^\text{116}\) Information provided by a stakeholder, February 2020.
\(^\text{117}\) Information provided by a lawyer from the Van Bar Association, March 2020.
\(^\text{118}\) Information provided by a lawyer from the Izmir Bar Association.
\(^\text{119}\) Article 69(2)-(4) LFIP.
documents have been presented. Where an applicant is unable to present documents to establish his or her identity, the registration authorities shall rely on an analysis of personal data and information gathered from other research. Where such identification measures fail to provide the relevant information, the applicant’s own statements shall be accepted to be true.

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. Information on any special needs shall also be recorded. Under the previous “joint registration” system, SGDD-ASAM carried out Identification of potential special needs upon registration. Since the termination of UNHCR registration activities in 2018, it is unclear how this is handled by the PDMM. It appears, nevertheless, that registration is exceptionally allowed for asylum seekers facing emergencies such as pregnancy or severe illness, who are registered in order to make sure that they get medical assistance.

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

At the end of the registration interview, all the information recorded on the screen of the electronic system must be precisely read back to the applicant who will have the opportunity to make corrections. A printed version of the registration form filled in electronically is also handed to the applicant. The law states that the applicant will receive an International Protection Applicant Identification Card upon completion of registration. The renewal and extension of International Protection Applicant Identification Card is identified by the Ministry. As of 24 December 2019, the LFIP provides that this document is also issued to applicants falling under the Accelerated Procedure or the inadmissibility provisions.

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

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120 Article 69(2) LFIP; Article 69(4) RFIP.
121 Article 69(3) LFIP; Article 69(3) RFIP.
122 Article 69(5) LFIP.
123 Article 69(6) LFIP.
124 Information provided by an NGO, February 2019.
125 Article 65(5) RFIP.
126 Article 70(6) RFIP.
127 Article 70(7) RFIP.
128 Article 76(1) LFIP, as amended by Article 35 Law No 7148 of 18 October 2018.
129 Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.
130 Article 76(2) LFIP.
131 Information provided by NGOs, February 2019.
The increasing pressure on PDMM following the transfer of responsibility for registration of international protection applicants in September 2018 had an effect on applicants who had already registered, as it created substantial delays in the renewal of International Protection Applicant Identification Cards. Earlier in 2019 in Denizli, for example, asylum seekers slept rough outside the PDMM while waiting to be let in to renew their cards. The police reportedly fired tear gas to disband the crowd of people camping outside the PDMM in early March 2019. As of 24 December 2019, however, the obligation to renew Identification Cards every six months was abolished.

3.2. Applications from detention and at the border

Where an application for international protection is presented to law enforcement agencies on the territory or at border gates, the PDMM shall be notified “at once” and shall process the application. Applications for international protection indicated by persons in detention shall also be notified to the PDMM “at once”. In addition to Removal Centres for pre-removal detention on territory, there is one facility in the transit zone of Istanbul Atatürk Airport (closed in April 2019) and one in Ankara Esenboğa Airport, which serve to detain persons intercepted in transit or during an attempt to enter Turkey (see Place of Detention).

Persons whose international protection application is received whilst in detention are released from the Removal Centre or police station and are issued an Administrative Surveillance Decision Form (İdari Gözetim Kararı Sonlandırma Tebliğ Formu), also known as “T6”, requesting them to regularly report to a designated PDMM. This may or may not be the PDMM of their province of residence (see Alternatives to Detention). The “T6” forms became more common in 2018 and served as referral letters to allow people to approach PDMM for registration. They were particularly issued vis-à-vis Afghan asylum seekers arriving in border provinces such as Erzurum, Van, Hakkâri, Mardin. In 2019 in Yalova and Karabuk, there was a trend in forcing non-Syrians to get a T6 form to be appointed to a specific city. In Istanbul removal centres now grant a travel permit with the T6 form so there is no risk of detention or deportation whilst travelling to the referral city.

Despite the legal safeguards provided by the LFIP to secure access to the asylum procedure, people in Removal Centres continue to encounter severe difficulties in having their applications for international protection registered by the PDMM. In Van access to procedures was more difficult and more complex in 2019 for non-Syrians, especially for those who were detained in the removal centre. One Iranian asylum seeker in the removal centre received an interview date for 1.5 years later.

133 Article 76(1) LFIP, as amended by Article 81 Law No 7196 of 24 December 2019.
134 In Turkey, while National Police exercises law enforcement duties in residential areas and at border gates, the gendarmerie exercises police duties outside the residential areas.
135 Article 65(2) LFIP.
136 Article 65(5) LFIP.
137 Since April 2019, all commercial passenger flights were transferred from Istanbul Atatürk Airport to Istanbul Airport.
138 Information provided by a stakeholder, February 2019.
139 Information provided by a stakeholder, March 2019.
140 Information provided by a stakeholder in Istanbul, March 2020.
142 Information provided by a lawyer from the Van Bar Association, March 2020.
Access to the procedure from detention also concerns persons readmitted by Turkey. Whereas Article 64 RFIP entrusts the Ministry of Interior with the establishment of a separate framework of procedures for persons readmitted by Turkey pursuant to readmission agreements, there has not been any such instrument regulating the access of readmitted persons to the international protection procedure to date.

In the context of the implementation of the EU-Turkey statement between 4 April 2016 and 31 January 2020, Turkey readmitted a total of 2,054 persons from Greece, of whom 738 originated from Pakistan, 373 from Syria, 204 from Algeria, 140 from Afghanistan, 127 from Iraq and 104 from Bangladesh. 144 DGMM has established a specific code, “V89” entitled “Greece – return”, but stakeholders have not referred to this being used in practice.

Reports on the post-return human rights situation of Syrians document serious human rights violations such as arbitrary detention and deportation without access to legal aid and international protection (see also Legal Assistance for Review of Detention).145

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

<table>
<thead>
<tr>
<th>Indicators: Regular Procedure: General</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months</td>
</tr>
<tr>
<td>2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? Yes ☐ No ☒</td>
</tr>
<tr>
<td>3. Backlog of pending cases at first instance as of 31 December 2019: Not available</td>
</tr>
</tbody>
</table>

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

A decision shall be issued within 6 months from registration. 147 However, this is not a binding time limit, as the law states that in case an application cannot be decided within 6 months the applicant will be notified. In practice, severe delays are observed in the completion of the international protection procedure, against the backdrop of capacity shortages at the PDMM. Applicants may wait for years for a decision to be taken on their application. 148

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

145 Koc University, An overview of the EU-Turkey Deal, April 2019: http://bit.ly/33oZLoL.
146 Article 78 LFIP.
147 Article 78(1) LFIP.
148 Information provided by a lawyer of the Istanbul Bar Association, February 2019.
negative. In Izmir in 2019 there were concerns that there was a quota for the number of positive decisions in a year after an applicant was told their application had been rejected for that reason.

In Izmir PDMM international protection applications from those who have been recognised as refugees by UNHCR are generally not rejected, although there was a judgment from Bolu 1st Administrative Court where an Iranian recognized as a refugee by UNHCR had his application for international protection rejected. Overall, practice on the examination and the decision-making at first instance is not uniform across provinces. The quality of interviews, the assessment of evidence, the lack of identification of vulnerable groups, the lack of training of migration experts as well as the lack of available interpreters have been reported as particular concerns. Moreover, quality gaps at first instance have also been confirmed by Administrative Courts in certain cases.

### 1.2. Prioritised examination and fast-track processing

Persons with special needs shall be “given priority with respect to all rights and proceedings” pertaining to the adjudication of international protection applications. 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.

### 1.3. Personal interview

**Indicators: Regular Procedure: Personal Interview**

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? [ ] Yes [ ] No
   - If so, are interpreters available in practice, for interviews? [ ] Yes [ ] No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? [ ] Yes [ ] No
3. Are interviews conducted through video conferencing? [ ] Frequently [ ] Rarely [ ] Never

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

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

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150 Information provided by a stakeholder in Izmir, February 2020.
151 1st Administrative Court of Bolu, Case 2019/428, Decision 2019/700.
152 Article 67 LFIP.
153 Information provided by a stakeholder, February 2019.
154 Article 75(1) LFIP.
155 Article 81(2) RFIP.
156 Article 69(5) LFIP.
157 Article 75(4) LFIP.
date. Additional interviews may be held with the applicant if deemed necessary.\textsuperscript{158} In practice, however, applicants face significant delays, often up to several months, before a first interview.

The applicant may be accompanied in the interview by: (a) family members; (b) his or her lawyer as an observer; (c) an interpreter; (c) a psychologist, pedagogue, child expert or social worker; and (d) the legal representative where the applicant is a child.\textsuperscript{159}

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

Generally, practice is not uniform across provinces and the quality of the procedure depends on the case officer handling the application.\textsuperscript{160} There are two pilot decision centres located in Istanbul and Ankara. According to civil society and lawyers, however, the quality of interviews remains low in most PDMM.

Overall, in 2019 stakeholders reported that refugee status determination (RSD) interviews were often not carried out under proper conditions, vulnerabilities were often not considered and Afghans’ applications for international protection seemed to be rejected by default.\textsuperscript{161} There were also concerns that applicants were subject to misleading questions motivating them to make statements that they entered Turkey for economic reasons and that RSD interviews had been carried out by unauthorised people such as police officers or gendarmerie in some cities.

For instance, in Karabuk police officers reportedly undertook RSD interviews and issued many rejections especially against Afghans. There had been no positive RSD decisions by early 2020 from the Gaziantep region. Afghans in particular received an automated rejection in Elazig, Malatya and Adiyaman.\textsuperscript{162} In Izmir there was also an alleged increase in rejections of Afghan applications in 2019. In some cases DGMM notified new interview dates to those who had already been recognised as refugees by UNHCR - especially for Afghans registered in Denizli and Çanakkale. The number of rejections was high in these two cities in general. In Van the quality of RSD interviews decreased dramatically after the takeover. Interviews do not depend on credible information on country of origin information (COI) or there are discriminatory practices against specific groups such as Kurdish people coming from Iraq. The technical skills and knowledge of some migration officers could still be improved. It is unclear whether the vulnerabilities of specific groups are considered. There seems to be a general tendency to find a way to reject applications and the legal grounds of rejected decisions are quite superficial.\textsuperscript{163} A lawyer from the Bar Association in Van has tried to appeal a case where the interview was superficial concerning an Iranian Christian who played different types of music (R&B) but the appeal was unsuccessful.\textsuperscript{164}

**Interpretation**

Applicants shall be provided with interpretation services, if they so request, for the purpose of personal interviews carried out at application, registration and personal interview stages.\textsuperscript{165}

\textsuperscript{158} Article 75(5) LFIP.
\textsuperscript{159} Article 82(1) RFIP.
\textsuperscript{160} Information provided by a stakeholder, February 2019.
\textsuperscript{161} Information provided by a stakeholder, February 2020.
\textsuperscript{162} Information provided by a stakeholder, February 2020.
\textsuperscript{163} Information provided by a lawyer from the Van Bar Association, March 2020.
\textsuperscript{164} Trabzon 1\textsuperscript{st} Administrative Court, case 2017/860 decision number 2017/1160 was rejected as was the appeal to the higher administrative court, Samsun 3\textsuperscript{rd} Regional Administrative Court case 2017/1498, decision 2018/480 from 20 April 2018.
\textsuperscript{165} Article 70(2) LFIP.
Regarding the quality of interpretation during personal interviews, the personal interview shall be postponed to a later date where the interview official identifies that the applicant and the interpreter have difficulties understanding each other.\textsuperscript{166} The interviewer shall inform the interpreter of the scope of the interview and the rules to be complied with.\textsuperscript{167}

In 2019 the lack of adequate numbers of interpreters at the PDMM remained a major difficulty. SGDD-ASAM provides interpreters to DGMM,\textsuperscript{168} and in 2019 UNHCR supported DGMM with 239 qualified interpreters and 25 support staff both at PDMMs and International Protection Bureaux (Decision Centres).\textsuperscript{169} At times PDMMs have not accepted interpreters provided by civil society organisations if they are not interpreters under oath.\textsuperscript{170} In small cities, notaries are not willing to go to removal centres but removal centre administrations still request interpreters under oath.\textsuperscript{171} In Antakya, notaries are not willing to go to removal centres at all at weekends which causes problems.\textsuperscript{172} In smaller provinces, individuals from within the registered asylum seeker communities are brought in as interpreters. Applicants generally report concerns regarding such community interpreters’ observance of the confidentiality of the information they share and the quality of interpretation. There have also been concerns of people unofficially employed as interpreters by the authorities.

In most provinces, there are shortages or a lack of interpreters in specific rare languages spoken by applicants. Moreover, the number of female interpreters remains very low.\textsuperscript{173} Lack of sensitivity to and censorship of applicant’s statements have also been reported in claims relating to sexual orientation or gender identity.\textsuperscript{174} Lawyers have expressed concerns about the quality of interpretation in removal centres including in important interviews on return.\textsuperscript{175}

Report

The interviewing official shall use a standard template called “International Protection Interview Form” to record the applicant’s statements during the personal interview. This form is a template consisting of a predefined set of questions that must be presented to the applicant covering basic biographic information, profile indicators, reasons for flight and fear of return, among other.\textsuperscript{176}

The interview official is required to read out the contents of the International Protection Interview Form to the applicant at the end of the interview and ask the applicant whether they are any aspects of the transcript that he or she wants to correct and whether there is any additional information he or she would like to present.\textsuperscript{177}

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

\textsuperscript{166} Article 86(2) RFIP. 
\textsuperscript{167} Article 83(3) RFIP. 
\textsuperscript{168} Information provided by SGDD-ASAM, February 2018. 
\textsuperscript{170} Information provided by a stakeholder, February 2019. 
\textsuperscript{171} Information provided by a stakeholder, February 2020. 
\textsuperscript{172} Information provided by a lawyer from the Antakya Bar Association, February 2020. 
\textsuperscript{173} Information provided by the Women’s Solidarity Foundation, February 2019. 
\textsuperscript{174} Information provided by a stakeholder, February 2019. 
\textsuperscript{175} Information provided by a lawyer from the Antakya Bar Association, February 2020. 
\textsuperscript{176} Article 81(5) RFIP. 
\textsuperscript{177} Article 86(3) RFIP. 
\textsuperscript{178} Article 75(6) LFIP. 
\textsuperscript{179} Information provided by a stakeholder, February 2019.
1.4. Appeal

**Indicators: Regular Procedure: Appeal**

1. Does the law provide for an appeal against the first instance decision in the regular procedure?
   - ☑ Yes
   - ☐ No

   ❖ If yes, is it
     - ☑ Judicial
     - ☐ Administrative

   ❖ If yes, is it suspensive
     - ☑ Yes
     - ☐ No

2. Average processing time for the appeal body to make a decision: Not available

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

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

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

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

1.4.1. Administrative appeal before IPEC

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

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

Each Committee will be chaired by a DGMM representative, and will feature a second DGMM official as well as representatives of the Ministry of Justice and Ministry of Foreign Affairs. UNHCR may be invited to assign a representative in observer status. DGMM personnel assigned to the IPEC will be appointed for

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180 Article 78(6) LFIP.
181 Article 100 LFIP.
182 Information provided by a stakeholder, March 2018.
183 Article 80 LFIP.
184 Article 80(1)(e) LFIP.
185 Article 134 RFIP.
186 Article 145 RFIP.
a period of 2 years whereas the Ministry of Justice and Ministry of Foreign Affairs representatives will be appointed for one-year term. IPEC are envisioned to serve as full-time specialised asylum tribunals as members will not be assigned any additional duties.\textsuperscript{188}

IPEC are competent to evaluate and decide appeals against the following decisions:\textsuperscript{189}
   a. Negative status decisions issued in the regular procedure;
   b. Other negative decisions on applicants and international protection status holders, not pertaining to international protection status matters as such;
   c. Cessation or Withdrawal of status decisions.

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

IPEC review the initial DGMM decision on both facts and law.\textsuperscript{190} The Commission may request the full case file from DGMM if deemed necessary. IPEC are authorised to interview applicants if they deem necessary or instruct the competent PDMM to hold an additional interview with the applicant.

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

IPEC do not have the authority to directly overturn DGMM decisions. The Commission may either reject the appeal and thereby endorse the initial DGMM decision, or it may request DGMM to reconsider its initial decision in terms of facts and law.\textsuperscript{191} Therefore, decisions by IPEC cannot be considered as binding on DGMM. If DGMM chooses to stick to its initial negative decision, the applicant will have to file a consequent judicial appeal with the competent Administrative Court.

In the past, IPEC did not seem to examine appeals against negative decisions. In one known case of a lawyer having submitted an appeal to IPEC, the lawyer has not received any information for several months.\textsuperscript{192} It seems from lawyers and experts in the field that the IPEC is not an effective administrative appeal mechanism and applicants prefer directly filing a judicial appeal before the Administrative Court.\textsuperscript{193}

1.4.2. Judicial appeal at the Administrative Court

Negative decisions in the regular procedure may also be directly appealed at the competent Administrative Courts within 30 days of the written notification of the decision.\textsuperscript{194} There is no requirement for applicants to first exhaust the IPEC step before they file a judicial appeal against a negative decision. However, if they choose to file an administrative appeal with IPEC first, depending on the outcome of the IPEC appeal, they can appeal a negative IPEC decision onward at the Administrative Court.

Under Turkish law, Administrative Court challenges have to be filed in the area where the act or decision in question was taken.\textsuperscript{195}

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\textsuperscript{188} Article 146 and 147 RFIP.
\textsuperscript{189} Article 149 RFIP.
\textsuperscript{190} Article 100(1) RFIP.
\textsuperscript{191} Article 100(2) RFIP.
\textsuperscript{192} Information provided by a lawyer of the Izmir Bar Association, March 2019.
\textsuperscript{193} Information provided by a stakeholder, March 2018.
\textsuperscript{194} Article 80(1)(ç) LFIP.
\textsuperscript{195} In Turkey, not all provinces have Administrative Courts in location. Smaller provinces which do not have an Administrative Court in location are attended by courts operating under the auspices of the nearest
While the LFIP has not created specialised asylum and immigration courts, Turkey’s High Council of Judges and Prosecutors shall determine which Administrative Court chamber in any given local jurisdiction shall be responsible for appeals brought on administrative acts and decisions within the scope of the LFIP. In 2015, the Council passed a decision to designate the 1st Chamber of each Administrative Court as responsible for appeals against decisions within the scope of LFIP. That said, these competent chambers continue to deal with all types of caseloads and do not exclusively serve as asylum and immigration appeal bodies. There have been concerns in the past about the quality of decisions and the high turnover of judges in magistrates’ courts meaning they do not always have time to become knowledgeable on this type of case. There are no time limits imposed on Administrative Courts to decide on appeals against negative decisions in the regular procedure.

Administrative Court applications are normally adjudicated in a written procedure. In theory, an applicant can request a hearing, which may or may not be granted by the competent court.

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

Case-law of the Administrative Courts confirm that there are persisting gaps in the quality of first instance decisions. The Administrative Courts of Ankara and Istanbul are regarded as the most expert courts in refugee law issues. Both courts quite diligently examine whether the negative decisions on international protection application are in line with the non-refoulement principle and have annulled decisions based on an incorrect assessment on the part of the DGMM. For instance, in a case of Christian Iranian applicant, the Administrative Court of Ankara rejected the argument of the DGMM and ruled that, according to Article 93 LFIP, the DGMM should have collected information and evaluated the claim based on objective and subjective evidence such as the current condition of Christians in Iran based on UNHCR and international NGOs’ reports, as well as the personal story of the applicant. The court also noted that the DGMM should have assessed in each case whether the applicant should be protected either as a refugee, conditional refugee, or under subsidiary protection. This approach of the Court has been followed in other cases of applicants coming from Russia (Chechens), Somalia or Turkmenistan.

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

1.4.3. Onward appeal before the Council of State

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

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

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

1.5. Legal assistance

<table>
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<th>Indicators: Regular Procedure: Legal Assistance</th>
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<td>1. Do asylum seekers have access to free legal assistance at first instance in practice?</td>
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<td>☐ Does free legal assistance cover: ☐ Representation in interview</td>
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<tr>
<td>2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?</td>
</tr>
<tr>
<td>☐ Does free legal assistance cover ☒ Representation in courts</td>
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</tbody>
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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.

In principle, a notarised power of attorney is required for a lawyer to represent the asylum seeker, unless the applicant benefits from the Legal Aid Service, in which case the appointment letter is deemed sufficient to represent the applicant. That said, legal aid lawyers have reported being unable to enter the premises of PDMM without a power of attorney particularly younger lawyers. In 2019 in Sivas and Kirkkale, there

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202 1st Administrative Court of Ankara, Decision No 2015/177, 28 January 2015.  
203 Article 28 Law on Administrative Court Procedures.  
204 Council of State, 10th Chamber, Decision 2017/4288.  
206 Article 81(1) LFIP.  
208 Information provided by a lawyer of the Istanbul Bar Association, March 2019.
were judgments where the court ruled against charging lawyers representing refugee applicants without a power of attorney 100 TL (around 15 EUR).  

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

1.5.1. Legal assistance at first instance

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

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

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

In the new cycle, the number of cities will be increased to 21. Overall, the project has been seen as extremely beneficial, although there were some issues with the calculations for funding for different cities, the way the fees were paid, the costs covered and gaps in services due to the project-based approach. Benefits have included an increase in refugees’ access to justice and information, as evidenced by information materials on display in removal centres targeted by the project but not in Malatya or Osmaniye removal centres, for instance, which are not project cities.

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209 Information provided by a stakeholder, February 2020.
210 Article 75(3) LFIP.
211 Article 94(2) LFIP.
212 Article 81(3) LFIP.
214 Information provided by the Union of Turkish Bar Associations, February 2019.
215 Ibid.
216 Information provided by a lawyer from the Izmir Bar Association, February 2020.
217 Information provided by a stakeholder, February 2020.
Requests for legal aid can be issued from an asylum seeker, a third party or a Removal Centre. Civil society organisations are the main source of referrals for legal aid with direct applications from refugees and migrants but even this group is low. This has provided the impetus for the legal aid scheme to extend to persons seeking international protection, and in some cases, for bar associations to take additional steps in contributing to refugee protection in Turkey. In practice, however, not all bar associations accept referrals from NGOs or third parties. 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. In addition, not all the cases referred by NGOs are eligible for legal aid. One practical issue concerns asylum seekers who have been issued a security code e.g. “G87” or “G89”, as they are not covered by the aforementioned legal aid project funding and it is up to bar associations to cover costs with additional funding, if they can.

In 2018 the Union of Bar Associations in Turkey and UNHCR established the first Refugee Law Clinic in Turkey, located in Şanlıurfa. The clinic offers counselling, case management and psycho-social support through three lawyers, one assistant and one psychologist. Building on this model, the project established legal clinics in Hatay and Gaziantep, and a coordination body for clinics in Ankara. In 2019, the legal clinics in Şanlıurfa, Gaziantep and Hatay provided legal assistance to more than 2,700 refugees and asylum-seekers and information on national procedures, rights and obligations, appeal mechanisms, matters of civil law, and the protection of women and children. Lawyers were also trained in international and temporary protection to respond to the need to provide legal protection and assistance in South East Turkey.

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

Beyond the involvement of bar associations, there are a number of NGOs providing modest legal information and assistance services but they do not have the resources and operational capacity to establish a significant level of field presence throughout the country. Considering the size of the asylum-seeking population and Turkey’s geographical dispersal policy (see Freedom of Movement), asylum seekers in most locations do not have access to specialised legal counselling and assistance services by NGOs at first instance. NGOs providing legal assistance and representation to asylum seekers include SGDD-ASAM, Support to Life, International Refugee Rights Association (Uluslararası Mülteci Hakları Derneği), Refugee Rights Turkey (Mülteci Hakları Merkezi), Mülteci-Der, IKGV and Red Umbrella Sexual Health and Human Rights Association among others. In the absence of any dedicated state funds to fund legal assistance services by NGOs to asylum seekers, the limited amount of project-based external funding available to NGO providers, insufficient prioritisation of direct legal service activities in donor programmes and stringent bureaucratic requirements of project-based funding make it very difficult for specialised NGO legal service providers to emerge and prosper.

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219 Ibid.
220 Information provided by a lawyer of the Izmir Bar Association, February 2019.
221 Information provided by a lawyer from the Istanbul Bar Association.
222 Information provided by the Union of Turkish Bar Associations, February 2019.
223 Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.
224 Ibid.
226 Information provided by a stakeholder in Istanbul, February 2019.
227 Information provided by stakeholders in Izmir, Antakya, Van, Gaziantep and Saniurfa, March 2020.
Partners in coordination with UNHCR can only provide legal counselling service if the applicant has ‘no suspect in relation with terrorism’.\(^{228}\) They refer complaints or requests to legal clinics. If the request is not urgent, it takes around ten days for an appointment with the legal aid lawyer through legal aid offices because there is also an approval procedure from UNHCR for each appointment.\(^{229}\)

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

### 1.5.2. Legal assistance in judicial appeals

Persons who do not have the financial means to pay a lawyer are to be referred to the state-funded Legal Aid Scheme (Adli Yardım) for judicial appeals in the international protection procedure.\(^{230}\) The LFIP simply makes reference to the existing Legal Aid Scheme which in theory should be accessible to all economically disadvantaged persons in Turkey, including foreign nationals.

The Legal Aid Scheme is implemented by the bar associations in each province subject to “means” and “merits” criteria, at the discretion of each bar association board. The assessment of “means” varies across bar associations, with Mersin and Kahramanmaraş requiring a certificate attesting the individual’s financial need (fakirlik belgesi) while others like Gaziantep and Şanlıurfa do not require such a document.\(^{231}\)

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

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

The costs associated with bringing a case before an Administrative Court in Turkey include notary fees for the power of attorney, sanctioned translations of identity documents, court application and other judicial fees and postal fees. Since the Legal Aid Scheme only covers a modest attorney fee, applicants are required to cover these costs from their own resources. Although it is possible to request a waiver of these costs from the court, judges have wide discretion on whether to grant such exemptions and in some cases decline the request without providing any substantial reason.\(^{233}\)

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

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\(^{228}\) Information provided by a stakeholder, February 2020.

\(^{229}\) Information provided by ASAM Gaziantep February 2020.

\(^{230}\) Article 81(2) LFIP.

\(^{231}\) Information provided by a stakeholder, February 2019; a lawyer of the Şanlıurfa Bar Association, February 2019.

\(^{232}\) Information provided by a lawyer from the İzmir Bar Association, February 2020.

\(^{233}\) The Council of State ruled in one case that the right to request waiver of the costs should be reminded and examined by the Administrative Court in each case: Decision No 2016/1830, 31 March 2016.
hours spent on the case. As a result, there are insufficient incentives for legal aid lawyers to dedicate generous amounts of time and effort into asylum cases. That said, the aforementioned legal aid project implemented by UNHCR and the Union of Bar Associations provides targeted funding to 18 bar associations for international and temporary protection-related cases.

2. Dublin

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

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

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

(a) A Subsequent Application where “the applicant submitted the same claim without presenting any new elements”;

(b) An application submitted by a person, who was previously processed as a family member and signed a waiver to give up on his or her right to make a personal application, where the person submits a personal application: (i) either after the rejection of the original application, without presenting any additional elements; or (ii) or at any stage during the processing of the original application, without presenting any justifiable reason;

(c) An application by a person who arrived in Turkey from a First Country of Asylum;

(ç) An application by a person who arrived in Turkey from a Safe Third Country.

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

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

❖ If an applicant is considered to fall into criteria listed in (a) or (b) above, the PDMM will issue the inadmissibility decision and notify the DGMM Headquarters within 24 hours, however, there is no time limit for the finalisation of the inadmissibility assessment by the PDMM;

❖ If an applicant is considered to fall into criteria listed in (c) or (ç) above, the PDMM will refer the file to the DGMM Headquarters, which will finalise the inadmissibility determination and may or may not issue an inadmissibility decision. There is no time limit for the referrals to the DGMM Headquarters and the finalisation of the inadmissibility determination.

Inadmissibility decisions must be communicated to the applicant in writing.

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234 For example, in 2019, the Aydin Bar Association granted 2180 TL for actions before Civil Courts: Aydin Bar Association, Adli Yardim Gerevendirmeleri Ucret Tarifeleri, available in Turkish at: https://bit.ly/2umZFAnk.

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

236 Article 73 RFIP.

237 Article 72(3) LFIP.
3.2. Personal interview

**Indicators: Admissibility Procedure: Personal Interview**

- Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure?
   - Yes ☒ No
   - If so, are questions limited to identity, nationality, travel route?
     - Yes ☒ No
   - If so, are interpreters available in practice, for interviews?
     - Yes ☒ No

2. Are interviews conducted through video conferencing?
   - Frequently ☐ Rarely ☒ Never

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

3.3. Appeal

**Indicators: Admissibility Procedure: Appeal**

- Same as regular procedure

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

Inadmissibility decisions can only be appealed be the competent Administrative Court.238 Such decisions must be appealed within 15 days of the written notification of the decision, as opposed to 30 days in the Regular Procedure: Appeal.239 The application to the Administrative Court carries automatic suspensive effect.

The 15-day time limit for appealing inadmissibility decisions was contested before the Constitutional Court as unconstitutional, on the basis that it was disproportionate in view of applicants’ inability to obtain legal assistance in these cases (Admissibility Procedure: Legal Assistance). The Court found Article 80(1)(ç) LFIP to be compatible with the Turkish Constitution, holding that the rules on inadmissibility are not complex to such an extent as to prohibit applicants from challenging a negative decision in person within the 15-day deadline.240

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238 Article 80(1)(a) LFIP.
239 Article 80(1)(ç) LFIP.
3.4. Legal assistance

**Indicators: Admissibility Procedure: Legal Assistance**

- Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
   - ☒ Yes  ☐ With difficulty  ☐ No
   - ☑ Representation in interview
   - ☑ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?
   - ☐ Yes  ☑ With difficulty  ☐ No
   - ☑ Representation in courts
   - ☑ Legal advice

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

4. Border procedure (border and transit zones)

The LFIP does not lay down a specific border procedure as such although the RFIP mentions that PDMM shall be promptly notified of applications made at the border.\(^241\)

Applications made after the border crossing are subject to the general rules laid down by the LFIP. However, in relation to applications made before the border crossing, in the transit area of an airport or after the person has been refused entry at the border, the competent PDMM shall be notified by the border authorities and brought in to handle the application. Designated officials from the PDMM "are to determine, as first matter of business", whether the application should be subject to the *Accelerated Procedure*.\(^242\)

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

5. Accelerated procedure

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

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

(a) Has not raised any issues pertinent to international protection when lodging an application;
(b) Has misled the authorities by presenting false documents or misleading information and documents, or by withholding information or documents that would have a negative impact on the decision;

\(^{241}\) Article 67(1) RFIP.
\(^{242}\) *Ibid.*
(c) Has destroyed or disposed of his or her identity or travel document in bad faith in an attempt to prevent determination of his or her identity or nationality;

(g) Has made an international protection application after being detained for the purpose of removal;

(d) Has applied for international protection solely for the purpose of preventing or postponing the execution of a removal decision;

(e) Poses a danger to public order or security, or has previously been deported from Turkey on these grounds;

(f) Files a Subsequent Application after his previous application was considered implicitly withdrawn.

The examination of accelerated procedure criteria under Article 79 LFIP must be carried out by the PDMM during the Registration stage.\(^{243}\)

In the handling of applications processed under the accelerated procedure the personal interview shall take place within 3 days of the application, and the decision shall be issued within 5 days of the personal interview.\(^{244}\) Where this time limit cannot be complied with, the applicant may be taken off the accelerated procedure and referred to the regular procedure.\(^{245}\)

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

The accelerated procedure is applied in practice, for example in the case of persons detained in Removal Centres, although statistics are not publicly available.\(^{246}\) According to NGOs and lawyers in the field, applications subject to accelerated procedures generally obey the time limits set out in the law. However, decisions have been taken without respecting the 8-day time limit.\(^{247}\) In Izmir, in one case of an accelerated procedure, the applicant received the decision in 2019 in his 5\(^{th}\) year of application.\(^{248}\)

### 5.2. Personal interview

| Indicators: Accelerated Procedure: Personal Interview |
|-------------|---------------|
| ❑ Same as regular procedure |

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure? ❑ Yes ❑ No
   ❑ If so, are questions limited to nationality, identity, travel route? ❑ Yes ❑ No
   ❑ If so, are interpreters available in practice, for interviews? ❑ Yes ❑ No

2. Are interviews conducted through video conferencing? ❑ Frequently ❑ Rarely ❑ Never

Article 80(2) RFIP provides that the accelerated procedure “shall not prevent the application to be assessed in detail”. However, the assessment is not thorough and detailed in practice. Personal interviews of international protection applicants in Removal Centres are conducted by the Removal Centre officers and generally take 5-10 minutes.\(^{249}\) Similar observations have been reported for interviews at the airport: cases

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\(^{243}\) Article 73 RFIP.

\(^{244}\) Article 79(2) LFIP.

\(^{245}\) Article 79(3) LFIP; Article 80(3) RFIP.

\(^{246}\) Information provided by UNHCR, February 2019.

\(^{247}\) Information provided by a stakeholder, February 2018.

\(^{248}\) Information provided by a stakeholder in Izmir, March 2020.

\(^{249}\) Information provided by a stakeholder, March 2018.
of interviewers likely to ‘manipulate’ the applicant’s statements and try to conclude economic needs as the reason for their entry into Turkey have been reported.

5.3. Appeal

<table>
<thead>
<tr>
<th>Indicators: Accelerated Procedure: Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Same as regular procedure</td>
</tr>
</tbody>
</table>

1. Does the law provide for an appeal against the decision in the accelerated procedure?
   - ☑ Yes
   - ☐ No

   ❖ If yes, is it
     - ☑ Judicial
     - ☐ Administrative

   ❖ If yes, is it suspensive
     - ☑ Yes
     - ☐ No

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

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

Administrative Courts have examined cases in the accelerated procedure, in some cases annulling the first instance decision. For instance, in its ruling on an Iraqi woman who made her international protection application after 3 years after her entry into Turkey, the Administrative Court of Ankara assessed that claims on gender-based violence of the applicant had not been sufficiently assessed and examined by the public authorities, and annulled the negative decision.250 In a judgment from 2018, the Administrative Court annulled a first instance decision taken in the accelerated procedure concerning a man facing religious persecution in Iran.251

5.4. Legal assistance

<table>
<thead>
<tr>
<th>Indicators: Accelerated Procedure: Legal Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Same as regular procedure</td>
</tr>
</tbody>
</table>

1. Do asylum seekers have access to free legal assistance at first instance in practice?
   - ☑ Yes
   - ☐ With difficulty
   - ☐ No

   ❖ Does free legal assistance cover:
     - ☑ Representation in interview
     - ☐ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
   - ☑ Yes
   - ☐ With difficulty
   - ☐ No

   ❖ Does free legal assistance cover:
     - ☑ Representation in courts
     - ☐ Legal advice

The same rules as in the Regular Procedure: Legal Assistance apply. For an overview of difficulties encountered by applicants subject to accelerated procedure in detention when trying to access legal assistance services, see the section Legal Assistance for Review of Detention. In the past applicants in the accelerated procedure were not issued an International Protection Applicant Identification Card and their

250 1st Administrative Court of Ankara, Decision 2017/3192, 29 December 2017.
251 1st Administrative Court of Izmir, Decision 2018/894, 22 October 2018.
ability to issue a power of attorney was severely limited. However, after changes to Article 76(2) LFIP in December 2019 they can be now issued an identity document. It is too early to know how this will be applied in practice. The Administrative Court requires a power of attorney to be presented within 10 days, otherwise it considers the appeal inadmissible.\footnote{Information provided by a lawyer of the Istanbul Bar Association, February 2019.}

**D. Guarantees for vulnerable groups**

1. **Identification**

<table>
<thead>
<tr>
<th>Indicators: Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?</td>
</tr>
<tr>
<td>❖ If for certain categories, specify which:</td>
</tr>
<tr>
<td>2. Does the law provide for an identification mechanism for unaccompanied children?</td>
</tr>
</tbody>
</table>

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.”\footnote{Article 3(1)(l) LFIP.}

On the other hand, neither the LFIP nor the RFIP include LGBTI persons in the list of categories of “persons with special needs”. Difficulties have been reported in practice with regard to the way in which applicants are interviewed about issues pertaining to sexual orientation and gender identity, ranging from inappropriate terminology or offensive questions to verbal abuse during registration interviews.\footnote{Kaos GL, *Waiting to be “safe and sound”: Turkey as an LGBTI refugees’ way station*, July 2016, available at: http://bit.ly/2ynEqdO, 33-37.} In one LGBTI case Kastamonu PDMM asked for a medical report to prove that the applicant was a LGBTI person.\footnote{Information provided by a stakeholder, February 2020.} However, overall there was a positive approach towards vulnerable groups.

1.1. **Screening of vulnerability**

RFIP states that it “shall be primarily determined” whether the applicant is a person with special needs.\footnote{Article 113(1) RFIP.} 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.\footnote{Article 113(2) RFIP.}

According to the law, DGMM may cooperate with relevant public institutions, international organisations and NGOs for the treatment of persons subjected to torture or serious violence.\footnote{Article 113(3) RFIP.} No official mechanism for the identification of vulnerabilities in the asylum procedure has been established to date. Under the previous Registration system, the joint registration interview conducted by UNHCR / SGDD-ASAM enabled the detection of specific needs of the applicant, which were then taken into...
consideration *inter alia* in the assignment of a “satellite city” in close coordination with the DGMM Headquarters (see *Freedom of Movement*). Following the transition to exclusive registration by DGMM, it is not clear how the PDMM assess special needs in practice.\(^{259}\) Nevertheless, UNHCR still refers vulnerable cases to the PDMM to prioritise registration. In 2019 assessments of applicants’ vulnerabilities and their registration were very slow.\(^{260}\)

### 1.2. Age assessment of unaccompanied children

While the LFIP does not contain any provisions on age assessment, the RFIP provides guidance regarding the role of age assessment in the identification of unaccompanied children applicants. The Regulation states that where the applicant claims to be of minor age, but does not possess any identity documents indicating his or her age, the governorates shall conduct a “comprehensive age determination” consisting of a physical and psychological assessment.\(^{261}\) The applicant shall be notified as to the reason of this referral and the age assessment proceedings that will be undertaken.\(^{262}\)

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

While neither the LFIP nor the RFIP make any provisions regarding the methods to be used in age assessment examinations on international protection applicants, according to the guidelines of the State Agency for Forensic Medicine, for the purpose of age assessment examinations, physical examination and radiography data of the person (including of elbows, wrists, hands, shoulders, pelvis and teeth) are listed as primary sources of evaluation. No reference is made to any psycho-social assessment of the person. Also, according to the (then) Ministry of Family and Social Policies’ 2015 Directive on unaccompanied children, the PDMM issue a medical report on the physical condition of the children before placing them in Ministry premises.\(^{263}\)

In practice, bone tests are applied to assess the age of unaccompanied children referred to the Ministry of Family, Labour and Social Services to be taken into care.\(^{264}\) The accuracy of tests on the jawbone can range between +2/-2 years older or younger. If a test result indicates a child is aged 16 give or take two years, then the authorities still tend to interpret the assessment at the upper threshold.\(^{265}\)

To stop this practice, previous legal actions from the Ankara Bar Association and SGDD-ASAM have obtained protection orders for children in order to secure their placement in public institutions for children.\(^{266}\) If the bone test determines the child to be younger than 17, the Ministry can also conduct a psychosocial assessment.

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\(^{259}\) Information provided by a stakeholder, February 2019.

\(^{260}\) Information provided by a stakeholder, February 2020.

\(^{261}\) Article 123(2)(b) RFIP.

\(^{262}\) Article 123(2)(c) RFIP.

\(^{263}\) Article 6 Ministry of Family and Social Policies Directive No 152065 on Unaccompanied Children.

\(^{264}\) Information provided by a lawyer from the Ankara Bar Association, March 2019.

\(^{265}\) Information provided by a stakeholder, March 2020.

\(^{266}\) See e.g. 3rd Children’s Court of Ankara, Decision 2017/712, 29 December 2017 based on Article 9 Law No 4395 on Child Protection.
2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?
   - Yes
   - For certain categories
   - No
   ❖ If for certain categories, specify which:

   2.1. Adequate support during the interview

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

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

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

   2.2. Prioritisation and exemption from special procedures

   The law requires “priority” to be given to “persons with special needs” in all procedures, rights and benefits extended to international protection applicants. 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. It is understood from current practice that PDMM provide priority to unaccompanied children in registration process and personal interviews.

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

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

   267 Article 75(3) LFIP.
   268 Information provided by a stakeholder, February 2019.
   270 Article 123(2)(g) RFIP.
   271 Article 67 LFIP; Article 113(2) RFIP.
   272 Article 65(2) RFIP.
3. Use of medical reports

<table>
<thead>
<tr>
<th>Indicators: Use of Medical Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
</tr>
<tr>
<td>2. Are medical reports taken into account when assessing the credibility of the applicant’s statements?</td>
</tr>
</tbody>
</table>

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

Current practice does not suggest that medical reports have been relied upon by applicants in the international protection procedure. However, medical reports are deemed as strong evidence supporting international protection applications and increase the possibility of obtaining a positive decision from the DGMM.273

4. Legal representation of unaccompanied children

<table>
<thead>
<tr>
<th>Indicators: Unaccompanied Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law provide for the appointment of a representative to all unaccompanied children?</td>
</tr>
</tbody>
</table>

According to Article 66 LFIP, from the moment an unaccompanied child-international protection applicant is identified, the best interests of the child principle must be observed and the relevant provisions of Turkey’s Child Protection Law274 must be implemented. The child applicant must be referred to an appropriate accommodation facility under the authority of the Ministry of Family, Labour and Social Services. There is still no information on the number of unaccompanied children in Turkey and a tendency for them not to be taken into the care of state institutions despite the recent amendment.275

According to the Turkish Civil Code, all children placed under state care must be assigned a guardian.276 Specifically, all children who do not benefit from the custody of parents (velayet) must be provided guardianship (vesayet).277 The assignment of guardians is carried out by Peace Courts of Civil Jurisdiction (Sulh Hukuk Mahkemesi) and guardianship matters are thereafter overseen by Civil Courts of General Jurisdiction (Asliye Hukuk Mahkemesi). A guardian under the Turkish Civil Code should be “an adult competent to fulfil the requirements of the task”, not engaged in an “immoral life style” or have “significant conflict of interest or hostility with the child in question”. Relatives are to be given priority to be appointed as guardians.278 Therefore, as far as the legal requirements, qualified NGO staff, UNHCR staff or Ministry of Family, Labour and Social Services staff would qualify to be appointed as guardians for unaccompanied minor asylum seekers.

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273 Information provided from a stakeholder, February 2019.
274 Law No 4395 on Child Protection.
275 Information provided by a stakeholder, February 2020. For more on the amendment see, Law No 7196 amending several acts, 6 December 2019, available in Turkish at: http://bit.ly/2TSm0zU.
276 Law No 4721 on the Civil Code.
277 Article 404 Civil Code.
278 Articles 413, 414, 418 Civil Code.
Guardians are responsible for protecting the personal and material interests of the minors in their responsibility and to represent their interests in legal proceedings. Although not specifically listed in the provisions, asylum procedures would fall within the mandate of the guardians. As a rule, a guardian is appointed for 2 years, and thereafter may be reappointed for additional two terms.

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

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

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

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

E. Subsequent applications

<table>
<thead>
<tr>
<th>Indicators: Subsequent Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law provide for a specific procedure for subsequent applications?</td>
</tr>
<tr>
<td>2. Is a removal order suspended during the examination of a first subsequent application?</td>
</tr>
<tr>
<td>☑ At first instance</td>
</tr>
<tr>
<td>☑ At the appeal stage</td>
</tr>
<tr>
<td>3. Is a removal order suspended during the examination of a second, third, subsequent application?</td>
</tr>
<tr>
<td>☑ At first instance</td>
</tr>
<tr>
<td>☑ At the appeal stage</td>
</tr>
</tbody>
</table>

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279 Articles 445-448 Civil Code.
280 Article 456 Civil Code.
281 Information provided by a lawyer of the Ankara Bar Association, March 2019.
282 Information provided by a stakeholder, February 2020.
283 Information provided by a stakeholder, February 2020.
284 Information provided by a stakeholder, February 2018.
While the LFIP does not provide a specific dedicated procedure for the handling of subsequent applications, reference is made to subsequent applications in the legislative guidance concerning admissibility assessment and accelerated processing considerations.

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

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

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

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

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

There is not sufficient information from practice to indicate how subsequent applications are being treated at the moment. In a March 2018 report, the Grand National Assembly reported 15 subsequent applicants in Turkey.287

F. The safe country concepts

<table>
<thead>
<tr>
<th>Indicators: Safe Country Concepts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does national legislation allow for the use of “safe country of origin” concept?</td>
</tr>
<tr>
<td>‣ Is there a national list of safe countries of origin?</td>
</tr>
<tr>
<td>‣ Is the safe country of origin concept used in practice?</td>
</tr>
<tr>
<td>2. Does national legislation allow for the use of “safe third country” concept?</td>
</tr>
<tr>
<td>‣ Is the safe third country concept used in practice?</td>
</tr>
<tr>
<td>3. Does national legislation allow for the use of “first country of asylum” concept?</td>
</tr>
</tbody>
</table>

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

1. First country of asylum

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

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;

(c) 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:

(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;

(c) 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.”

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

(a) The applicant has family members already established in the third country concerned;

(b) The applicant has previously lived in the third country concerned for purposes such as work, education, long-term settlement;

(c) The applicant has firm cultural links to the country concerned as demonstrated for example by his or her ability to speak the language of the country at a good level;

(c) The applicant has previously been in the county concerned for long term stay purposes as opposed to merely for the purpose of transit.

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

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

290 Article 74(3) LFIP.
At present, there is no publicly available information as to whether DGMM currently subscribes or will in the future subscribe to a categorical ‘list approach’ in making safe country determinations on international protection applicants. However, the LFIP and the RFIP require an individualised assessment as to whether a particular third country can be considered a “safe third country” for a specific applicant.

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

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

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

1. Provision of information on the procedure

<table>
<thead>
<tr>
<th>Indicators: Information on the Procedure</th>
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<tbody>
<tr>
<td>1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice?</td>
</tr>
<tr>
<td>☐ Is tailored information provided to unaccompanied children?</td>
</tr>
</tbody>
</table>

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

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

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291 Information provided by a lawyer from the Ankara Bar Association, February 2020.
292 Information provided by a lawyer from the Izmir Bar Association, March 2020.
293 Information provided by a stakeholder, March 2018.
294 Information provided by a lawyer from the Antakya Bar Association, February 2020.
295 Information provided by a lawyer from the Antakya Bar Association, February 2020.
296 Hatay First instance administrative court 2019/480, decision number 2019/1292.
The DGMM also operates a hotline service called Foreigners Communication Centre (Yabancı Iletisim Merkezi, YİMER). It is possible to reach the centre in Turkish, English, Russian and Arabic at any time of the day. According to the YİMER’s website, they had 490,630 contacts in 2019 and a total of 8,342,955 contacts in the past four years.298

In addition, UNHCR has set up a platform (“Help”) which provides information in English, Turkish, Arabic and Farsi. Mainstream NGOs such as SGDD-ASAM, Support to Life, Human Resource Development Foundation (İnsan Kaynakını Geliştirme Vakfı, İKV), YUVA also provide assistance and counselling.

2. Access to NGOs and UNHCR

<table>
<thead>
<tr>
<th>Indicators: Access to NGOs and UNHCR</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>□ Yes</td>
</tr>
<tr>
<td>☒ Yes</td>
</tr>
</tbody>
</table>

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

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

SGDD-ASAM, the largest NGO and implementing partner of UNHCR in Turkey, has offices in more than 40 provinces in Turkey and provides counselling and information services. In 2019, several offices were closed including Nigde and Afyon branches which had been active for 10 years. Unfortunately, this meant a loss of field experience and memory in some cities.300

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

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

300 Information provided by a stakeholder, February 2020.
There are also NGOs helping vulnerable groups such as KADAV and Women’s Solidarity Foundation for women in İstanbul and Ankara respectively. Kaos GL based in Ankara assists LGBTI people, as does Red Umbrella Sexual Health and Human Rights Association. Pozitif Yasam based in İstanbul assists people living with HIV, while Red Umbrella Sexual Health and Human Rights Organisation has set up seven service units in five provinces for LGBTI persons, sex workers and people living with HIV in Turkey.

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

### H. Differential treatment of specific nationalities in the procedure

<table>
<thead>
<tr>
<th>Indicators: Treatment of Specific Nationalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are applications from specific nationalities considered manifestly well-founded?</td>
</tr>
<tr>
<td>‣ If yes, specify which:</td>
</tr>
<tr>
<td>2. Are applications from specific nationalities considered manifestly unfounded?</td>
</tr>
<tr>
<td>‣ If yes, specify which:</td>
</tr>
</tbody>
</table>

1. **Syria**

Refugees arriving directly from Syria are subject to a group-based, *prima facie*-type Temporary Protection regime in Turkey. The temporary protection regime currently in place covers Syrian nationals and stateless Palestinians originating from Syria. Those coming through a third country, however, are excluded from the temporary protection regime. Although they should be allowed to make an international protection application under the LFIP, in practice they are not allowed to apply and are only granted a short-term visa and then a short-term residence permit. This includes Syrian nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection.\(^{301}\)

2. **Iraq**

Iraqis are generally granted short-term residence permits once they are in Turkey. Even where they apply for international protection, they are usually encouraged to opt for a short-term residence permit.\(^{302}\) Previously, DGMM referred Iraqi Turkmens to Turkmenli Dernegi in Ankara with a view to confirming their origin. These persons usually obtain international protection, as do Uyghurs from China.\(^{303}\)

3. **Afghanistan**

The barriers to access to the procedure following the takeover of registration of applicants for international protection by DGMM in September 2018 (see Registration) have had particularly adverse effects on certain nationalities. Single male asylum seekers from Afghanistan face particular obstacles to accessing

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\(^{301}\) Information provided by stakeholders, March 2019.

\(^{302}\) Information provided by a stakeholder, March 2019.

\(^{303}\) Information provided by a stakeholder, March 2019.
registration compared to other nationalities, as many PDMM are reluctant to register their asylum applications.  

4. Other nationalities

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

Asylum seekers of African origin also face discrimination in registration. Some PDMM such as Kastamonu reportedly refuse to register their asylum applications. Prior to September 2018, such applicants, especially Somali families, were referred to Isparta and Burdur where communities are settled. This has not been the case since the takeover of registration by DGMM.  

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

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305 Information provided by a stakeholder, March 2020.  

306 Information provided by a stakeholder, February 2019.  

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

308 Information provided by a stakeholder, March 2020.
As a general remark, 2019 can be considered as a year of social cohesion. DGMM issued a new strategy, the Cohesion Strategy and National Action Plan,\(^\text{309}\) according to which six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labour market and social support. The authorities have been working closely with SGDD-ASAM, MUDEM and community-based organisations on these issues in 2019.

**A. Access and forms of reception conditions**

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

   **Indicators: Criteria and Restrictions to Reception Conditions**

   | 1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure? |
   |---|---|---|---|
   | Regular procedure | ✗ Yes ✗ Yes | Reduced material conditions | No |
   | Admissibility procedure | ✗ Yes ✗ Yes | Reduced material conditions | No |
   | Accelerated procedure | ✗ Yes | Reduced material conditions | No |
   | First appeal | ✗ Yes | Reduced material conditions | No |
   | Onward appeal | ✗ Yes | Reduced material conditions | No |
   | Subsequent application | ✗ Yes | Reduced material conditions | No |

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions? ✗ Yes ✗ No

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 kayıt) by DGMM. Therefore, persons must be considered as international protection applicants from the time they approach state authorities and express a request to international protection. The actual registration of an applicant by DGMM may come later.

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

1.1. Restrictions on reception conditions by type of procedure

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

With regards to: (a) documentation; (b) freedom of movement and 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 who are case an inadmissibility decision has been taken – whether their application was being processed under the regular procedure or the accelerated procedure – will continue to be subject to the same reception regime as before, until the inadmissibility decision becomes a final decision.

1.2. Means assessment

The LFIP contains a “means” test for some of the reception rights and benefits but not for others. With regards to access to primary and secondary education and access to labour market, there is no means criterion. With regards to health care, social assistance and benefits and financial allowance, applicants are subject to a means criterion. The PDMM shall conduct this assessment on the basis of the following considerations:310

a. whether the applicants have the means to pay for their shelter;

b. level of monthly income;

c. number of dependant family members;

c. any real estate owned in Turkey or country of origin;

d. whether they receive financial assistance from family members in Turkey or country of origin;

e. whether they receive financial assistance from any official bodies in Turkey or NGOs;

f. whether they already have health insurance coverage;

g. any other considerations deemed appropriate.

Where it is determined that an applicant has unduly benefited from services, assistance and other benefits, they shall be obliged to refund costs in part or in their entirety.311

Furthermore, for applicants who fail to comply with the obligations listed in Article 89 LFIP or to whom a negative status decision was issued, the DGMM “may” reduce rights and benefits, with the exception of education rights for children and basic health care.312

2. Forms and levels of material reception conditions

<table>
<thead>
<tr>
<th>Indicators: Forms and Levels of Material Reception Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2019 (in original currency and in €):</td>
</tr>
<tr>
<td>Not available</td>
</tr>
</tbody>
</table>

310 Article 106(1) RFIP.
311 Article 90(1)(ç) LFIP.
312 Article 90(2) LFIP.
While the LFIP does not employ the term of “reception conditions” as such, Articles 88 and 89 LFIP commit a set of rights, entitlements and benefits for international protection applicants, which thematically and substantially fall within the scope of the EU Reception Conditions Directive.

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

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

2.1. Financial allowance

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

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

2.2. Social assistance and benefits

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

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

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313 Article 95 LFIP.
315 Article 88(2) LFIP.
316 Article 89(5) LFIP.
317 Article 90(1) LFIP.
318 Article 79(2) LFIP.
As of 2018, if the person in need is an adult, social assistance varies between 410-760 TL / €82-152 and if the applicant goes into university the amount of assistance rises up to 928 TL / €186. There is also another quarterly financial assistance from the governorates that varies between 80-100 TL / €15-20.319

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

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

Municipalities may also provide assistance to applicants for and beneficiaries of international protection. The types of assistance provided by the municipalities differ as they depend on the resources of each municipality. Assistance packages may include coal, food parcels, clothing and other kinds of non-food items. The eligibility criteria to receive assistance may also differ between municipalities.320

The Turkish Red Crescent (Türk Kızılay) is an important actor in this field and is active in each city of Turkey as a public interest corporation. In most cases, their social assistance is not financial but in kind: distribution of wheelchairs to disabled persons, distribution of food, clothes or soup in winter for people in need. They have also a special fund for people with special and emergency needs. With the help of this fund, they can provide medical help such as buying a prosthesis or hearing instruments for children.321

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

The ESSN scheme is the single largest humanitarian project in the history of the EU and as of October 2019, was assisting around 1.7 million people. In addition, EU-funded partner organisations had distributed over 700,000 e-vouchers, food parcels or kits with other urgently needed items. The EU has also contributed €104 million to bi-monthly cash transfers to vulnerable refugee families whose children attend school regularly under the ‘Conditional Cash Transfers for Education’ (CCTE). By mid-2019, CCTE had benefitted more than half a million children who attended school regularly. The EU has funded around 20,000 Syrian refugee children and young people to enroll in accelerated learning programmes helping them make up for lost years of schooling, where they also got basic literacy and numeracy classes, and Turkish language courses. Since 2017, the EU has also provided transportation to an average of 6,000 children per month to help them attend their formal and non-formal education activities.322

319 Information provided by Ministry of Family and Social Policies, February 2018. There was no updated information in 2019.
321 Information provided by Türk Kızılay, January 2019.
3. Reduction or withdrawal of 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 DGMM has the discretion to reduce rights and benefits, with the exception of education rights for minors and basic health care.\textsuperscript{323}

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

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

Failure to report to the assigned “satellite city” (see Freedom of Movement) may also lead to restrictions on rights and benefits, with the exception of education and health care.\textsuperscript{324} However, if the application is considered withdrawn (“cancelled”), General Health Insurance (\textit{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 Turkey’s General Health Insurance (\textit{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.\textsuperscript{325}

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

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

Applicants can either file an administrative appeal against such a decision to reduce or withdraw reception rights with IPEC within 10 days of the written notification, or they can directly file a judicial appeal with the competent Administrative Court within 30 days.\textsuperscript{326}

\begin{itemize}
  \item \textsuperscript{323} Article 90(2) LFIP.
  \item \textsuperscript{324} Article 91(6) RFIP.
  \item \textsuperscript{325} Law No 7196 amending several acts, 6 December 2019, available in Turkish at: \url{http://bit.ly/2TSm0zU}.
  \item \textsuperscript{326} Article 80 LFIP.
\end{itemize}
4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?  
   ☒ Yes  ☐ No

2. Does the law provide for restrictions on freedom of movement?  
   ☒ Yes  ☐ No

4.1. The “satellite city” system

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

The RFIP elaborates the dispersal policy. It defines the concept of “satellite cities” as provinces designated by DGMM where applicants for international protection are required to reside. 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.

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

Satellite cities for international protection applicants: 2018

<table>
<thead>
<tr>
<th>Adana</th>
<th>Çorum</th>
<th>Karaman</th>
<th>Sakarya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adıyaman</td>
<td>Denizli</td>
<td>Kars</td>
<td>Samsun</td>
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<tr>
<td>Afyon</td>
<td>Düzce</td>
<td>Kastamonu</td>
<td>Siirt</td>
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<td>Ağrı</td>
<td>Elazığ</td>
<td>Kayseri</td>
<td>Sinop</td>
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<td>Aksaray</td>
<td>Erzincan</td>
<td>Kırıkkale</td>
<td>Şanlıurfaf</td>
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<td>Amasya</td>
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<td>Ardahan</td>
<td>Eskişehir</td>
<td>Kılıs</td>
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<td>Artvin</td>
<td>Gaziantep</td>
<td>Konya</td>
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<td>Balıkesir</td>
<td>Giresun</td>
<td>Kütahya</td>
<td>Trabzon</td>
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<td>Batman</td>
<td>Gümüşhane</td>
<td>Malatya</td>
<td>Uşak</td>
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<td>Bayburt</td>
<td>Hakkâri</td>
<td>Manisa</td>
<td>Van</td>
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<td>Bilecik</td>
<td>Hatay</td>
<td>Mardin</td>
<td>Yalova</td>
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<td>Bolu</td>
<td>Iğdır</td>
<td>Mersin</td>
<td>Yozgat</td>
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<td>Burdur</td>
<td>Isparta</td>
<td>Nevşehir</td>
<td>Zonguldak</td>
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<td>Çanakkale</td>
<td>Kahramanmaraş</td>
<td>Niğde</td>
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<td>Çankırı</td>
<td>Karabük</td>
<td>Ordu</td>
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327 Article 2(hh) RFIP.
328 Article 66(3) RFIP.
In practice, however, not all provinces are available to applicants. It is up to the individual PDMM to decide on the ‘opening’ or ‘closing’ of a “satellite city” and on referrals thereto depending on their capacity. When a PDMM is ‘closed’, it usually processes existing applications to issue International Protection Application Identification Cards and Temporary Protection Identification Cards. The ‘closure’ or ‘opening’ of a PDMM is not officially or publicly notified.

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

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

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

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

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

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

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

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330 Information provided by an NGO, February 2019.
331 Information provided by a stakeholder, March 2020.
332 Information provided by an NGO, February 2020.
333 Information provided by an NGO, March 2020.
After changes to the LFIP in December 2019 the law now foresees an administrative fine for those who provide accommodation to unregistered foreigners even unknowingly. In many provinces registration for Temporary Protection and International Protection is not taking place, foreigner citizens cannot complete registration even if they want to. This could lead to a rise in homelessness.334

4.2. Travelling outside the “satellite city” and sanctions

The PDMM has the authority to impose an obligation on applicants to reside in a specific address, as well as reporting duties.335 In practice, applicants are not subject to strict reporting requirements, but their effective residence in the address declared to the PDMM is monitored if they do not appear before the PDMM for prolonged periods. In this case, the PDMM might conduct unannounced checks.

Any travel outside the assigned province is subject to written permission by the PDMM and may be permitted for a maximum of 30 days, which may be extended only once by a maximum of 30 more days.336

As of November 2019, travel permits can be obtained through the online system (E-Devlet) through the e-accounts of refugees. Refugees are expected to get a password from National Postal Services. Some people still have language barriers and have difficulties in accessing the online system. 337

Failure to stay in an assigned province has very serious consequences for the applicant. International protection applicants who do not report to their assigned province in time or are not present in their registered address upon three consecutive checks by the authorities are considered to have implicitly withdrawn their international protection application.338 In practice, if the person is not found at his or her declared address, the DGMM may issue a “V71” code declaring that the applicant is in an “unknown location” (Semt-i meçhul) following a residence check.

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

In practice, however, applicants may be subject to even more severe – and arbitrary – sanctions such as administrative detention in a Removal Centre, with a view to their transfer to their assigned province (see Grounds for Detention). It seems, however, that the rigour of sanctions for non-compliance with the obligation to remain in the assigned province varies depending on the nationality, sexual orientation or gender identity or civil status of the applicant (e.g. single woman) or simply due to the working relationship of the applicant with the PDMM staff. Afghan applicants, for example, often face stricter treatment than other groups. Even where released from Removal Centres after being detained for non-compliance with the obligation to reside in their assigned province, asylum seekers are often required to regularly report to the Removal Centre or to a PDMM in a different province from the one where they reside. In 2018, PDMM issued Administrative Surveillance Decisions (“T6”) mainly to Afghan asylum seekers released from Removal Centres, imposing reporting obligations on them in Central Anatolian and northern provinces e.g. Amasya, Niğde, Afyon and Kastamonu.339 In 2019 the number of T6 forms issued increased because

335 Article 71(1) LFIP.
336 Article 91(1)-(2) RFIP.
338 Article 77(1)(ç) LFIP.
339 Information provided by an NGO, February 2019.
new detention centres opened. Ankara PDMM reportedly does not register people with T6 forms or those who illegally enter Turkey.\textsuperscript{340}

It is possible for applicants to request that DGMM assign them to another province on grounds of family, health or other reasons.\textsuperscript{341} Requests for a change in assigned province for other reasons may be granted by the DGMM Headquarters on an exceptional basis. Where an applicant is unhappy about his or her province of residence assignment and his or her request for reassignment is denied, he or she can appeal this denial by filing an administrative appeal with the IPEC within 10 days or filing a judicial appeal with the competent Administrative Court within 30 days.

B. Housing

1. Types of accommodation

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<thead>
<tr>
<th>Indicators: Types of Accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of reception centres:</td>
</tr>
<tr>
<td>2. Total number of places in the reception centres:</td>
</tr>
<tr>
<td>3. Total number of places in private accommodation:</td>
</tr>
<tr>
<td>4. Type of accommodation most frequently used in a regular procedure:</td>
</tr>
<tr>
<td>5. Type of accommodation most frequently used in an accelerated procedure:</td>
</tr>
</tbody>
</table>

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

However, the DGMM is authorised to set up Reception and Accommodation Centres to be used to address “accommodation, nutrition, health care, social and other needs” of international protection applicants and status holders.\textsuperscript{343} The Reception and Accommodation Centres referred to in Article 95 LFIP should not be confused with the “temporary accommodation centres”, the large-scale camps in the south of Turkey that accommodate refugees from Syria subject to the temporary protection regime (see Temporary Protection: Housing).

There is now only one remaining Reception and Accommodation Centre in operation in the province of Yozgat with a modest capacity of 100 places.\textsuperscript{344} The centre is envisioned as a short-stay facility, where persons apprehended and wishing to apply for international protection may be hosted for a couple of days before being directed to register their application. In practice, these centres are mainly available to applicants with special needs such as victims of gender-based violence, torture or physical violence, single women, elderly and disabled people.

\textsuperscript{340} Information provided by a stakeholder, March 2020.
\textsuperscript{341} Article 110(5) RFIP.
\textsuperscript{342} Both permanent and for first arrivals.
\textsuperscript{343} Article 95(2) LFIP.
In previous years, there was an expectation that 6 new Reception and Accommodation Centres would become operational with a cumulative accommodation capacity of 2,250 beds. These 6 centres were built within the framework of an EU twinning project and 80% of the construction budget was financed by the European Commission. The locations chosen for the centres were Izmir, Kırklareli, Gaziantep, Erzurum, Kayseri and Van. However, following the EU-Turkey Action Plan on Migration of 29 November 2015 and the EU-Turkey statement of 18 March 2016, all 6 centres have been re-purposed to serve as Removal Centres (see Place of Detention).

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

2. Conditions in reception facilities

<table>
<thead>
<tr>
<th>Indicators: Conditions in Reception Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? Yes ☐ No ☑</td>
</tr>
<tr>
<td>2. What is the average length of stay of asylum seekers in the reception centres? Not available</td>
</tr>
<tr>
<td>3. Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☑ No</td>
</tr>
</tbody>
</table>

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

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

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

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

However Article 4 of the Removal Centres Regulation provides that a list of 9 general principles must be observed in all functioning and provision in the Centres, including prioritisation of persons with special needs, best interest of the child, confidentiality of personal data, due notification of residents and detainees on the nature and consequences of all proceedings they undergo, respect for right to religious affiliations and worship and non-discrimination.

Currently, almost all international protection applicants are subject to private accommodation in their assigned provinces on their own resources. Access to housing remains deeply challenging due to a range

346 Article 95(3) LFIP.
347 Article 95(4) LFIP.
of factors, including high rental prices and onerous advance payment requirements from owners. Rent prices are very high, resulting in two or three families living together in one place to be able to afford rent. Deposits are not paid back when the tenancy contract comes to an end. As a result, a large number of applicants, likely temporary protection beneficiaries (see Temporary Protection: Housing) remain exposed to destitution and homelessness, or accommodation in substandard makeshift camps.

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

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

On 29 November 2017, the media reported the case of 96 persons from Afghanistan and Pakistan kidnapped and locked in a basement by smugglers in Istanbul, suffering torture and starvation for one month. An earlier incident involving three Iranian refugees held in a house for 37 days and tortured by smugglers was reported on 29 July 2017. In 2018, media reports showed a poster outside a shop in Denizli warning Iranian, Syrian and Afghan customers not to enter, threatening them with physical violence. In 2007 a young Nigerian man, Festus Okey, was shot whilst in police custody in Istanbul and died later in hospital. Key evidence went missing. A police officer was found guilty in 2011 of involuntary manslaughter but did not serve any time in prison. The case was appealed but many years were spent on identifying the victim rather than the death itself. The case is still pending in 2020 and has become a symbol of access to justice for migrants in Turkey.

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349 Information provided by the Adana Bar Association, February 2018; Mersin Bar Association, February 2018.
C. Employment and education

1. Access to the labour market

<table>
<thead>
<tr>
<th>Indicators: Access to the Labour Market</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law allow for access to the labour market for asylum seekers?</td>
</tr>
<tr>
<td>☐ If yes, when do asylum seekers have access to the labour market?</td>
</tr>
<tr>
<td>2. Does the law allow access to employment only following a labour market test?</td>
</tr>
<tr>
<td>3. Does the law only allow asylum seekers to work in specific sectors?</td>
</tr>
<tr>
<td>☐ If yes, specify which sectors:</td>
</tr>
<tr>
<td>4. Does the law limit asylum seekers’ employment to a maximum working time?</td>
</tr>
<tr>
<td>☐ If yes, specify the number of days per year</td>
</tr>
<tr>
<td>5. Are there restrictions to accessing employment in practice?</td>
</tr>
</tbody>
</table>

Asylum seekers may apply for a work permit after 6 months following the lodging date of their international protection application.\(^{354}\)

The principles and procedures governing the employment of applicants or international protection beneficiaries shall be determined by the Ministry of Family, Labour and Social Services in consultation with the Ministry of Interior.\(^{355}\) On that basis, the Regulation on Work Permit of Applicants for International Protection and those Granted International Protection adopted on 26 April 2016 confirms that applicants may apply to the Ministry of Family, Labour and Social Services for a work permit through an electronic system (E-Devlet) after 6 months from the lodging of their asylum application.\(^{356}\)

Applicants must hold a valid identification document in order to apply,\(^{357}\) meaning that those applicants who do not hold an International Protection Identification Card – due to Admissibility grounds or the applicability of the Accelerated Procedure – are not permitted to apply for a work permit. In any event, it would be difficult for these categories of applicants to obtain a right to access the labour market given the general 6-month waiting period to apply for a work permit.

An exemption from the obligation to obtain a work permit is foreseen for the sectors of agriculture and livestock works. In these cases, however, the applicant must apply for an exemption before the relevant Provincial Directorate of Family, Labour and Social Services.\(^{358}\) The Ministry of Family, Labour and Social Services may introduce province limitations or quotas in these sectors.\(^{359}\) More generally, the Regulation entitles the Ministry to impose sectoral and geographical limitations to applicants’ right to employment, without providing further detail as to the applicable grounds for such restrictions.\(^{360}\) In addition, applicants cannot be paid less than the minimum wage.\(^{361}\)

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354 Article 89(4)(a) LFIP.
355 Article 89(4)(c) LFIP.
356 Articles 6-7 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
357 Article 6(1)-(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
358 Article 9(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection. Provisionally, however, these applications are lodged with the Ministry of Family, Labour and Social Services: Provisional Article 1 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
359 Article 9(2) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
360 Article 18(1) Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
361 Article 17 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
In the Cohesion Strategy and National Action Plan (2018-2023) priorities for the labour market, include:
- Providing reliable and standardised information on labour market;
- Research on professional qualifications of migrants and access to the labour market;
- Protection of right to work as well as information on rights and working conditions.

The action plan includes:
- A website with information on conditions for access to the labour market depending on status;
- Awareness raising on rights and working conditions;
- Strengthening recognition of migrants’ qualifications.

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

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

<table>
<thead>
<tr>
<th>Work permits issued to Afghan, Iraqi and Somali nationals: 2015-2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Afghanistan</td>
</tr>
<tr>
<td>Iraq</td>
</tr>
<tr>
<td>Somalia</td>
</tr>
</tbody>
</table>


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

Applicants for international protection continue to face widespread undeclared employment and labour exploitation in Turkey, similar to temporary protection beneficiaries (see Temporary Protection: Access to the Labour Market).

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

363 Istanbul Marmura Magistrate Court decision 2018/8, date 2 February 2018.
366 Article 22 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.
A new project was launched in early 2020 by the Ministry of Foreign Affairs and the United Nations Development Programme (UNDP) on creating accelerators for entrepreneur refugees in Turkey.\textsuperscript{367} According to research, in the nine years since the Syrian crisis, over 10,000 companies have been established in Turkey by Syrians that have created around 100,000 jobs and Syrian businesspeople have invested over 1.5 billion TRY in Turkey.\textsuperscript{368}

2. Access to education

<table>
<thead>
<tr>
<th>Indicators: Access to Education</th>
<th>☑ Yes ☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law provide for access to education for asylum-seeking children?</td>
<td>☑ Yes ☐ No</td>
</tr>
<tr>
<td>2. Are children able to access education in practice?</td>
<td>☑ Yes ☐ No</td>
</tr>
</tbody>
</table>

International protection applicants and their family members shall have access to elementary and secondary education services in Turkey.\textsuperscript{369}

Turkey has been a party to the United Nations Convention on the Rights of the Child since 1995. The right to education is also recognised by Article 42 of the Turkish Constitution, which provides that “no one shall be deprived of the right of learning and education”. Turkey’s Law on Primary Education and Training provides that primary education is compulsory for all girls and boys between the ages of 6-13 and must be available free of charge in public schools.\textsuperscript{370} Currently the 8-year compulsory primary education is divided into two stages of 4 years each. Parents or guardians are responsible for registering school-age children to schools in time. Furthermore, the Basic Law on National Education also explicitly guarantees non-discrimination in extension of education services to children, “regardless of language, race, gender, religion”.\textsuperscript{371}

In order for a parent to be able to register his or her child to a public school, the family must already have International Protection Applicant Identification Cards, which also list the Foreigners Identification Number (YKN) assigned by the General Directorate of Population Affairs to each family member. This YKN registry is a prerequisite for school authorities to be able to process the child’s registration.\textsuperscript{372} However, the Ministry of National Education instructs public schools to facilitate the child’s access to school even where the family has not yet completed their international protection registration process at the PDMM. Children need to attend school in the “satellite city” to which the family has been assigned (see Freedom of Movement).

According to UNICEF, the number of non-Syrian refugee children enrolled in formal education at the end of March 2019 was 56,701.\textsuperscript{373}

Since the language of education is Turkish, language barriers present a practical obstacle for asylum seeker children. There is no nationwide provision of preparatory or catch up classes for asylum-seeking children who start their education in Turkey or who did not attend school for some time due to various reasons. In practice, unaccompanied children who are accommodated in state shelters are offered Turkish language classes provided in the shelters before they are enrolled in schools. For other asylum-seeking children, while in theory they have access to Turkish classes provided by public education centres or the

\textsuperscript{367} More information is available at: http://bit.ly/3aZ4CiF.


\textsuperscript{369} Article 89(1) LFIP.

\textsuperscript{370} Law No 222 on Primary Education and Training.

\textsuperscript{371} Law No 1738 Basic Law on National Education.

\textsuperscript{372} The specifics of the registration procedure are governed by a 23 September 2014 dated Ministry of National Education Circular No: 2014/21 regarding the Provision of Education and Training Services to Foreign Nationals.

\textsuperscript{373} UNICEF, Turkey Humanitarian Situation Report, January–March 2019, 1.
municipalities in their assigned province, in practice such language classes attuned for them are not universally available around Turkey. Nor does the Turkish educational system offer adaptation or catch-up classes to foreign children whose previous education was based on a different curriculum. However, community centres operated by Türk Kızılay across the country also offer Turkish language classes and other services to applicants (see Content of Temporary Protection).

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

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

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

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

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

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

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

Stakeholders confirmed these schools were still accessed in this way in March 2020.
- Non-formal education opportunities including in libraries, community and municipal centres etc;
- Mobile libraries in temporary accommodation centres;
- Vocational courses.

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

D. Health care

<table>
<thead>
<tr>
<th>Indicators: Health Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?</td>
</tr>
<tr>
<td>2. Do asylum seekers have adequate access to healthcare in practice?</td>
</tr>
<tr>
<td>3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?</td>
</tr>
<tr>
<td>4. If material conditions are reduced or withdrawn, are asylum seekers still given access to healthcare?</td>
</tr>
</tbody>
</table>

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

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

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

Article 89(3) LFIP designates that DGMM shall make the premium payments on behalf of international protection applicants and status holders. Previously the Ministry of Family, Labour and Social Services made the payments in the framework of an arrangement between the two agencies. The assessment of means took the form of an “income test” which classified the beneficiary according to the level of income. Persons in the “G0” class have health care premiums covered entirely, while individuals in categories “G1”, “G2” and “G3” proportionally cover some of their health care costs. 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.

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375 Information provided by a stakeholder, February 2020.
376 Law No 5510 on Social Security and General Health Insurance lays down the scope and modalities of Turkey’s general health insurance scheme.
Assessment criteria are, therefore, no longer applied to non-Syrians apart from vulnerable groups. For vulnerable cases the DGMM requires evidence such as health and medical reports issued by state hospitals showing the vulnerable person’s health condition. These medical reports are difficult to obtain for those who do not have health care coverage. 378

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

1. Scope of health care coverage

Under the Turkish health system, differentiation is made between primary, secondary and tertiary public health care institutions:
- Health stations, health centres, maternal and infant care and family planning centres and tuberculosis dispensaries that exist in each district in each province are classified as primary healthcare institutions;
- State hospitals are classified as secondary health care institutions;
- Research and training hospitals and university hospitals are classified as tertiary health care institutions.

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

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

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

GSS beneficiaries’ access to secondary and tertiary healthcare services is conditional upon whether the health issue in question falls within the scope of the 2013 Health Implementation Directive (Sağlık Uygulama Tebliği, SUT). 380

378 Information provided by a stakeholder, March 2020.
379 Information provided by a stakeholder, February 2020.
For treatment of health issues which do not fall within the scope of the SUT or for treatment expenses related to health issues covered by the SUT which exceed the maximum financial compensation amounts allowed by the SUT, beneficiaries may be required to make an additional payment.

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

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

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

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

A number of NGOs also offer a range of psycho-social services in different locations around Turkey although capacity is limited. SGDD-ASAM, IKGV, Support to Life and Türk Kızılay are some of the NGOs providing psycho-social support in different cities across Turkey. Türk Kızılay Community Centre in Urfa has a new project in collaboration with UNICEF, DGMM and the Ministry of Health on empowering the mental health of refugees. Two new mental health centres will be established in Urfa and Ankara (pilot cities) then extended to 18 cities.

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;

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381 Article 113(1) RFIP.
382 Information provided by Türk Kızılay Community Centre Urfa, February 2020.
Mobile health services for disadvantaged groups such as the elderly and disabled as well as for agricultural workers;
Access to reproductive health;
Migrant health centres able to provide oral/dental health services;
Increasing access to community health centres;
Central health appointment system in other languages than Turkish;
Information tools in different languages;
Bilingual patient orientation staff eg in hospitals where high concentration of migrants.

2. Practical constraints on access to health care

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

The language barrier remains the predominant problem encountered by asylum seekers in seeking to access to health care services.\textsuperscript{383} Hospitals in Turkey give appointments to patients over the telephone. Since hospital appointment call centres do not serve prospective patients in any language other than Turkish, foreign nationals need the assistance of a Turkish speaker already at appointment stage. There is no nationwide system for the provision of interpretation assistance to international protection applicants and beneficiaries, although the EU-funded SIHHAT project 2016 and 2019 included interpreters for Syrian temporary protection beneficiaries (see \textit{Temporary Protection: Health Care}). NGOs in some locations also offer limited services to accompany particularly vulnerable asylum seekers to hospitals. In some provinces such as \textit{Hatay}, doctors only accept interpreters under oath, while in others like \textit{Ankara} hospitals have their own interpreters.\textsuperscript{384}

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

Article 90(2) LFIP states that for applicants who fail to comply with the obligations listed in Article 90(1) or about whom a negative status decision was issued, the DGMM may proceed to a Reduction of rights and benefits, with the exception of education rights for minors and basic health care. In practice, however, PDMM have proceeded with the de-activation of the GSS for persons whose application for international protection is considered withdrawn (“cancelled”) due to non-compliance with the obligation to stay in the assigned “satellite city” or rejected, even without the decision having become final. Lawyers have challenged these cases but unsuccessfully so far.\textsuperscript{385}

In addition, in provinces such as \textit{Afyon} and \textit{Kırıkkale}, where individuals are able to re-activate their GSS, they cannot benefit from health care before paying outstanding premium debts for the period during which their GSS was de-activated.\textsuperscript{386}

\textsuperscript{383} Information provided by Bosphorus Migration Studies, January 2019.
\textsuperscript{384} Information provided by Bosphorus Migration Studies, January 2019.
\textsuperscript{385} Information provided by stakeholders, February 2019.
\textsuperscript{386} \textit{Ibid}.
After the recent legal amendments, the health insurance of Afghans was deactivated immediately in Adiyaman and Antep. In Van the health insurance of both Iranians and Afghans was deactivated right after the law entered into force.387

E. Special reception needs of vulnerable groups

<table>
<thead>
<tr>
<th>Indicators: Special Reception Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is there an assessment of special reception needs of vulnerable persons in practice?</td>
</tr>
<tr>
<td>☒ Yes</td>
</tr>
</tbody>
</table>

The “persons with special needs” category includes “unaccompanied minors, handicapped persons, elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence”.388

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

1. Reception of unaccompanied children

When it comes to unaccompanied children, Article 66 LFIP orders that the principle of “best interests of the child” shall be observed in all decisions concerning unaccompanied minor applicants. According to the new Article 66(B) LFIP389, all children younger than 18 shall be placed in children’s shelters or other premises under the authority of the Ministry of Family, Labour and Social Services.

There are different procedures applied for separated children. In Kilis and Mersin, if one of the parents is alive the courts cancel the custody of children first, and then appoint a guardian. In Antep the courts directly appoint a guardian.390 In Antakya, there is a protocol between the PDDM and the Ministry of Family and Social Policies with regards to the registration of separated children and constitution of their legal relationships with their families. In Antakya in 2019 there concerns over the custody of unaccompanied and separated children and legal assessments of new guardians not being conducted carefully.391

2. Reception of survivors of torture or violence

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

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

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387 Information provided by a lawyer from the Van Bar Association, March 2020.
388 Article 3(1)(l) LFIP.
389 Law No 7196 amending several acts, 6 December 2019, in Turkish at: http://bit.ly/2TSm0zU.
390 Information provided by a stakeholder, February 2020.
391 Information provided by a lawyer from the Antakya Bar Association.
sister’s death in Istanbul. In 2017, a woman from Kyrgyzstan was assaulted by police officers in Antalya. In 2018, an Afghan woman who had been missing for a month was found murdered in Burdur. In early 2019, an Uzbek woman was raped by a police officer in Istanbul and, as criminal proceedings were pending before the 8th Criminal Court of Istanbul, it was reported by lawyers that the woman was deported due to a violation of visa obligations and was no longer reachable in Uzbekistan to give a power of attorney.

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

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

Victims of gender-based violence are referred to Centres for the Elimination and Monitoring of Violence (Şiddet Önleme ve İzleme Merkezi, ŞÖNİM) which in turn refer them to women’s shelters (kadın konuk evleri), mostly run by the Ministry of Family, Labour and Social Services, municipalities or NGOs. In 2018 Turkey had a total of 144 shelters spread across 79 municipalities, with an overall capacity of 3,454 places, including one shelter managed by DGMM with 12 places. In 2019 there were reports of 145 shelters with a capacity of 3,482.

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

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

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397 Information provided by an NGO, February 2019.
399 Ministry of Family, Labour and Social Services, ‘137 Şırıname Evi Yetimiyor’ Başlıklı Haberle İlgili Basın Açıklaması’, 6 September 2018, available in Turkish at: https://bit.ly/2Ofl7AT; See BBC Turkey, 25 Kasım Kadına Yönelik Şiddetle Mücadele Günü - Kadınlardan 예수님'e Sığınaç Eleştirisi, 25 November 2019, available in Turkish at: https://bbc.in/33S3g7j; See also, NPR, ‘We Don't Want To Die’: Women In Turkey Decry Rise In Violence And Killings, 15 September 2019, at: https://n.pr/2WZtP8T.
400 “Ministry of Family, Labour and Social Services provide places for short stays in case of emergency.”
402 Information provided by a stakeholder, February 2019.
3. Reception of LGBTI persons

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

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

In many provinces, LGBTI applicants face additional challenges to reception, particularly due to the lack of state-provided accommodation and the requirement to secure their own accommodation. For persons who do not fit in the predominant gender roles, housing may become more difficult to find but also precarious, as many fear the risk of being evicted by landlords if their orientation or identity is discovered. In the past SGDD-ASAM referred trans applicants to the Transgender House (Trans evi) in Istanbul for short stays where the applicant had specific needs, however it is no longer open as the project ended in 2019. Now NGOs can sometimes find temporary housing, but only in very vulnerable cases.

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

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

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403 Information provided by a stakeholder, February 2018.
405 Information provided by a stakeholder in Ankara, February 2020.
406 Kaos GL, Turkey’s challenge with LGBTI refugees, 4 December 2019, 29-32.
407 Information provided by a stakeholder, March 2018.
408 Kaos GL, Turkey’s challenge with LGBTI refugees, 4 December 2019, 29-32.
410 7th Civil Court of Izmir, Decision 2018/370, 9 October 2018.
411 Information provided by an NGO, February 2019.
4. Reception of persons living with HIV

People living with HIV are not explicitly identified as a group having special needs in the LFIP. Few NGOs deal with the needs of this group such as Positive Life in Istanbul and SGDD-ASAM in Ankara. Unfortunately, information on their situation is not well known. The limited training and familiarity of health care institutions with their situation creates obstacles to effective access to health care.413

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

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

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

2. Access to reception centres by third parties

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

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

G. Differential treatment of specific nationalities in reception

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

413 Information provided by an NGO, February 2019.
said, Syrians’ access to essential rights is generally described as more straightforward than that of non-Syrian applicants for international protection.
Detention of Asylum Seekers

A. General

### Indicators: General Information on Detention

| 1. Total number of asylum seekers detained in 2019: | Not available |
| 2. Number of asylum seekers in detention at the end of 2019: | Not available |
| 3. Number of Removal Centres: | 28 |
| 4. Total capacity of Removal Centres: | 20,000 |

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

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

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

While Removal Centres (Geri Gönderme Merkezi, GGM) are essentially defined as facilities dedicated for administrative detention for the purpose of removal, in practice they are also used to detain international protection applicants (see Place of Detention). According to DGMM, as of March 2019, there were 28 active Removal Centres in Turkey with a total detention capacity of 20,000 places. The EU provides support for migration management under its pre-accession assistance to Turkey. This includes the construction of fourteen removal centres (of which eight are completed), and the refurbishment and maintenance of eleven additional centres. This support amounts to a total of EUR 84 million provided under the Instrument for Pre-accession Assistance.415

The LFIP provides that international protection applications of detained applicants other than requiring that applications of detained applicants shall be finalised “as quickly as possible”,416 and that they fall within the scope of the Accelerated Procedure.417

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414 Including both applicants detained in the course of the asylum procedure and persons lodging an application from detention.
416 Article 68(5) LFIP.
417 Article 79(1)(ç) LFIP.
### B. Legal framework of detention

**1. Grounds for detention**

<table>
<thead>
<tr>
<th>Indicators: Grounds for Detention</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>In practice, are most asylum seekers detained</td>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
<tr>
<td>on the territory:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>at the border:</td>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

2. Are asylum seekers detained during a regular procedure in practice?  
Varies

The LFIP provides for two types of administrative detention:
- Administrative detention of international protection applicants during the processing of their applications;[^418] and
- Administrative detention for the purpose of removal.[^419]

#### 1.1. Detention of international protection applicants

The decision to detain an applicant for international protection is issued by the governorate of the “satellite city” in which the applicant resides. That said, administrative detention of international protection applicants must be an exceptional measure.[^420] Persons “may not be detained for the sole reason of having submitted an international protection application.”[^421]

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

- 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;
- At border gates, for the purpose of preventing irregular entry;
- Where it would not be possible to identify the main elements of the applicant’s international protection claim unless administrative detention is applied;
- Where the applicant poses a serious danger to public order or public security.

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

#### 1.2. Pre-removal detention

According to Article 57(2) LFIP, detention for the purpose of removal may be ordered to persons issued a removal decision who:
- Present a risk of absconding;
- Have breached the rules of entry into and exit from Turkey;
- Have used false or forged documents;
- Have not left Turkey after the period of voluntary departure, without a reasonable excuse;
- Pose a threat to public order, public security or public health.

[^418]: Article 68 LFIP.  
[^419]: Article 57 LFIP.  
[^420]: Article 68(2) LFIP; Article 96(1) RFIP.  
[^421]: Article 68(1) LFIP.
The law further provides that detention shall immediately cease where it is no longer necessary.\footnote{Article 57(4) LFIP.} Judgments from Magistrates’ Courts of \textit{Antalya} and \textit{Hatay} in 2018 held that there is no basis to detain under Article 57 LFIP if removal cannot be carried out due to interim measures from the Constitutional Court and the Administrative Court.\footnote{2\textsuperscript{nd} Magistrates’ Court of Antalya, Decision 2018/1761, 2 April 2018; 2\textsuperscript{nd} Magistrates’ Court of Hatay, Decision 2018/4659, 26 December 2018.} Conversely, the Magistrates’ Court of \textit{Van} has reached the opposite conclusion in similar cases.\footnote{2\textsuperscript{nd} Magistrates’ Court of Van, Decision 2018/6023, 27 November 2018; Decision 2018/6166, 7 January 2018.} 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.\footnote{Article 96(7) RFIP.} This not only runs contrary to the LFIP, which provides that applicants for international protection are protected from deportation, but also raises the risk that grounds for detention under Article 68 LFIP will not be adequately assessed with a view to maintaining or releasing an applicant from pre-removal detention. In practice, asylum seekers remain subject to pre-removal detention orders, although some persons are released after their application for international protection has been registered.\footnote{Information provided by a stakeholder, February 2018.} Even this can nevertheless entail a prolonged period of pre-removal detention due to the significant obstacles to the \textit{Registration} of applications from Removal Centres. It remains to be seen how the new provision on alternatives to detention from December 2019 are implemented and if this reduces the time spent in pre-removal detention.

Since the changes to the LFIP in December 2019 an alternative to detention may also be ordered but it is too soon to know how this will be implemented in practice. See section on \textit{Alternatives to detention}.  

\subsection*{1.3. Detention without legal basis}

Beyond detention in the international protection procedure and pre-removal detention, a number of migrants and asylum seekers are arbitrarily detained without legal basis. Firstly, persons who are apprehended outside their designated province ("satellite city") may be detained in order to be transferred back. According to HRW, the combination of the registration ban in certain provinces and the travel ban forces Syrians either to stay illegally in one province or to travel illegally to other provinces, thus risking detention and deportation.\footnote{HRW, \textit{Turkey Stops Registering Syrian Asylum Seekers}, July 2018, available at: https://bit.ly/2XM5t2V.} While it appears that detention is imposed on applicants who violate residence restrictions with varying rigour, often depending on different factors such as the nationality of the individual, in 2018 and 2019\footnote{For the situation for Syrians in Istanbul, see: Amnesty International, \textit{Turkey: Syrians illegally deported into war ahead of anticipated "safe zone"}, 25 October 2019, available at: https://bit.ly/2XTTaz4V; and Human Rights Watch, \textit{\textquoteleft\textquoteleft Turkey: Syrians being deported to danger\textquoteright\textquoteright}, 24 October 2019, available at: https://bit.ly/2VFJcw7.} the authorities intensified checks on persons travelling outside their designated province, resulting in an increasing number of applicants for international protection detained in Removal Centres (see \textit{Freedom of Movement}). Administrative detention based on a lack of travel permission was common in 2019.\footnote{Information provided by a stakeholder, March 2020.}

In addition, persons arriving at international airports and refused entry into Turkey are also held under a regime of detention as “inadmissible persons” (\textit{kabul edilemez}), even though this occurs \textit{de facto}. Turkey does not consider holding people in transit zones as a form of detention, on the basis that “at any time
inadmissible passengers can leave holding areas to travel to a country where they would like to go. These persons are required to sign an “inadmissible passenger form” (kabul edilemez yolcu formu).

In practice, it is widely reported that applicants for international protection are held in facilities at the airport. There was an increase in such cases in 2018. However, it was reported that people arriving irregularly ‘inadmissible passengers’ are not held for long in the new airport in Istanbul in 2019.

In conformity with the law, the duration of assessment of the applications in the accelerated procedure does not exceed 2-3 days. However, even though this is not formally regarded as a form of detention, as stated in the judgment of the Constitutional Court in B.T., any detention beyond 48 hours prior to transfer to a Removal Centre is unlawful and constitutes a violation of the right to liberty.

In 2019 the LFIP was amended regarding ‘inadmissible passengers’ to say that ‘Foreigners covered under this article shall stay at the designated areas at border gates until the process in relation to them is finalised.’ NGOs are concerned that this will create problems and violations of procedural safeguards, and the period of detention, conditions and access to appeal.

2. Alternatives to detention

<table>
<thead>
<tr>
<th>Indicators: Alternatives to Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Which alternatives to detention have been laid down in the law?</td>
</tr>
<tr>
<td>Reporting duties</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

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.

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. 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

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432 Information provided by a lawyer of the Izmir Bar Association, March 2019.
433 Information provided by a lawyer from the Istanbul Bar Association, March 2020.
434 Information provided by a stakeholder, March 2018.
435 Constitutional Court, *B.T.*, Decision 2014/15769, 30 November 2017, available at: https://bit.ly/2fWjuS0. The applicant was an Uzbek national who tried to exit Turkey and enter Greece with a counterfeit passport. B.T. was detained in Sabiha Gökçen Airport in Istanbul for 6 days before being transferred to Kumkapı Removal Centre. There, he applied for international protection and after 44 days he was released and assigned to Sinop. See also Anadolu Agency, ‘AYM’den Özbekistan vatandaşı için hak ihlali kararı’, 16 February 2018, available in Turkish at: https://bit.ly/2plxGhq.
437 Article 71(1) LFIP.
438 Article 68(6) LFIP.
mandatory residence and notification obligation.”\textsuperscript{439} Both provisions are problematic as they refer to such obligations \textit{after} detention is lifted rather than before it is ordered.

Up until recently, applicants who were released after the expiry of the maximum duration of pre-removal detention were issued an Administrative Surveillance Decision (“T6”) and were obliged to regularly report to the PDMM (see Registration). This was a concerning practice, as the imposition of reporting obligations to the PDMM is as an additional restriction when detention may no longer be applied, rather than an alternative to detention. Applicants are often ordered to report to PDMM in the Removal Centre from which they are released, or in provinces located far from their assigned “satellite cities” within tight deadlines, without necessarily possessing the means to get there. NGOs are aware of cases where clients have been obliged to discharge their reporting duties in a distant city, two, three or even five days a week, thereby entailing disproportionate transportation and accommodation costs for applicants.\textsuperscript{440} For instance, Aydin Removal Centre obliged a non-Syrian registered in Afyon to give his signature every week in Aydin.\textsuperscript{441} In addition, people were not properly informed of this obligation upon release from the Removal Centre.\textsuperscript{442}

Lawyers appealed such cases of reporting obligations after detention is terminated, but with varied outcomes. One case before the Administrative Court of Gaziantep concerned a Yemeni national subject to an administrative decision on reporting obligation five days per week in a city other than his assigned city. The Court annulled the decision on the ground that “the application of this duty will cause irreversible damages for the applicant residing in Istanbul in terms of his family unity and financial burden.”\textsuperscript{443}

New amendments to the law in December 2019 included Article 57(A) LFIP which lays down alternatives to pre-removal detention including \textit{inter alia}: residence at a specific address, working on voluntary basis for public good, reporting duties, family based return, return counselling, financial guarantees and electronic tagging. These measures shall not be applied for more than 24 months and non-compliance shall be a ground for imposing pre-removal detention. Article 57(8) LFIP inserts that a person’s electronic tagging device may be examined by the authorities to establish the person’s identity.

It is too early to tell how this will affect practice overall. There are some concerns about return counselling given reported pressures in 2019 on detained refugees to voluntarily return.\textsuperscript{444} In Istanbul lawyers requested return counselling as an alternative to detention for a woman from Kyrgyzstan, however, the request was rejected by the court. The woman was issued a T6 form with an obligation to report in a specific city.\textsuperscript{445} On the other hand, there has already been a very recent positive decision from Adana where a potential detainee was issued a decision on ‘not leaving the domicile’ as an alternative to detention.\textsuperscript{446}

\begin{thebibliography}{9}
\bibitem{439} Article 96(5) RFIP, Article 68(6) LFIP only refers to the obligations in Article 71 LFIP where detention is lifted.
\bibitem{440} Information provided by a stakeholder, February 2018.
\bibitem{441} Information provided by a stakeholder in Ankara, February 2020.
\bibitem{442} Information provided by a stakeholder, February 2019.
\bibitem{443} 1st Administrative Court of Gaziantep, Decision 2017/1302, 9 October 2017.
\bibitem{444} Information provided by a stakeholder, February 2020.
\bibitem{445} Information provided by a stakeholder in Istanbul, March 2020.
\bibitem{446} Information provided by a stakeholder in Gaziantep, February 2020.
\end{thebibliography}
3. Detention of vulnerable applicants

<table>
<thead>
<tr>
<th>Indicators: Detention of Vulnerable Applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are unaccompanied asylum-seeking children detained in practice?</td>
</tr>
<tr>
<td>[ ] Frequently [ ] Rarely [ ] Never</td>
</tr>
<tr>
<td>❖ If frequently or rarely, are they only detained in border/transit zones?</td>
</tr>
<tr>
<td>[ ] Yes [ ] No</td>
</tr>
<tr>
<td>2. Are asylum seeking children in families detained in practice?</td>
</tr>
<tr>
<td>[ ] Frequently [ ] Rarely [ ] Never</td>
</tr>
</tbody>
</table>

Unaccompanied children-international protection applicants should be categorically excluded from detention, since they must be placed in appropriate accommodation facilities under the authority of the Ministry of Family, Labour and Social Services.\(^\text{447}\) In practice, however, unaccompanied children often declare being over the age of 18 to avoid separation from their group.\(^\text{448}\) Unaccompanied minors are still kept in removal centres in border cities especially in Van.\(^\text{449}\) In Gaziantep, families are generally kept together although there have been some cases where unaccompanied children were deported alone.\(^\text{450}\)

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

Children with their families are generally detained.\(^\text{453}\) In 2017, “G89” codes, corresponding to foreign terrorist fighters were issued to infants detained with their families in İzmir (Harmandalı), thereby illustrating a lack of individualised assessment prior to ordering detention. The İzmir Bar Association and members of the Grand National Assembly expressed concerns about this practice, all the more so since the coding system applied by the authorities has no legal basis.\(^\text{454}\) Cases of children, as well as elderly people being issued YTS codes continue to be witnessed in different provinces.\(^\text{455}\)

In 2019 in Antakya children held in removal centres with their families could access health services but not education. There was one case of a family from Iraq with four children held in the removal centre whose appeal against deportation was rejected by Yozgat 1\(^\text{st}\) Administrative Court and they were transferred to Hatay removal centre. They did not sign the voluntary return form. The children could not access to education from the removal centre. One of the children needed access to health care due to her disability but she could not access it.\(^\text{456}\)

In İzmir in 2019 the practice towards vulnerable groups was not sensitive at all in the removal centre. Generally young men are held in the removal centre but there can also be exceptional cases. For instance,

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\(^\text{447}\) Article 66(1)(b) LFIP.
\(^\text{448}\) Information provided by a stakeholder, February 2019.
\(^\text{449}\) Information from a stakeholder in Ankara, February 2020.
\(^\text{450}\) Information from a stakeholder in Gaziantep, February 2020.
\(^\text{452}\) Information provided by a stakeholder, February 2019.
\(^\text{453}\) In one case concerning a 4-year old child of a detained US national, however, the 2\(^\text{nd}\) Magistrates’ Court of Hatay recognised that detention has negative effects on the child: 2\(^\text{nd}\) Magistrates’ Court of Hatay, Decision 2018/2686, 13 July 2018.
\(^\text{455}\) Information provided by a lawyer of the Istanbul Bar Association, February 2019.
\(^\text{456}\) Information provided by a lawyer from the Antakya Bar Association, March 2020.
children with their mother, pregnant women have been held in removal centre and there was a case of a victim of human trafficking held in the removal centre and then deported. In Antakya, two people from Morocco, victims of human trafficking were deported to Morocco.

LGBTI persons are at particular risk of detention when apprehended outside their assigned province. Moreover, sex workers and (potential) victims of trafficking are also a category of persons detained in Removal Centres for reasons of public order and public health under Article 57 LFIP, though not necessarily engaging with the international protection procedure. Women from countries such as Russia, Azerbaijan, Kazakhstan and Kyrgyzstan are often held in Removal Centres of Edirne, Izmir (Harmandalı) and Aydın. In one judgment, the 2nd Magistrates’ Court Aydın upheld a detention order on grounds of “public security” issued to eight foreign women who were informally working in a night club. LGBTI people are generally not held in removal centres in Gaziantep.

Persons with health conditions are also detained in Removal Centres. In a case of an elderly asylum seeker who had suffered a heart attack, the ECtHR rejected a request for interim measures under Rule 39 of the Rules of the Court to ensure release from detention on the ground that there was no risk of violation of right to life. In a different case, the Constitutional Court refused to grant interim measures on the basis that the individual could access health care in the Removal Centre and that detention was not per se life-threatening. There have been recent reports of a disabled person being held at the Harmandalı Removal Centre, despite the fact there was a court ruling that the person could not travel alone and be deported. A woman from Angola was giving birth but was still sent to the detention centre in Silivri, Istanbul due to non-payment of a fee.

4. Duration of detention

<table>
<thead>
<tr>
<th>Indicators: Duration of Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is the maximum detention period set in the law?</td>
</tr>
<tr>
<td>- Asylum detention</td>
</tr>
<tr>
<td>- Pre-removal detention</td>
</tr>
<tr>
<td>2. In practice, how long in average are asylum seekers detained?</td>
</tr>
</tbody>
</table>

Administrative detention in the international protection procedure is permitted for up to 30 days. Pre-removal detention, on the other hand, may be ordered for 6 months, subject to the possibility of extension for another 6 months. This extension is systematically applied in practice, especially for persons under a YTS-related code. In one case, however, the 2nd Magistrates’ Court of Edirne quashed a detention order on the basis that detention for over 6 months exceeded reasonable time limits.

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457 Information provided by a lawyer from the Izmir Bar Association, March 2020.
458 Information provided by a lawyer from the Antakya Bar Association, March 2020.
459 2nd Magistrates’ Court of Aydın, Decision of 6 April 2017.
460 Information provided by a stakeholder in Gaziantep, February 2020.
461 ECtHR, yapcan v. Turkey, Application No 160/18.
465 Article 57(5) LFIP.
466 Article 68(5) LFIP.
467 Information provided by a lawyer from the Istanbul Bar Association, February 2019.
468 2nd Magistrates’ Court of Edirne, Decision 2018/2746, 3 July 2018.
In current practice, since the law allows for persons who register an international protection application to remain in pre-removal detention without a separate detention order under Article 68 LFIP (see Grounds for Detention), 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. 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. In provinces such as Istanbul and Hatay, detention exceeding the 48-hour deadline is a general practice, however. There is a pre-removal centre at Pendik in Istanbul where the detention period can often be longer than 48 hours, sometimes as much as 20 or even 25 days.

C. Detention conditions

1. Place of detention

<table>
<thead>
<tr>
<th>Indicators: Place of Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)?</td>
</tr>
<tr>
<td>2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure?</td>
</tr>
</tbody>
</table>

The LFIP clearly differentiates between administrative detention for the purpose of removal and detention in the international protection procedure, which are governed by Articles 57 and 68 respectively. In practice, however, applicants for international protection are detained in Removal Centres.

1.1. Removal Centres

As of December 2019, there were 28 active removal centres in Turkey with a total detention capacity of 20,000 places. Izmir (Harmandalı), Kırklareli, Gaziantep, Erzurum, Kayseri and Van (Kurubaş) were initially established as Reception and Accommodation Centres for applicants for international protection under EU funding, prior to being re-purposed as Removal Centres (see Types of Accommodation). More Removal Centres are being planned and upon completion of these facilities the overall pre-removal detention capacity in Turkey will reach 21,466 places. Adana removal centre is about to close but a new one will be open in Urfa. A new removal centre in Ankara has just been activated.

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469 Article 96(7) RFIP.
470 Article 57(2) LFIP.
472 Information provided by NGOs and lawyers, February 2019 and March 2020.
473 Information provided by a stakeholder, March 2020.
474 Information provided by a stakeholder in Gaziantep, February 2020.
475 Information provided by a lawyer from the Ankara Bar Association, March 2020.
The locations and capacities of Removal Centres are listed as follows:

<table>
<thead>
<tr>
<th>Capacity of pre-removal detention centres in Turkey</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-removal detention centre</strong></td>
</tr>
<tr>
<td>Adana</td>
</tr>
<tr>
<td>Ağrı</td>
</tr>
<tr>
<td>Ankara</td>
</tr>
<tr>
<td>Antalya</td>
</tr>
<tr>
<td>Aydın</td>
</tr>
<tr>
<td>Bursa</td>
</tr>
<tr>
<td>Çanakkale</td>
</tr>
<tr>
<td>Çankırı</td>
</tr>
<tr>
<td>Edirne</td>
</tr>
<tr>
<td>Erzurum 1</td>
</tr>
<tr>
<td>Erzurum 2</td>
</tr>
<tr>
<td>Gaziantep (Oğuzeli)</td>
</tr>
<tr>
<td>Hatay</td>
</tr>
<tr>
<td>İstanbul (Silivri)</td>
</tr>
<tr>
<td><strong>Total capacity 2019</strong></td>
</tr>
</tbody>
</table>


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

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

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

According to lawyers, it seems that some Removal Centres accommodate different categories of persons. For example, in Hatay and Gaziantep Syrians who have not signed a voluntary return form are mainly detained. Previously there was one removal centre in Van but a reception centre was built in the Kurubas area with a capacity of 750 people and it was turned into a removal centre. The latter was for Iranians and the former was for all other groups but the latter was closed down and now it is a sort of administrative branch of the removal centre where no one is held. The removal centre in Kurubas is quite busy because migrants to be deported are transferred to this removal centre from other cities including migrants apprehended in Bitlis, Hakkari, Mus and Sırnak.478

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477 Information provided by a stakeholder in February 2020.

478 Information provided by a lawyer from the Van Bar Association, March 2020.
1.2. Airport holding facilities and police stations

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

The authorities generally do not consider holding in transit zones as a deprivation of liberty, although a Council of Europe report of 2016 refers to them acknowledging that persons held in such facilities are deprived of their liberty.479

Police stations can be used for short-term detention of up to 48 hours prior to a Removal Centre.480 These are used in practice in provinces such as **Istanbul** and **Mersin**.

1.3. Unofficial detention facilities

Stakeholders have witnessed a number of practices consisting of *de facto* detention of people in facilities e.g. sport halls in different provinces, without a detention order, prior to being transferred to a Removal Centre or to signing voluntary return documents. It is not clear whether these centres are managed by DGMM or the Directorate General for Security Affairs.

**Şanlıurfa:** Persons apprehended are detained in a sports hall for periods reaching one week before being transferred to the nearest Removal Centre in Gaziantep.481

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

**Mersin:** The basement of the Yumuktepe police station in Demirtaş district has been unofficially used for detention of persons pending transfer to the Removal Centre. In some cases detention reaches one or two months, and deportation and international protection procedures are being conducted in the facility.483

**Hatay:** A former facility of the Special Forces Unit (Özel Harekat Şubesı) of the Directorate of Police, located in 500 Konutlar district close to the Removal Centre, is used for detention of persons caught in an irregular situation and for persons under a criminal investigation who are released by the Public Prosecutor. Persons detained there have reportedly been told to sign voluntary return documents, failing which they will be transferred to the Removal Centre.484 There have been reports of unlawful practice such as making people sign voluntary return forms by force or fraudulently, preventing lawyers from examining personal files of refugees or meeting them face to face. There are two floors and rooms for detention in the basement. Women and men are held in the same place in different cells. There seem to be pushes to apprehend migrants. Detained people do not get food directly in but have to pay for it from somewhere outside the police station. Lawyer-client meetings have been followed by a person who does not identify themselves.

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479 Council of Europe Special Representative for Migration and Refugees, *Report of the fact-finding visit to Turkey*, 10 August 2016, para IX.1(a).
480 Article 57(2) LFIP.
481 Information provided by the Şanlıurfa Refugee Law Clinic, February 2019.
483 Information provided by a stakeholder, February 2019.
484 Information provided by a lawyer of the Antakya Bar Association, February 2019.
There is no third-party monitoring returns from here. UNHCR only monitors official voluntary returns which are managed by the PDMM.\footnote{Information provided by a lawyer from the Antakya Bar Association, March 2020.}

In Van during the summer time, due to high numbers, irregular migrants are also held in police stations or sport centres in Semdinli or the gendarmerie.\footnote{Information provided by a stakeholder, February 2020.}

## 2. Conditions in detention facilities

<table>
<thead>
<tr>
<th>Indicators: Conditions in Detention Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do detainees have access to health care in practice?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>If yes, is it limited to emergency health care?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

All Removal Centres in Turkey are under the authority of DGMM and each centre is managed by a director.\footnote{Article 11 Removal Centres Regulation.} 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.\footnote{Constitutional Court, F.A. and M.A., Application No 2013/655, Judgment of 20 January 2016; A.V., Application No 2013/1649, Judgment of 20 January 2016; T.T., Application No 2013/8810, Judgment of 18 February 2016; A.S., Application No 2014/2841, Judgment of 9 June 2016; I.S., Application No 2014/15824, Judgment of 22 September 2016.} A series of judgments from the Constitutional Court against detention in Istanbul (Kumkapı), now closed, have highlighted the need to provide adequate detention conditions in Turkey.\footnote{Article 16 Removal Centres Regulation.}

In 2017, in line with the monitoring provisions of the Regulation,\footnote{Information provided by a stakeholder, February 2018.} DGMM 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: for example, SGDD-ASAM was a member of the commission in İzmir, whereas another NGO participated in the commissions of Kayseri and Hatay. Generally, Türk Kızılay is present in these commissions. In 2019, NGOs could still in theory be invited to attend the commissions by governorates but it became extremely rare. There is not enough information to know whether these commissions are active or not.

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\footnote{Information provided by a lawyer from the Van Bar Association, March 2020.}

\footnote{Article 14(1) Removal Centres Regulation.}
2.1. Material conditions in detention

Conditions in Removal Centres vary from one facility to another. Recent observations of detention conditions in selected centres include the following:

**Izmir (Harmandalı):** The centre has capacity for 750 persons in a total of 126 rooms located in two blocks, “Block A” and “Block B”. “Block A” accommodates mainly single adults and persons under a YTS code, while families are detained in “Block B”.493 There are two separate rooms for persons with disabilities accessible by lift. Each room has six beds and is equipped with a bathroom and toilet. Some of the rooms require repair, while no curtains are provided. In addition, heat and humidity adversely affect living conditions in the centre.494 While rooms are cleaned every day, the family units have faced bug infestation which has led to allergies in children.495

The centre is equipped with a gym, a library, two spaces for religious practice, two playgrounds, television and internet stations, as well as a tailor and a hairdresser.

During a visit of the Human Rights and Equality Commission in 2018, the centre held 475 persons. Of those, 51 were women of whom three pregnant women, 36 children, two elderly persons, one LGBTI person. A total of 172 persons under a YTS code were detained in the centre.496 In 2019 there were up to 1,000 people held at the centre at any one time, so sometimes it was over capacity with no plans to build extra capacity in Izmir.497

**Erzurum:** Two Removal Centres are established in a large complex: GGM 1 has four blocks for detained persons and GGM 2 has two blocks. Each centre has a separate block for offices and administration.498 Each centre has a capacity of 750 places.499 Women are accommodated on the top floor of GGM 2.500 Bedrooms accommodate six people on average and include a bathroom and toilet, although they have no curtains.501 During its visit in 2018, the Human Rights and Equality Commission identified shortcomings such as clogged toilets and leaks, broken sinks, toilet doors and door handles, ceilings damaged by humidity, and a lack of adequate ventilation.502 It also witnessed interruptions in the provision of hot water in GGM 2.503

GGM 1 has a playground and football, basketball and volleyball courts, a cafeteria, prayer rooms,504 playrooms for children, a library, an internet room which is not accessible to detainees, a projector room, a hairdresser and barber shop, while GGM 2 has a playground and similar indoor facilities.505 Some persons complained that they were not allowed outdoor access in GGM 2 on some days and that the sports facilities were not accessible.506 During a visit of the Human Rights and Equality Commission in 2018, a total of

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497 Information from a lawyer from the Izmir Bar Association.
501 *Ibid*, para 29. The administration building has curtains, however.
504 According to the Commission, people reported being unable to use the room: *Ibid*, para 37.
1,157 people were detained, of whom 627 in GGM 1 and 530 in GGM 2. 16 children, 14 women, one elderly person and one disabled person were detained.\textsuperscript{507}

**Gaziantep (Oğuzeli)**: Physical conditions in the facility are improving. Families are held together. However, a riot took place following a suicide of an Afghan national in the centre in February 2019. Lawyers from the Migration and Asylum Commission of the Gaziantep Bar Association inquired about the incident but were not provided with information by the management of the centre. The association later established that detainees had gone on hunger strike in the centre.\textsuperscript{508}

**Istanbul**: Women are generally detained in the Silivri Removal Centre, while men are held in Binkılıç.\textsuperscript{509}

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

**Çanakkale**: Conditions have been reported to be adequate overall.\textsuperscript{511}

**Hatay**: Lawyers have received reports of substandard conditions. Persons have no access to showers or hot water, and only have 40 minutes of outdoor access.\textsuperscript{512}

**Kayseri**: The centre has capacity for 750 persons and started operating in 2016.\textsuperscript{513} Rooms have bunkbeds and are equipped with a cupboard, bathroom and toilet.\textsuperscript{514} There are also two rooms for disabled persons, accessible by lift.\textsuperscript{515} The walls, rooms and linen were found to be generally in good condition during a visit of the Human Rights and Equality Commission in 2018.\textsuperscript{516} However, ventilation and hot water supply have been noticed as inadequate.\textsuperscript{517}

The facility has a prayer room, a library, a gym and a computer room.\textsuperscript{518} During the visit of the Human Rights and Equality Commission in 2018, the centre held 630 persons, including 18 women, 59 children and two disabled persons.\textsuperscript{519} Due to the rapid turnover of persons, the centre has not exceeded its capacity.\textsuperscript{520} If there are no available places in the centre, people are transferred to other Removal Centres such as Kırıkkale or Çankırı.\textsuperscript{521}

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

\textsuperscript{507} Ibid, paras 24-25.
\textsuperscript{508} Information provided by a lawyer of the Gaziantep Bar Association, February 2019.
\textsuperscript{509} Information provided by a lawyer of the Istanbul Bar Association, February 2019.
\textsuperscript{510} Information provided by a lawyer of the Antalya Bar Association, March 2019.
\textsuperscript{511} Information provided by a lawyer of the Ankara Bar Association, February 2018.
\textsuperscript{512} Information provided by a lawyer of the İzmir Bar Association, February 2018.
\textsuperscript{514} Ibid, para 23.
\textsuperscript{515} Ibid, para 25.
\textsuperscript{516} Ibid, paras 32-34.
\textsuperscript{517} Ibid, para 52.
\textsuperscript{518} Ibid, para 51.
\textsuperscript{519} Ibid, paras 14-15.
\textsuperscript{520} Ibid, para 24.
\textsuperscript{521} Information provided by a lawyer of the Kayseri Bar Association, February 2019.
provided in Kayseri. The Human Rights and Equality Commission noted later in the year that meal menus are not shared with detainees in advance.

In Van a lawyer said the conditions are better in prisons than in the removal centre because people have the right to access books and other items in prisons.

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

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

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

2.2. Staff, health care and special needs

In Izmir (Harmandalı), a monitoring visit of the Human Rights and Equality Commission in 2018 noted that there is one psychologist, 2 social workers and 2 teachers present in the centre, as well as one doctor and 5 health staff. However, most detainees reported being unaware of the presence of the psychologist. The Commission also expressed concerns about the lack of emergency response kits in the infirmary of the centre during its visit.

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

Activities in Removal Centres vary across the country. In Erzurum, for example, detained Afghan children were able to access education in 2018. The same was reported in Izmir (Harmandalı), although a

525 Information provided by a lawyer from the Van Bar Association, March 2020.
526 Information provided by a lawyer from the Ankara Bar Association, March 2020.
527 Council of Europe Special Representative for Migration and Refugees, Report of the fact-finding visit to Turkey, 10 August 2016, para IX.1(a).
528 See e.g. CPT, Report of the visit to Turkey from 16 to 23 June 2015, 17 October 2017, paras 36-39.
529 Information provided by a stakeholder, March 2018.
531 Ibid, para 37.
532 Ibid, para 44.
535 Information provided by a stakeholder, February 2019.
standard training programme is applied to children regardless of age or nationality. In Antalya, detained children cannot access education but psycho-social support is available in the Removal Centre.

There have been allegations of ill-treatment against detainees by staff such as security guards in Izmir (Harmandalı). In Antalya, a Syrian national was tortured by officers in the Removal Centre in June 2018 and later transferred to the Gaziantep Removal Centre, all the while suffering physical violence during the transfer. Incidents of violence, handcuffing and pressure to apply for “voluntary return” from guards have also been reported in Hatay. Similar complaints were reported from applicants or foreigners released from Gaziantep. These especially referred to ill-treatment against persons with a YTS code, including barriers to their access to water and hygiene. According to lawyers, poor detention conditions in Removal Centres are likely to be used as a tool to pressure migrants into opting for voluntary return.

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

3. Access to detention facilities

<table>
<thead>
<tr>
<th>Indicators: Access to Detention Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is access to detention centres allowed to:</td>
</tr>
<tr>
<td>❖ Lawyers:</td>
</tr>
<tr>
<td>❖ NGOs:</td>
</tr>
<tr>
<td>❖ UNHCR:</td>
</tr>
<tr>
<td>❖ Family members:</td>
</tr>
</tbody>
</table>

Under Article 68(8) LFIP, detained applicants for international protection will be provided opportunities to meet with their legal representatives, UNHCR officials and notaries. The law, however, fails to make explicit reference to the right of detained applicants to meet with NGO representatives. It is considered that this deliberate absence is meant to limit or deny detained applicants’ access to NGO legal counsellors, which must be seen as an arbitrary reduction of the safeguard in Article 68 LFIP.

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

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

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537 Information provided by a lawyer of the Antalya Bar Association, March 2019.
539 Information provided by a lawyer of the Antalya Bar Association, March 2019.
541 Information provided by a lawyer of the Gaziantep Bar Association, March 2018.
542 Article 14(1) Removal Centres Regulation.
543 Article 14(2) Removal Centres Regulation.
3.1. Access of lawyers to Removal Centres

According to an unpublished DGMM Circular of 17 December 2015, lawyers are only granted access to Removal Centres on the basis of written requests, and can only request a copy of documents deemed not to be confidential, provided they have a power of attorney.

This practice changed in 2019 and lawyers were able to visit their clients in many removal centres without showing a power of attorney or written request. This was not the case in İzmir, Kirikkale or the new removal centre in Ankara, however.

In İzmir the removal centre management still required power of attorney to let the lawyers in to have a pre-meeting with their potential clients. Even though according to Code on Lawyers, lawyers have the right to meet with their potential clients without it. Lawyers have been also subjected to long delays and security checks including X-ray body searches before being able to interview clients. More generally, there have been allegations that detainees have not been allowed to meet with lawyers even where lawyers request to access them by name. Complaints against security guards have also been filed by lawyers.

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

In Kirikkale the removal centre is also far away from the city centre. Requests for a legal aid lawyer are not delivered to the bar association from the removal centre authority, which requests a power of attorney from the lawyer to access the removal centre. Requests for assistance are mainly received through the family members of the detained refugee or UNHCR.

Harmandali Removal Centre management in İzmir does not report requests from refugees for legal aid to the lawyers directly. Lawyers become aware of the request through their relatives or by coincidence. Lawyers have also complained to İzmir PDMM about physical limitations in the removal centre, such as unlawful body searches targeting lawyers. In 2019 lawyers from the İzmir Bar Association of İzmir were arbitrarily detained in the Harmandali Removal Centre during a visit to meet with asylum seekers. A group of lawyers is preparing a lawsuit against the unlawful treatment of lawyers in the removal centre. There have been other reports of restrictions for legal aid lawyers such as not letting the lawyer examine the personal file of the refugee or banning the lawyer from reading all documents in the file or prohibiting

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544 According to UNHCR, this procedure is established with a view to ensuring that persons accessing the centres are accredited lawyers and does not constitute a violation of the right to a lawyer: Information provided by UNHCR, February 2018.

545 DGMM Circular No 31386081-000-36499 of 17 December 2015 “Avukatların Ggm’lerdeki Yabancılarla Görüşme Talebi”.

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


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

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

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

551 Information provided by a stakeholder, February 2020.

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


554 Information provided by a lawyer from the İzmir Bar Association, February 2020.
the lawyer from the client-lawyer meeting. This is a worrying issue since now the time limit to appeal deportation is seven days, meaning there are only seven days to contact their lawyer, collect all relevant data and file the lawsuit. In addition, if a lawyer does not accept a body search, requests to see their client are not accepted or they have to wait long hours in the removal centre. It seems that young lawyers in particular are subject to these unlawful practices.555

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

In Van removal centre the first person to deal with the lawyer is a gendarmerie or koy korucusu (‘village guard’) who can create problems especially for young lawyers such as unlawful body checks or prohibiting them from client-lawyer meetings. It is possible for lawyers to use the Union of Bar Association’s translation service through a fix line in the removal centre. There is no translator in the removal centre.557

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

Where the lawyer does not provide a sworn interpreter, the management of the centre usually relies on other detainees to provide interpretation, a practice which raises questions vis-à-vis the confidentiality of interviews in Removal Centres.559 Arabic-speaking staff of the centre provide interpretation assistance to lawyers when needed.560 In Izmir lawyers need to bring their own interpreter who has to be under oath. There is a fixed line to use the translation service provided by the Turkish Bar Association but the fixed line is not in the lawyers’ meeting room but in a migration officer’s room which is one floor above lawyer-client meeting room, meaning lawyers and their clients cannot benefit from it.561

In Istanbul NGO lawyers can access removal centres without submitting power of attorney but they usually wait for a long time. There are four detention centres in Istanbul: Selimpasa, Binkilik, Tuzla and Pendik. Tuzla and Pendik have been recently activated. Kumkapi and Vatan Police Stations in Istanbul are also used. This means that when a legal aid lawyer receives an appointment through the legal aid service, the lawyer has to check these six locations to find out where the client is. Police officers can reportedly give misleading information to lawyers in order to prevent them accessing their client. Kumkapi and Vatan Police Stations are not lawyer-friendly places. Lawyers could not even enter the Vatan Police Station building without submitting a power of attorney in August 2019. It is more accessible now but there is always a very long queue. For legal aid lawyers, access to removal centres is very difficult if they have no car. They are 60 km away from the centre. The current legal aid project does not always cover transportation costs. Lawyers are not always willing to accept appointments on refugee law cases because it takes at least 3 hours to access removal centres.562

In Kayseri, lawyers have reported having full access to the Removal Centre and benefitting from a separate room for meetings with clients; previously Removal Centre staff was present during meetings but this practice has now stopped.563 In Antalya, a security guard is present during lawyer / client meetings if the

555 Information provided by a lawyer from the Izmir Bar Association March 2020.
556 Information provided by a stakeholder in Gaziantep, February 2020.
557 Information provided by a lawyer from the Van Bar Association, March 2020.
558 Information provided by a lawyer from the Antakya Bar Association March 2020.
559 Information provided by a stakeholder, February 2019.
560 Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Antakya Bar Association, March 2019.
561 Information provided by a lawyer from the Izmir Bar Association, February 2020.
562 Information provided by a lawyer from the Istanbul Bar Association, February 2020.
563 Information provided by a lawyer of the Kayseri Bar Association, February 2019.
person has been issued a YTS code. In Gaziantep, lawyers’ access to the centre improved in 2018 as waiting times for entering the facility have been reduced. Lawyers entering Removal Centres such as Izmir (Harmandali), Hatay, Adana or Mersin are only allowed to see their clients in highly secured meeting rooms equipped with cameras. In Izmir there are now separate rooms with one table and chairs specifically allocated for lawyers and their clients but they are monitored by cameras. Lawyers can take notes of the meeting. In Gaziantep, a room for meetings with lawyers is currently under construction. In some centres the meeting room doors are open, thereby not guaranteeing confidentiality.

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

Lawyers’ access to airports was restricted in recent years but this improved overall in 2019. There is now a new airport in Istanbul which is called Istanbul Airport. Conditions in the new airport for migrants who are not allowed to enter in Turkey is better than the old airport, Atatürk Airport. There is a unit of the PDMM in the airport and lawyers can easily access case files. This is new and good practice. The main problems are accessing notaries and the long distance between the airport and the centre. In 2019, there were no legal aid request from airports where migrants were kept waiting at airports for a long time. Now, people who are not allowed to enter in Turkey are sent back to their countries or a safe third country immediately.

3.2. Access of UNHCR and NGOs to Removal Centres

The Removal Centres Regulation does not expressly regulate the conditions upon which UNHCR and NGOs have access to Removal Centres.

In practice, UNHCR does not have unhindered access to Removal Centres but has developed working modalities with DGMM. In 2018 this meant UNHCR submitted requests to visit Removal Centres on a periodic basis. UNHCR visited the premises, observed procedures and provided recommendations.

NGOs have no established protocols with DGMM for access to Removal Centres. As regards access to and contact with family members, practice varies across the centres. In Gaziantep, detainees can call family members for a maximum of 15 minutes two days a week, while in Hatay they can call every day. Family visits are more restricted in Gaziantep.

564 Information provided by a lawyer of the Antalya Bar Association, March 2019.
565 Information provided by a lawyer of the Gaziantep Bar Association, February 2019.
567 Information provided by a lawyer from the Izmir Bar Association, February 2020.
569 Information provided by NGOs, February 2019; a lawyer of the Antakya Bar Association, March 2019.
570 Information provided by a lawyer of the Antakya Bar Association, March 2019.
571 Information provided by an NGO, February 2019; International Refugee Rights Association, February 2019.
573 Information provided by UNHCR, February 2019.
574 Information provided by SGDD-ASAM, February 2018.
575 Information provided by a lawyer of the Antakya Bar Association, February 2018.
D. Procedural safeguards

1. Judicial review of the detention order

<table>
<thead>
<tr>
<th>Indicators: Judicial Review of Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is there an automatic review of the lawfulness of detention?</td>
</tr>
<tr>
<td>- Asylum detention</td>
</tr>
<tr>
<td>- Pre-removal detention</td>
</tr>
<tr>
<td>✔ Yes</td>
</tr>
<tr>
<td>✔ Yes</td>
</tr>
</tbody>
</table>

2. If yes, at what interval is the detention order reviewed? 1 month

The decision to detain an international protection applicant during the processing of his or her claim must be communicated in writing. 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, or receive documents without official signatures and seals. In other cases, lawyers are prevented from examining the case files of their clients. In Hatay and Adana, access to files was easier in 2019 but it was difficult to get copies of necessary information. Lawyers understand this as a measure to prevent them from quickly intervening in detention cases. In Erzurum, people have reported being insufficiently informed of the reasons for their detention and their case.

While there is no requirement of automatic periodic review of the detention decision by either the judiciary or DGMM itself in relation to detention in the international protection procedure, pre-removal detention must be reviewed by the governorate on a monthly basis.

The decision to detain can be challenged at the competent Magistrates’ Court through a non-suspensive appeal. The law does not set out a time limit for appealing detention.

The competent Magistrates’ Court judge must decide on the judicial review application within 5 days. The decision of the Magistrates’ Court is final and cannot be appealed. However, there are no limitations on new appeals by the applicant to challenge his or her ongoing detention.

According to lawyers’ observations, the poor quality of detention review by Magistrates’ Courts persists as a problem. In the İzmir, İstanbul, Aydın, Hatay, Gaziantep, Adana, Kayseri and Erzurum Removal

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576 Article 68(4) LFIP.
577 Information provided by a lawyer of the İzmir Bar Association, March 2018. This has been acknowledged as relevant to procedural obligations of the authorities: District Court of İzmir, Decision 2017/511-5711, 6 April 2017.
578 Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018.
580 Article 68(6) LFIP only states that detention may be lifted at any point.
581 Article 57(4) LFIP.
582 Article 68(7) LFIP; Article 96(6) RFIP. In November 2015, the High Council of Judges and Prosecutors passed a decision to designate the 2nd Chamber of each Magistrates’ Court responsible for appeals against administrative detention decisions within the scope of LFIP.
583 Article 68(7) LFIP; Article 96(6) RFIP.
Centres, appeals against detention are rejected as a general rule. In Hatay, about 200 appeals against detention are filed per year. In Izmir lawyers are concerned about a ‘systemic practice’ in courts to reject administrative detention reviews. One lawyer has applied to the Constitutional Court based on the lack of careful assessment of the magistrate court. In Van appeals against administrative detention are usually rejected but there was a case of an Iranian client who appealed against his administrative detention decision twice. The first appeal was rejected but the second appeal was accepted after a month. The reason for the acceptance was ‘detention has already taken long enough’ which is not a criterion stated in the law. When the lawyer went to the removal centre to release their client they were informed that the client had been sent to the border to be deported. However, the deportation was stopped at the last minute. In Antakya there have also been no positive decisions on administrative detention and concerns that there is a ‘systematic’ legal practice on this issue.

One of the rare positive decisions in this area was issued by the Magistrates’ Court of Kirklareli on the application of Rida Boudraa, the first applicant who obtained an interim measure from the Constitutional Court. The lawyer of the applicant appealed again against the administrative detention decision after the issuance of the judgment of the Constitutional Court and the Magistrates’ Court accepted the application on the ground that “the applicant has a legal domicile and family life in Turkey and there is no risk of fleeing the country.” In a 2018 case, the 2nd Magistrates’ Court of Edirne quashed a detention order on the basis that detention for over 6 months exceeded reasonable time limits.

Flexibility with regard to detention review may also depend on the Magistrates’ Court examining the appeal. In the case of a person detained for six months, the appeal was denied by the Ankara Magistrates’ Court, which ordered a prolongation of detention for six more months, but following a separate appeal the Çanakkale Magistrates’ Court ordered his release and imposed reporting obligations.

One crucial gap in the LFIP provisions on detention concerns remedies against detention conditions. On 11 November 2015, the Constitutional Court ruled in the K.A. case that the mechanisms set out in LFIP “failed to foresee any specific administrative or judicial remedy which sets the standards of detention conditions and includes monitoring and review of the conditions” so as to ensure review of compatibility with relevant standards. The Court reiterated this position in several cases in 2016, which – similar to K.A. – concerned detention conditions in the former Removal Centre of Istanbul (Kumkaptı).
Finally, where administrative detention is unlawful, the applicant can lodge a compensation claim (Tam Yargı Davası) before the Administrative Court.\textsuperscript{597}

2. Legal assistance for review of detention

<table>
<thead>
<tr>
<th>Indicators: Legal Assistance for Review of Detention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law provide for access to free legal assistance for the review of detention?</td>
</tr>
<tr>
<td>2. Do asylum seekers have effective access to free legal assistance in practice?</td>
</tr>
</tbody>
</table>

Detained international protection applicants must be given opportunity to meet with legal representatives, notary and UNHCR officials, if they wish so.\textsuperscript{598} Persons who do not have the financial means to pay a lawyer are to be referred to the state-funded Legal Aid Scheme in connection with “judicial appeals” pertaining to any acts and decisions within the international protection procedure.\textsuperscript{599}

However, the functioning of the Legal Aid Scheme in Turkey requires the applicant to approach the bar association to make a formal request for legal aid. It remains very difficult for a detained asylum seeker to access the legal aid mechanism by him or herself, especially since the authorities do not provide information on the right to legal assistance in a language understood by the individual.\textsuperscript{600} In most cases, either an NGO or UNHCR will alert the bar association and seek to ensure the appointment of a legal aid lawyer to the person. Lawyers appointed by bar associations have ties and work with NGOs in individual cases. However, it is observed from the field that no NGO has direct access to Removal Centres for the purpose of providing legal assistance. This is even impossible in practice if the applicant is classified as a foreign terrorist fighter.\textsuperscript{601}

The requirement of a notarised power of attorney poses an additional constraint (see Regular Procedure: Legal Assistance). Since detained asylum seekers are not issued an identification card before they have had the possibility to register with the PDMM, it is impossible for them to notarise a power of attorney.\textsuperscript{602} Furthermore, issuing a power of attorney and interpretation entail financial costs which vary depending on the distance of the Removal Centre and the language of the individual. Fees were approximately 180 TL in Kayseri but reach 400 TL to 700 TL in Antalya, 500 TL to 800 TL for Removal Centres in Istanbul, and 1,500 TL for airports in 2019.\textsuperscript{603} Some notaries did not accept requests from refugees who had a travel permit but who were registered in other cities.\textsuperscript{604}

\textsuperscript{597} Constitutional Court, B.T., Decision 2014/15769, 30 November 2017.
\textsuperscript{598} Article 68(8) LFIP.
\textsuperscript{599} Article 81(2) LFIP.
\textsuperscript{600} Information provided by a lawyer of the Antakya Bar Association, February 2018; a lawyer of the Adana Bar Association, February 2018; a lawyer of the Mersin Bar Association, February 2018.
\textsuperscript{601} Information provided by a lawyer of the Ankara Bar Association, January 2018; a lawyer of the Adana Bar Association, February 2018; a lawyer of the Gaziantep Bar Association, March 2018.
\textsuperscript{603} Information provided by a lawyer of the Kayseri Bar Association, February 2019; a lawyer of the Antalya Bar Association, March 2019; International Refugee Rights Association, February 2019.
\textsuperscript{604} Information provided by a stakeholder, March 2020.
Nevertheless, the Administrative Court of Ankara has held that access to legal counselling is a basic human right and should be granted to refugees without the requirement of a power of attorney. 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.

**E. Differential treatment of specific groups in detention**

There is no known policy of differential treatment of persons in detention on the basis of nationality, although according to observations from stakeholders, some Removal Centres detain specific population groups. For example, İzmir (Harmandalı), Kayseri, and Hatay detain mixed populations, including irregular migrants and foreign fighters. Gaziantep mostly holds Syrians classified as YTS (Foreign Terrorist Fighters).

In İzmir there is differential treatment for people who have been assigned a code compared to other irregular migrants, for example, there are restrictions on their right to make phone calls and go outdoors. The detention conditions of YTS are worse than other detainees and they are subject to arbitrary body checks and have limited rights to leave their cells. There have been claims of torture and ill-treatment.

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


608 During the Human Rights and Equality Commission’s visit in 2018, the centre held nationals of Afghanistan, Syria, Iraq, Iran and Central Asian countries: Turkish Human Rights and Equality Commission, Kayseri Geri Gönderme Merkezi Ziyareti, 2018/14, November 2018, para 17.

609 Information provided by a lawyer from the Izmir Bar Association, February 2020.
The LFIP provides three types of international protection status in accordance with Turkey’s “geographical limitation” policy on the 1951 Refugee Convention.

4. Persons who fall within the refugee definition in Article of the 1951 Convention and come from a “European country of origin”⁶¹⁰ qualify for **refugee status** under LFIP, in full acknowledgment of Turkey’s obligations under the 1951 Convention. The Turkish legal status of refugee under LFIP should afford rights and entitlements in accordance with the requirements of the 1951 Convention, including the prospect of long-term legal integration in Turkey. Only three persons had been recognised as refugees as of January 2018,⁶¹¹ although a March 2018 report of the Grand National Assembly referred to 70 persons with refugee status.⁶¹² There was no official data in 2019.

5. Persons who fall within the refugee definition in Article of the 1951 Convention but come from a so-called ‘non-European country of origin’, are instead offered **conditional refugee status** under LFIP. Conditional refugee status is a Turkish legal concept introduced by the LFIP for the purpose of differentiating in treatment between 1951 Convention-type refugees originating from ‘non-European’ states and those originating from ‘European’ states. The status of conditional refugee affords to beneficiaries a set of rights and entitlements lesser to that granted to refugee status holders and to subsidiary protection holders in some respects. Most importantly, conditional refugees are not offered the prospect of long-term legal integration in Turkey and are excluded from **Family Reunification** rights.

6. Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but would however be subjected to death penalty or torture in country of origin if returned, or would be at “individualised risk of indiscriminate violence” due to situations or war or internal armed conflict, qualify for **subsidiary protection** status under LFIP. The Turkish legal status of subsidiary protection mirrors the subsidiary protection definition provided by the EU Qualification Directive. Similar to the conditional refugee status holders, subsidiary protection beneficiaries receive a lesser set of rights and entitlements as compared to refugee status holders and are barred from long-term legal integration in Turkey. Notably however, unlike conditional refugees, subsidiary protection beneficiaries are granted family reunification rights in Turkey.

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

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⁶¹⁰ For the purpose of “geographical limitation” in regards to the interpretation of the 1951 Convention, Government of Turkey considers Council of Europe member states as ‘European countries of origin’.


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

⁶¹³ Information provided by a stakeholder, February 2020.
A. Status and residence

1. Residence permit

<table>
<thead>
<tr>
<th>Indicators: Residence Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is the duration of residence permits granted to beneficiaries of protection?</td>
</tr>
<tr>
<td>☐ Refugee status 3 years</td>
</tr>
<tr>
<td>☐ Conditional refugee status 1 year</td>
</tr>
<tr>
<td>☐ Subsidiary protection 1 year</td>
</tr>
</tbody>
</table>

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

According to the LFIP, foreign nationals who seek legal stay in Turkey are required to obtain a residence permit. There are 6 types of residence permits available to foreign nationals. Neither the International Protection Status Holder Identification Document issued to international protection status holders nor the Temporary Protection Identification Document issued to beneficiaries of Temporary Protection are identified as “residence permits” as such in Turkish law. The LFIP does not envision the granting of residence permits to either international protection status holders or beneficiaries of temporary protection.

The law instead identifies these categories of foreign nationals to be “exempt from the residence permit requirement” that applies to other categories of foreign nationals. They are instead envisioned to stay in Turkey on the basis of open-ended international protection status documents respectively. The International Protection Status Holder Identification Document “shall substitute a residence permit” within the meaning of being equivalent to residence permit for the person concerned in the sense of authorising legal stay in Turkey.

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

Therefore, in summary, it should be concluded that the law stops short of offering clear legislative guidance as to the duration of legal stay envisioned for international protection status holders regardless of what types of international protection the person concerned was granted. International Protection Status Holder Identification Document granted to status holders are to “remain valid until terminated by DGMM”. That is, the discretion to terminate an International Protection Status Holder Identification Document and thereby the actual duration of legal stay afforded by an international protection status are left to the discretion of DGMM.

By default, in light of the non-refoulement obligation guaranteed by Article 4 LFIP and in the absence of Cessation or Withdrawal procedures, it is unclear whether there can be any other circumstances under

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614 Article 30(1) LFIP.
615 Article 20(1)(g) LFIP, citing Article 83; Article 93(2) RFIP.
616 Article 83(3) LFIP.
617 Article 83(1) LFIP.
618 Article 83(2) LFIP.
619 Article 83 as amended by 85 7196 Law, 24 December 2019.
which the International Protection Status Holder Identification Document issued to an international protection status holder may be justifiably terminated.

On the other hand, from the vantage point of an international protection beneficiary, since the International Protection Status Holder Identification Document cannot lead to Long-Term Residence in Turkey and since time spent in Turkey on the basis of an International Protection Status Holder Identification Document cannot count towards the fulfilment of the 5-year uninterrupted legal residence requirement for Naturalisation, the legislative framework in Turkey fails to offer international protection status holders any prospect of long term legal integration in Turkey.

This approach adopted in LFIP and reinforced by the RFIP should be interpreted as an extension of Government of Turkey’s ongoing “geographical limitation” policy in relation to its obligations under 1951 Refugee Convention.

2. Civil registration

2.1. Civil registration of child-birth

Birth registration is both a right and an obligation for foreigners including beneficiaries of international protection. Births that take place in Turkey need to be notified to the Population and Civil Registry Departments under the Governorates. Notification shall be done by the mother, father or legal guardian of the child. In the absence of parents or a legal guardian, the child’s grandmother, grandfather, adult siblings or other persons accompanying the child shall notify the Population and Civil Registry Departments.

The notification needs to be made to the Population and Civil Registry Departments within 30 days. After birth registration, a birth certificate will be issued for the child. The registration process and the issuance of the certificate are free of charge.

Reporting the birth of the child to the PDMM is important as the child will be issued with an identity document certifying his or her legal status in Turkey. Registration enables children to access rights such as education and health care. Birth registration proves the age of the child and protects the child from being vulnerable to protection risks such as trafficking, child labour, child marriage, illegal adoption and sexual exploitation. Birth registration also proves the parental linkage between the child and the parents and protects the unity of the family. It can also help family reunification of the child with the parents in the future in case of family separation.

The language barrier has an impact on child-birth registration in practice.620

2.2. Civil registration of marriage

Turkish law is applied for all marriage procedures for international protection beneficiaries and applicants. Under Turkish law, a Turkish national and an applicant or beneficiary or two applicants or beneficiaries of different nationalities can be married by the Turkish authorities. All marriages carried out by the Turkish authorities are subject to the Turkish Civil Code and related regulations.

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

620 Information provided by an NGO, February 2019.
• Petition of the marriage: the couple must file a petition of marriage (evlenme beyannamesi), signed by both individuals applying to marry;
• Celibacy document certifying that the applicants are not already married;
• Medical report confirming that the applicants are free from diseases that would prevent them from getting married;
• International protection applicant registration document; international protection applicant identity document or international protection status holder identity document;
• Four photographs.

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

In Antakya a new problem arose in 2019 linked to the data verification process (see section on Temporary protection identification document). It was revealed that some people had lied about their marital status, particularly single women to protect themselves from potential threats. A problem then occurred when the women really wanted to get married. This is a legally unresolved problem unfortunately that has meant people have tried to produce fake divorce or marriage documents. In Antakya, there has been an explosion in this type of fake documents. The courts only accept documents sealed by the Syrian consulate in Istanbul and apostilled by DGMM. For the others, the public prosecutors open investigations based on ‘forgery of official documents’ and PDMM issues deportation decisions.

The number of lawsuits on the correction of civil records after the data verification process increased. As an example, a lawsuit was opened regarding a child who was registered with the wrong family. The court asked for registration documents showing that the child belongs to the Syrian family, but the latter was not able to receive such documents by an official authority in Idlib, where they came from. In civil rights matters, there are a lot of counterfeited document circulating but people often have no other choice but to resort to counterfeit documents because the public authorities do not issue the necessary documents. The only document accepted by the courts is the one sealed by the Syrian Consulate in Istanbul. Opponents of the Syrian authorities are afraid to go to the Consulate, however.621

3. Long-term residence

The EU Long-Term Residence Directive does not apply to Turkey. However, as regards long-term resident status under Turkish law, Article 42(2) LFIP governing “long-term residence permits” in Turkey specifically provides that international protection beneficiaries are not eligible for transition to a long-term residence permit.

4. Naturalisation

<table>
<thead>
<tr>
<th>Indicators: Naturalisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is the waiting period for obtaining citizenship?</td>
</tr>
<tr>
<td>2. Number of citizenship grants to beneficiaries in 2019:</td>
</tr>
</tbody>
</table>

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

a. Normal procedure: According to the normal procedure, the foreigner must have a valid residence permit in Turkey for 5 years. The foreigner with a valid residence permit must not leave Turkey

621 Information provided by a lawyer from the Antakya Bar Association, February 2020.
more than 180 days during the 5-year residence period. If this period is exceeded, the 5-year period is restarted.

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

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

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

While some Syrian nationals under temporary protection have been able to access citizenship through the exceptional circumstances procedure (see *Temporary Protection: Naturalisation*), access to citizenship is not provided to non-Syrian nationals in practice.

### 5. Cessation and review of protection status

<table>
<thead>
<tr>
<th>Indicators: Cessation</th>
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</thead>
<tbody>
<tr>
<td>1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>2. Does the law provide for an appeal against the first instance decision in the cessation procedure?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>3. Do beneficiaries have access to free legal assistance at first instance in practice?</td>
</tr>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

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:

a. Voluntarily re-avails him or herself of the protection of his or her country of origin;

b. Voluntarily re-acquires the nationality of the country he or she has lost;

c. Has acquired a new nationality and enjoys the protection of the country of new nationality;

c. Has voluntarily returned to the country of origin;

e. May no longer refuse to avail him or herself of the protection of the country of origin or habitual residence on the ground that the circumstances on which the status was granted no longer apply. In the assessment of change of circumstances, DGMM shall assess whether the change in the country of origin or habitual residence is significant and permanent.

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622 Article 85(1) LFIP.
623 Article 85(2) LFIP.
**Subsidiary protection** may also be ceased where circumstances have changed to such an extent that protection is no longer needed.624

Cessation is to be decided on an individual basis.625 Where cessation grounds apply, DGMM shall communicate the review of status to the beneficiary in writing. The beneficiary shall have the opportunity to present his or her reasons to continue receiving protection, orally or in writing.626 The RFIP refers to oral or written observations being submitted “within a reasonable period”, without specifying the timeframe in which the beneficiary should respond to DGMM.627

An appeal against a cessation decision may be lodged under the same conditions as in the Regular Procedure: Appeal, before IPEC within 10 days or before the competent Administrative Court within 30 days.628

6. **Withdrawal of protection status**

<table>
<thead>
<tr>
<th>Indicators: Withdrawal</th>
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<tbody>
<tr>
<td>1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure?</td>
</tr>
<tr>
<td>2. Does the law provide for an appeal against the withdrawal decision?</td>
</tr>
<tr>
<td>3. Do beneficiaries have access to free legal assistance at first instance in practice?</td>
</tr>
</tbody>
</table>

Withdrawal (“cancellation”) of international protection status is governed by Article 86 LFIP. The law provides that status shall be withdrawn where a beneficiary: (a) by way of false documents, fraud, deceit, or withholding facts, was granted protection; or (b) should have been excluded from international protection.629

While LFIP does not expressly provide the same level of guarantees in withdrawal procedures as in Cessation, as it makes no reference to a right of the beneficiary to present his or her observations,630 the possibility to submit oral or written observations “within a reasonable period” is provided in the RFIP.631 The remaining rules and procedures are the same as in Cessation.

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

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624 Article 85(3) LFIP.
625 Article 97(3) RFIP.
626 Article 85(4) LFIP.
627 Article 97(1) RFIP.
628 Article 80(1)(a) LFIP.
629 Article 86(1) LFIP.
630 Article 86(2) LFIP.
631 Article 98(1) RFIP.
632 1st Administrative Court of Bursa, Decision 2016/784, 12 May 2016.
B. Family reunification

1. Criteria and conditions

<table>
<thead>
<tr>
<th>Indicators: Family Reunification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is there a waiting period before a beneficiary can apply for family reunification?</td>
</tr>
<tr>
<td>❑ If yes, what is the waiting period?</td>
</tr>
<tr>
<td>2. Does the law set a maximum time limit for submitting a family reunification application?</td>
</tr>
<tr>
<td>❑ If yes, what is the time limit?</td>
</tr>
<tr>
<td>3. Does the law set a minimum income requirement?</td>
</tr>
</tbody>
</table>

Family reunification is governed by Articles 34-35 LFIP. While the law allows refugees and subsidiary protection beneficiaries to be reunited with family members under preferential conditions compared to other foreigners, conditional refugees are excluded from family reunification altogether. That is also implied by the fact that international protection beneficiaries are not granted a Residence Permit, whereas the law requires the sponsor to have resided in Turkey for more than one year on a residence permit. Refugees and subsidiary protection holders are expressly exempt from this condition, but conditional refugees are not.

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

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

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

2. Status and rights of family members

Upon arrival in Turkey, family members receive a “family residence permit” for a maximum duration of validity of 3 years. Holders of this permit have access primary and secondary education institutions without obtaining a student residence permit.

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633 Article 34(1) LFIP; Article 30(1)(d) RFIP.
634 Article 35(1)(c) LFIP.
635 Article 35(4) LFIP.
636 Article 34 LFIP; Article 30 RFIP.
637 Article 34(2) LFIP; Article 30(3) RFIP.
638 Türk Kızılay, Syrian Crisis Humanitarian Relief Operation, January 2020, 34.
639 Ibid.
640 Article 34(1) LFIP.
641 Article 34(4) LFIP.
Adult family members on a family residence permit may apply to transfer to a short-term residence permit after 3 years of residence in Turkey.\textsuperscript{642} However, this condition may be waived in cases where the spouse has been a victim of domestic violence,\textsuperscript{643} or in the event of death of the sponsor.\textsuperscript{644}

C. Movement and mobility

1. Freedom of movement

DGMM may restrict the residence of conditional refugees and subsidiary protection beneficiaries within a specific province and impose reporting requirements, for reasons of public security and public order.\textsuperscript{645} While LFIP makes no reference to refugees, who should enjoy freedom of movement across the territory of Turkey subject to the provisions of Article 26 of the 1951 Refugee Convention, the RFIP adds that such residence restrictions “may also be applicable for refugee status holders.”\textsuperscript{646}

The RFIP complements Article 82 LFIP by adding criteria such as the “person’s request, his or her special situation, medical and educational situation, kinship relations, culture, personal circumstances and capacity of the provinces” in the determination of the province where a conditional refugee or subsidiary protection holder will be allowed to reside.\textsuperscript{647}

In practice, beneficiaries of international protection are subject to the same “satellite city” dispersal policy governing the movement of asylum seekers (see Reception Conditions: Freedom of Movement).

2. Travel documents

Article 84(1) LFIP provides that refugees “shall be” provided ( Refugee) Travel Documents as referred to in the 1951 Refugee Convention. DGMM shall determine the “format, content and duration of validity” of ( Refugee) Travel Documents to be issued to refugee status holders in accordance with the 1951 Convention.\textsuperscript{648} Neither the law nor its Implementing Regulation set out a strict duration of validity for refugee travel documents.

As regards conditional refugees and beneficiaries of subsidiary protection, “if they make a request for a travel document”, their request “shall be evaluated” in reference to Article 18 of the Passports Law.\textsuperscript{649} Article 18 of the Passports Law governs the issuing of special travel documents that may be issued to foreign nationals referred to as “passports with a foreign-nationals-only stamp” (Yabancılara Mahsus Damgalı Pasaport).

As such, conditional refugees and subsidiary protection holders are not issued Convention Travel Documents but “may be” issued another type of travel document referred to as “passport with a foreign-nationals-only stamp”. The wording used in Article 84(2) LFIP suggests that the decision as to whether or not to grant a travel document upon request by a conditional refugee or subsidiary protection holder is subject to the discretion of DGMM and is therefore not a right as such.

\textsuperscript{642} Article 34(5) LFIP.
\textsuperscript{643} Article 34(6) LFIP.
\textsuperscript{644} Article 34(7) LFIP.
\textsuperscript{645} Article 82(1) LFIP; Article 110(4) RFIP.
\textsuperscript{646} Article 110(5) RFIP.
\textsuperscript{647} Article 110(1) RFIP.
\textsuperscript{648} Article 104 RFIP.
\textsuperscript{649} Article 84(2) LFIP; Article 104(2) RFIP.
Under Article 18 of the Passports Law, there are two types of “passport with a foreign-nationals-only stamp”:

- The type that authorises either a single exit or a single entry and has a 1-month duration of validity; and
- The type that authorises a single exit and a single entry. The duration of validity of this type of passport is subject to Ministry of Interior discretion but “shall not be less than 3 months”.

No reports of “passports with a foreign-nationals-only stamp” issued to conditional refugees or subsidiary protection holders currently in Turkey have been seen to date.

3. Resettlement

UNHCR works in collaboration with DGMM to identify the most vulnerable cases and to assess their eligibility for resettlement. As of 10 September 2018, DGMM pre-identifies cases based on vulnerability and refers them to UNHCR, similar to the procedure already followed for temporary protection beneficiaries (see Temporary Protection: Resettlement). In general, stakeholders have noticed that the criteria and standards of ‘vulnerability’ used now by DGMM are different from the ones of UNHCR and NGOs. For instance, LGBTI people are not considered as vulnerable.650

The final decisions on resettlement are taken by the receiving countries. In 2019, UNHCR submitted 17,552 cases for resettlement, 67% of whom were Syrian refugees. In 2019, 10,558 refugees departed to start new lives in resettlement countries; out of whom 78% were Syrian refugees and 22% were refugees of other nationalities.651 From January 1 to 30 November 2019, 22% of resettlement departures from Turkey were carried out to the United States of America, 77% were resettled in Europe and 1% in New Zealand.652 According to DGMM statistics, a total 16,285 Syrians were transferred to third countries between 2014 and 2019, mainly to Canada, the US, the UK and Norway.653

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

All resettlement from Turkey was suspended in early 2020, including German and Turkey’s bilateral agreement on the readmission of refugees, due to the Corona Virus.

D. Housing

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

E. Employment and education

1. Access to the labour market

With regard to the right to employment, the law draws a distinction between the different categories of international protection beneficiaries. Refugees and subsidiary protection holders have access to

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650 Information provided by a lawyer from the Izmir Bar Association, February 2020.
654 Information provided by a stakeholder, February 2019.
employment or self-employment after being granted status, on the basis of their International Protection Holder Identity Document without satisfying additional requirements.\textsuperscript{655}

These categories of beneficiaries also have preferential treatment with regard to the applicability of labour market tests. Any sectoral or geographical restriction on access to employment cannot be imposed on refugees or beneficiaries of subsidiary protection who have resided in Turkey for 3 years or are married to a Turkish citizen or have a Turkish child.\textsuperscript{656}

Conversely, conditional refugees are subject to the same rules as applicants for international protection. They are required to apply for a work permit, or for a work permit exemption in the sectors of agriculture and livestock works, after 6 months of being granted protection.\textsuperscript{657} Therefore they may also be subject to sectoral or geographical limitations on access to the labour market (see \textit{Reception Conditions: Access to the Labour Market}).

In practice, it seems that only a few conditional refugees are able to access work permits.\textsuperscript{658}

\textbf{2. Access to education}

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to access to education (see \textit{Reception Conditions: Access to Education}).

\textbf{F. Social welfare}

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to social assistance (see \textit{Forms and Levels of Material Reception Conditions}).

\textbf{G. Health care}

The LFIP draws no distinction between applicants for and beneficiaries of international protection in relation to health care (see \textit{Reception Conditions: Health Care}).

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

\textsuperscript{656} Article 18 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

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

Temporary Protection
Temporary Protection Procedure

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

Under the new presidential system in place since 2018, all references to the “Council of Ministers” in the LFIP have been replaced by the term “Presidency”, since the Council of Ministers was abolished. No such amendment has been made to the TPR yet. For the purposes of clarity, the following sections refer to the “Presidency” rather than the “Council of Ministers”.

DGMM is designated as the competent agency authorised to decide on the eligibility of persons for temporary protection in Turkey in light of the scope laid down by the Presidency declaration decision and the general eligibility criteria laid down in the TPR. Following a reform in March 2018, responsibility for accommodation and other services also lies with DGMM. The agency has therefore taken over responsibility for all measures relating to temporary protection from the Disaster and Emergency Management Authority (Afet ve Acil Durum Yönetimi Başkanlığı, AFAD).

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. 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. The declaration decision shall elaborate the scope of beneficiaries, the start date of the temporary protection regime and its duration, where necessary. It may or may not designate a limitation on the implementation of the temporary protection regime to a specific region in Turkey. An existing temporary protection regime in place is to be terminated by a Presidency decision.

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”. In such a case, the Presidency shall have the discretion to determine the specifics of the treatment existing registered temporary protection beneficiaries and measures that will be applied to persons within the scope of the temporary protection regime who approach Turkey’s borders after the limitation or suspension decision. Such very broadly and vaguely defined limitation or suspension measures are different from the actual

659 Article 71 Decree 703 of 9 July 2018.
660 Article 10 TPR.
661 Regulation 2018/11208 amending the Temporary Protection Regulation.
662 Presidential Decree No 4 of 15 July 2018 also amended the duties and tasks of AFAD.
663 Articles 1 and 3 TPR.
664 Article 9 TPR.
665 Article 10 TPR.
666 Article 11 TPR.
667 Article 15 TPR.
termination of a temporary protection regime by means of a Presidency decision in accordance with Article 11 TPR.

B. Qualification for temporary protection

1. Eligibility criteria

The principal characteristic and justification of the temporary protection approach generally is to swiftly attend to the protection needs of a large number of protection seekers in a situation of mass influx of refugees where individual processing is considered both impractical and unnecessary. The temporary protection approach is meant to categorically apply to and benefit all persons falling within the scope of beneficiaries formulated by the host Government, without any personalised assessment of international protection needs.

While generally a Presidency decision is required for the declaration of a temporary protection regime, in the case of the TPR in place for persons escaping the conflict in Syria, the Turkish Government opted to formalise the existing de facto temporary protection regime already in place since 2011 by means of a provisional article incorporated in the main text of the TPR itself – as opposed to issuing a separate Presidency decision.

1.1. “Syrian nationals, stateless persons and refugees”

Provisional Article 1 TPR specifically establishes that “Syrian nationals, stateless people and refugees” who have arrived in Turkey, whether individually or as part of a mass movement of people, due to events unfolding in Syria, are eligible for temporary protection in Turkey.

This formulation appears to indicate that in addition to Syrian nationals, also stateless persons originating from Syria, including members of the substantial stateless Palestinian population who were resident in Syria at the time of the beginning of the conflict in 2011, are covered by the TPR. Practice is consistent with this interpretation, as stateless Palestinians from Syria are registered as temporary protection beneficiaries.668

1.2. “Directly arriving from Syria”

Provisional Article 1 TPR contains a phrasing which in practice is interpreted by border officials as a requirement for prospective beneficiaries to arrive directly from Syria, as opposed to travelling to Turkey from or via a third country.

The provision speaks of persons who “arrive at our borders” or “have crossed our borders”, whether “individually” or “as part of a mass movement of people”. As such, it actually does not articulate a clear requirement of arriving directly from Syria at all. A person taking a plane from a third country and landing in a Turkish airport may be perfectly understood to have “arrived at our borders” “individually”. Since 8 January 2016, however, Turkey no longer operates a visa-free regime for Syrians who enter by sea or air.

The imposition of visa requirements for persons coming by sea or air has been combined with strict enforcement of Provisional Article 1 TPR. Accordingly, DGMM only admits into the temporary protection regime Syrians who arrive directly from Syria.669 Those arriving through a third country are excluded from

668 Information provided by a lawyer of the Antakya Bar Association, March 2019.
the temporary protection regime. Although they should be allowed to apply for international protection under the LFIP, in practice they are not registered as international protection applicants. This includes Syrian nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection.\textsuperscript{670}

In some cases, PDMM have referred these persons for a short-term visa and then a short-term residence permit.\textsuperscript{671} Health care and other benefits are not accessible free of charge on a short-term residence permit. In two known cases in 2018, however, Syrians arriving from Jordan at Izmir Airport were not allowed to access temporary protection and were returned to Jordan.\textsuperscript{672}

\textbf{1.3. The cut-off date of 28 April 2011}

Provisional Article 1 TPR also provides a cut-off date for purpose of inclusion in the temporary protection regime. It provides that persons who have arrived from Syria from 28 April 2011 or later are to be exclusively processed within the framework of the temporary protection regime. As such, they shall be barred from making a separate international protection application. If they had already made an application for international protection before the publication of the TPR on 22 October 2014, these applications were suspended and the persons concerned were instead processed as temporary protection beneficiaries.

Any persons who had arrived in Turkey prior to 28 April 2011 and had already made an application for international protection were given the option of choosing whether they wished to remain within the international protection procedure framework or benefit from temporary protection. The number of Syrian nationals concerned by this provision is however very limited, since the population of Syrian asylum seekers in Turkey back in early 2011 before the beginning of the conflict in Syria was quite low.\textsuperscript{673}

\textbf{1.4. Syrian nationals with regular residence permits}

Similarly, any Syrian nationals who were legally resident in Turkey as of 28 April 2011 or later, on the basis of a regular residence permit completely outside the asylum framework – like other nationalities of legally residing foreigners – are allowed the option of continuing their legal residence in Turkey on this basis, unless they wish to register as temporary protection beneficiaries. In fact, the relatively small number of Syrian nationals who continue to arrive in Turkey legally with valid passports in the period since the adoption of the TPR on 22 October 2014 still maintain this option.

In order for a foreign national to request and obtain a residence permit after they arrive in Turkey, he or she needs to have legally entered the country with a valid passport and either on the basis of a short-stay visa or visa-exemption grounds depending on the nationality. Since 2016, however, Turkey no longer allows visa-free entry to Syrian nationals. One problem encountered by such Syrian residence permit holders is that when and if the validity period of their passport expires and they do not generally manage to have it extended, they are no longer eligible for an extension of their residence permit. However, it has been reported that there are some Syrians who are able to extend their passports at the Syrian Consulate in Istanbul.\textsuperscript{674}

\textsuperscript{670} Information provided by NGOs, March 2019.
\textsuperscript{671} Ibid.
\textsuperscript{672} Information provided by a lawyer of the Izmir Bar Association, March 2019.
\textsuperscript{673} As of 31 December 2010, there were only 224 Syrian nationals registered with UNHCR and Turkish authorities as asylum seekers: Information provided by UNHCR, December 2015.
\textsuperscript{674} Information provided by a stakeholder, February 2018. There was no new information on this in 2019.
## 2. Cessation of temporary protection

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<thead>
<tr>
<th>Indicators: Cessation</th>
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</thead>
<tbody>
<tr>
<td>1. Is a personal interview of the temporary protection beneficiary in most cases conducted in practice in the cessation procedure?</td>
</tr>
<tr>
<td>2. Does the law provide for an appeal against the first instance decision in the cessation procedure?</td>
</tr>
<tr>
<td>3. Do beneficiaries have access to free legal assistance at first instance in practice?</td>
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Temporary protection status shall cease for a particular beneficiary where he or she:

- Leaves Turkey voluntarily;
- Avails him or herself of the protection of a third country;
- Is admitted to a third country on humanitarian grounds or for resettlement.

Voluntary return continued to be a prominent issue and concern in the temporary protection system in 2019. The Minister of Justice stated that in 2019, 373,592 Syrian nationals had left Turkey to return to their country of origin, and the Ministry of Foreign Affairs declared that around 371,000 people had returned to safe zones in Syria. The Ministry of Defence has said that around 580,000 Syrians repatriated in 2019 including 380,000 to the Euphrates Shield Zone, 135,000 to the Peace Spring Shield Zone and over 65,000 to the Olive Branch Zone. These statements should be read with caution, however, vis-à-vis the voluntariness of returns to Syria, and re-entry to Turkey of persons who have travelled to Syria.

### 2.1. Voluntariness of repatriation

The TPR does not specify how the cessation criterion of voluntary departure from Turkey is to be assessed. In theory, when a temporary protection beneficiary indicates the intention to return to Syria, he or she is interviewed by a panel consisting of DGMM, UNHCR and civil society; the latter not being applied in practice. A lawyer can also be present in the interview. The panel assesses whether return is in fact voluntary and the underlying reasons behind it. Return cases are often related to people having property or a job in Syria.

According to Istanbul PDMM, 42,888 irregular migrants were sent to detention centres in several cities and 6,416 unregistered Syrians were sent to temporary accommodation centres between 12 July 2019 and 15 November 2019. Unregistered single men were sent to removal centres such as Tuzla or Pendik. Even registered people were sent to removal centres especially in July. Several cases are now pending before Istanbul courts regarding appeals against administrative detention and deportation decisions.

Amnesty International has also documented cases of persons being sent to removal centers, many of whom concerned Syrians who were deported from Istanbul and were apprehended while they were working or walking down the street. Amnesty International further documented 20 cases of forced returns between 25

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675 Article 12(1) TPR.
679 Information provided by an NGO, February 2019.
681 Information provided by a lawyer from the Istanbul Bar Association, February 2020.
May and 13 September 2019, most of which were carried out in July 2019. The Turkish authorities have said these were cases of “voluntary returns,” and claim that over several years, more than 315,000 Syrians have left of their own free will. However, Syrians consistently say they are being misled about the “voluntary return” forms they are being told or forced to sign, i.e. through intimidation, threats and beatings. Some people say they were also beaten on their journey to the border by the Gendarmerie. All the deportees said they were sent to north-western Syria.  

Lawyers in Antakya reported an approximate 20%-30% rise in deportation cases after the operations carried out in Istanbul in July 2019. The number of Syrian refugees whose temporary protection was ceased, and litigation on the matter, also rose significantly. The main reasons for cessation were voluntary returns and ‘the serious suspect that they are involved in a criminal act’. The latter is against the presumption of innocence and in addition the authorities often interpret the latter when a Syrian refugee is a plaintiff or witness in a case or a criminal investigation. As a result, Syrian victims do not dare to complain before the authorities out of fear of being deported.

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

Human Rights Association (IHD), one of the biggest human rights organisations in Turkey, has revealed that neither UNHCR, Turkish Kizilay nor any other NGOs were present during voluntary return procedures for Syrians from July to October 2019 in Istanbul. Where temporary protection is terminated based on cessation, DGMM issues a “V87” code to mark the person as a “voluntarily returned foreigner”. The person is usually left at the border and handles the return process him or herself. 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.

2.2. Re-entry following cessation

It is common for refugees to travel back to Syria for administrative reasons e.g. renewal of passport, and then to return to Turkey.

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683 Information provided by a stakeholder in Antakya, February 2020.
684 Information provided by a lawyer from the Antakya Bar Association, February 2020.
685 Information provided by a stakeholder in Antakya, February 2020.
688 Information provided by an NGO, February 2019.
689 Information provided by an NGO, February 2019.
690 Information provided by Kirkayak Cultural Centre, February 2019.
Admission to the temporary protection regime of persons who previously benefitted from temporary protection in Turkey but their status was ceased is assessed on an individual basis by DGMM.\textsuperscript{691} DGMM is authorised to grant or deny renewed access to temporary protection status upon repeat arrival in Turkey.

There continue to be cases of people whose temporary protection status was ceased, and who were issued a “V87” code, being unable to re-access rights upon return to Turkey. For example, it was reported that approximately 500 Syrians in Mardin are living without status near the border after having had their temporary protection status ceased and subsequently coming back to Turkey.\textsuperscript{692} These persons had not been adequately informed by the authorities at the border on their obligations under temporary protection and the consequences of leaving the country. However, DGMM issued a Circular on 7 January 2019, instructing PDMM to lift the “V87 code” in respect of persons returning to Turkey after having signed a “voluntary return document”, especially pregnant women, elderly persons and children, as of 1 January 2019, to allow them to re-access services.\textsuperscript{693} The Circular also requires PDMM to provide detailed information to temporary protection beneficiaries on the legal implications of signing a “voluntary return document”.

In Antakya requests for reactivation of temporary protection were high in 2019. In case of deportation for a registered Syrian, temporary protection was deactivated and a code called a c-114 was issued. In case of return to Turkey, temporary protection was not re-activated during the first year of return leaving Syrians at risk of deportation even in the case of a minor problem or where they are the plaintiff or witness of a criminal issue or complaint. People sign voluntary return forms often without knowing what they are for and deportations are carried out mostly on weekends. There was a case of a married woman with four children including one disabled child who was deported alone to Syria.\textsuperscript{694} However, the ‘V-87” circular had a positive effect. Interviews for those whose temporary protection had been cancelled began to be held mainly for vulnerable refugees with no criminal record in Turkey.\textsuperscript{695}

In Izmir in 2019, the temporary protection of Syrians who were previously and unlawfully deported and kept in detention centres were not re-activated once they returned to Turkey which is against the law. However, Syrians with special needs like victims of violence or international human trafficking were treated with more care by PDMM.\textsuperscript{696} The deactivation of temporary protection can be problematic for families with school-age children. In urgent cases, PDMM can reactivate temporary protection in a limited way - meaning that it is activated only for health or education purposes.\textsuperscript{697}

The question of cessation has also arisen in the context of the readmission of Syrian nationals from Greece to Turkey under the EU-Turkey statement. An amendment to the TPR was introduced on 5 April 2016 to clarify that Syrian nationals, who entered Turkey after 28 April 2011 and who transited irregularly to the Aegean islands after 20 March 2016, “may” be provided temporary protection.\textsuperscript{698} DGMM statistics refer to 404 Syrian “irregular migrants” readmitted by Turkey from 4 April 2016 to 5 March 2020.\textsuperscript{699}

\textsuperscript{691} Article 13 TPR.
\textsuperscript{692} Information provided by a lawyer of the Izmir Bar Association, March 2019.
\textsuperscript{693} DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019.
\textsuperscript{694} Information provided by a lawyer from the Antakya Bar Association, February 2020.
\textsuperscript{695} Information provided by SGDD-ASAM Antakya, February 2020.
\textsuperscript{696} Information provided by a lawyer from the Izmir Bar Association, February 2020.
\textsuperscript{697} Information provided by a lawyer from the Antakya Bar Association, February 2020.
\textsuperscript{698} Provisional Article 1(6) TPR, as inserted by Article 1 Regulation 2016/8722 of 5 April 2016.
3. Exclusion and cancellation of temporary protection

<table>
<thead>
<tr>
<th>Indicators: Cancellation</th>
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<tbody>
<tr>
<td>1. Is a personal interview of the temporary protection beneficiary in most cases conducted in practice in the cancellation procedure? ☐ Yes ☒ No</td>
</tr>
<tr>
<td>2. Does the law provide for an appeal against the cancellation decision? ☒ Yes ☐ No</td>
</tr>
<tr>
<td>3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No</td>
</tr>
</tbody>
</table>

The following categories of persons are excluded of benefitting from temporary protection in Turkey:

- Persons for whom there is serious reason to believe that they have been guilty of acts defined in Article 1F of the 1951 Convention;
- Persons for whom there is serious reason to believe that they have engaged in acts of cruelty, for whatever rationale, prior to arrival in Turkey;
- Persons who have either participated in or provoked crimes or acts referred to in 1 and 2 above;
- Persons, who, having participated in armed conflict in country of origin, have not permanently ceased armed activities after arrival in Turkey;
- Persons proven to have engaged, planned or participated in terrorist activities;
- 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;
- Persons, who prior to their arrival in Turkey, committed crimes that would be punishable with a prison sentence in Turkey, and have left country of origin or residence in order to avoid punishment;
- Persons convicted of crimes against humanity by international courts;
- 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. In some cases, DGMM has also ordered cancellation on the basis of Article 8(1)(e) TPR. It has also been applied in cases of inconsistencies between the personal details in the Temporary Protection Identification Document and the passport of the refugee, which have been determined as provision of misleading information to DGMM.

DGMM is responsible and authorised to carry out and finalise the exclusion assessments and to communicate exclusion decisions to the persons concerned. Where it is identified that an existing beneficiary fall within the exclusion grounds listed above, their temporary protection status shall be cancelled. DGMM can delegate this power to governorates as of 25 December 2019.

Nevertheless, given that the LFIP provides for a derogation from non-refoulement, temporary protection beneficiaries may also be subject to removal procedures without their status being cancelled. Such deportation cases were frequent in 2018 (see Protection from Refoulement).

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700 Article 8(1) TPR.
701 Information provided by a lawyer of the Izmir Bar Association, March 2019.
702 See e.g. Administrative Court of Izmir, Decision 2018/692, 29 November 2018, which quashed a cancellation decision on the basis that the conviction had not been established.
703 Information provided by an NGO, February 2019.
704 Article 12(2) TPR.
C. Access to temporary protection and registration

1. Admission to territory

<table>
<thead>
<tr>
<th>Indicators: Admission to Territory</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs?</td>
</tr>
<tr>
<td>☑ Yes ☐ No</td>
</tr>
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</table>

While Article 6 TPR provides that all persons within the scope of the Regulation shall be protected from *refoulement*, the overall framework laid down by the TPR fails to explicitly guarantee the right of access Turkish territory for prospective beneficiaries. Persons approaching Turkey’s borders without a valid travel document may be admitted to territory within the discretion of the provincial Governorate.\(^{705}\)

Furthermore, the Presidency has the discretion to order either “limitations” or “suspension” of existing temporary protection measures in place “in the event of circumstances threatening national security, public order, public security and public health”, including the possibility of the imposition of “additional measures concerning the mass movement of people both along Turkey’s borderline or beyond Turkey’s borderline”.\(^{706}\)

This formulation appears to indicate that the Turkish Government may choose to seal Turkey’s borders to persons seeking temporary protection in Turkey, either for a specific period or indefinitely, where considerations of national security, public order, public security and public health are deemed to require so.

Access through the Turkish-Syrian land border has been limited through different restrictions. Turkey completed the construction of a 764km concrete wall on its Syrian border in June 2018 and has installed cameras and lighting systems in some of its parts.\(^{707}\) The wall stretches along the border provinces of Gaziantep, Kilis, Hatay, Mardin and Şırnak. Human Rights Watch reported the Turkish-Syrian border to be “effectively closed to new asylum seekers” in 2018.\(^{708}\) In March 2019, however, Turkey announced the opening of a border-crossing point in the Afrin region, named “Olive Branch”.\(^{709}\) There are plans to reinforce the border-crossing point with new technology.\(^{710}\)

The physical barrier has not completely stopped arrivals, although it has exacerbated difficulties in crossing the Turkish-Syrian border. Refugees have reportedly had to climb the border wall,\(^{711}\) or to bribe border guards to enter Turkey.\(^{712}\) There are also reports of tunnels and that the wall has increased smugglers’ prices.\(^{713}\) According to available statistics, the Armed Forces apprehended at least 224,358 individuals trying to irregularly cross the Syrian border in 2018 alone.\(^{714}\)

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\(^{705}\) Article 17(2) TPR.

\(^{706}\) Article 15 TPR.


\(^{713}\) Information received from stakeholders from Ankara and Urfa, March 2020.

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

Allegations of push backs and violence at the Turkish-Syrian border continued. In a 2018 report, Human Rights Watch referred to 137 incidents of interception of Syrians after crossing the border between December 2017 and March 2018.\textsuperscript{716} There are reports that Turkish officers fire guns at times to stop people entering the country.\textsuperscript{717} Applications for international protection are not accepted at the border.\textsuperscript{718}

In October 2019 Turkey launched a military offensive in north-eastern Syria which Turkish President Recep Tayyip Erdogan said was aimed at removing Kurdish-led forces from the border area and creating a "safe zone" to which millions of Syrian refugees could be returned. Turkey spoke of returning ISIL fighters to the region and presented a plan to the United Nations Secretary-General Antonio Guterres for resettling up to two million Syrian refugees in the areas under its control.\textsuperscript{719} Attacks on Idlib causing the death of more than 50 Turkish soldiers in February 2020 escalated tensions in the region and led to President Erdogan 'opening the gates' between Turkey and the EU, saying amongst other things that Turkey could not cope with another mass influx of refugees from Syria. This led to Greece closing its border, criticisms of both Europe and Turkey’s handling of the situation and concerns for the human rights of migrants and refugees in the middle.\textsuperscript{720}

2. Registration under temporary protection

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

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

After the July 2019 operation in Istanbul, all Syrians registered in Antakya were sent back to Antakya, which had repercussions for the situation there. Antakya is now closed for new registrations except vulnerable cases due to the high number of Syrian refugees. Even in these cases, registration takes a long time. If during the data verification process it is found that the person lied during the initial registration process that person is immediately deported due to a crime under Article 206 of the Turkish Criminal Code.

\textsuperscript{715} DGMM, Irregular migration statistics, available at: https://bit.ly/2BO8chL.
\textsuperscript{718} Information provided by a stakeholder in Gaziantep, February 2020.
\textsuperscript{719} See the Al Jazeera timeline of events on the Turkey-Syria border, available here: https://bit.ly/2QSaLFS.
\textsuperscript{722} Information provided by a lawyer of the Şanlıurfa Bar Association, February 2019.
\textsuperscript{723} Information provided by a stakeholder, February 2020.
called ‘lying during the constitution of an official document’. The person is also banned from re-entering Turkey and a V-87 code is imposed. 724

A lawyer provided a list of open and closed cities to temporary and international protection applications in 2019 (see The “satellite city” system).

According to another stakeholder, the following cities were closed to all non-Syrians and Syrians (except vulnerable cases) in early 2020: Istanbul, Edirne, Tekirdag, Kirklarleli, Kocaeli, Canakkale, Bursa, Balikesir, Izmir, Aydin, Mugla, Antalya, Hatay and Yalova. However, the list changes according to capacity and if there is a health or education emergency, both group of protection holders can be directed to other cities. Istanbul is reportedly closed to registration of both non-Syrians and Syrians except for justified reasons such as education, health or employment. However, Istanbul PDMM is reportedly not accepting registrations due to educational needs as it would mean registering the whole family which leads to an increase in numbers. 725

After changes to the LFIP in December 2019 the law now foresees an administrative fine for those who provide accommodation to unregistered foreigners even unknowingly. In many provinces registration for Temporary Protection and International Protection is not taking place, foreigner citizens cannot complete registration even if they want to. This could lead to a rise in homelessness. 726

DGMM collects biometric data, including fingerprints, during registration and maintains electronic files for each beneficiary in the agency’s electronic file management system named “Göç-Net” – an internal database available to DGMM staff to facilitate registration procedures. 727

2.1. Security checks and pre-registration

As discussed in Eligibility, Article 8 TPR makes provisions for exclusion of persons from temporary protection, without however designating a procedure for the exclusion assessment. However, as Article 22 TPR instructs that persons who are determined to fall within the exclusion grounds shall not be issued a Temporary Protection Identification Card, it implies that the registration interview should also entail the exclusion screening of applicants.

In practice, this has been crystallised through a pre-registration phase prior to temporary protection registration introduced in March 2016. Pre-registration is conducted with a view to conducting security checks within a period of 30 days, the modalities of which are set out in an unpublished circular. Syrians readmitted to Turkey from Greece under the EU-Turkey statement are also channelled under pre-registration. 728

In many locations around Turkey, due to high numbers, lack of interpreters and the conduct of security checks, applicants are given pre-registration appointments and face substantial delays before registering, which may take several months and vary from one province to another. 729 Applicants also face other

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724 Information provided by a stakeholder, February 2020.
725 Information provided by a stakeholder, March 2020.
727 Information provided by Izmir PDMM, December 2017.
729 In Konya, for example, registration is reported to take 2 months at the time of writing: Information gathered following a visit to an NGO, February 2019.
practical impediments to registration such as errors on the part of DGMM officials, which may only be corrected following time-consuming legal intervention.\textsuperscript{730}

The delay in registration leads to problems in accessing health care and other services, which require the beneficiary to have a Temporary Protection Identification Card and a Foreigners Identification Number (YKN), which is listed on the card.\textsuperscript{731}

It should be noted, however, that certain categories of vulnerable groups are issued a Temporary Protection Identification Card without waiting for the 30-day period of pre-registration. This includes: (a) children aged 0-12; persons in need of urgent medical treatment; pregnant women; elderly persons; and unaccompanied children.\textsuperscript{732} In practice, people with special needs such as persons with health conditions or women in advanced stages of pregnancy benefit from prioritisation in the registration procedure.

2.2. Completing registration before the PDMM

After the completion of the pre-registration phase, the applicant is required to appear before the PDMM within 30 days in order to obtain the Temporary Protection Identification Card. Failure to appear before the PDMM 15 days after the expiry of that 30-day time limit without a valid reason leads to the activation of a “V71” code on “unknown location” (Semt-i meşhur). 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.\textsuperscript{733}

3. Appeal

Since the TPR itself does not have a dedicated provision listing specific remedies for persons concerned against negative decisions, all acts and actions of competent authorities within the scope of the TPR are subject to general rules of accountability derived from Turkish administrative law, unless there is a dedicated specific remedy provided in the LFIP itself.

As mentioned in International Protection: Removal and Refoulement, there is a specific dedicated remedy provided by the LFIP against deportation decisions. According to Article 53 LFIP, deportation decisions can be challenged at competent Administrative Court within 7 days. Appeals against deportation decisions have automatic suspensive effect. The competent Administrative Court is required to finalise the appeal within 15 days. Administrative Court decisions on deportation appeals are final, may not be appealed onward in a higher court.

All other scenarios of possible unfavourable decisions and practices are subject to general rules of accountability derived from Turkish administrative law. Under Article 125 of the Turkish Constitution, all acts and actions of the administration are subject to judicial review. According to Article 7 of the Law on 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.

\textsuperscript{730} Information provided by Adana Bar Association, February 2018.
\textsuperscript{731} On some occasions, courts have granted orders to allow vulnerable persons to access health care. See e.g. 2\textsuperscript{nd} Children’s Court of Gaziantep, Decision of 18 July 2016.
\textsuperscript{732} DGMM Circular 2017/10 of 29 November 2017 on principles and procedures for foreigners under temporary protection.
\textsuperscript{733} Ibid.
4. Legal assistance

Article 53 TPR guarantees the right to be represented by a lawyer in relation to matters of law and procedure vis-à-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 Turkey, the state-funded legal aid is delivered by bar associations, subject to considerations of “means” and “merits”. A project implemented by UNHCR and the Union of Bar Associations in Turkey throughout 18 provinces funds bar associations specifically for international and temporary protection cases (see International Protection: Regular Procedure: Legal Assistance).

Another obstacle relates to the requirement of a notarised power of attorney (see International Protection: Regular Procedure: Legal Assistance). As per the Union of Notaries Circular 2016/3, the Temporary Protection Identification Document is included in the list of documents accepted by public notaries. However, some notaries remain reluctant to grant power of attorney on the basis of such documents.

Article 51 TPR guarantees persons concerned and their legal representatives’ access to file and documents, with the exception of “information and documents pertaining to national security, public order, protection of public security, prevention of crime and intelligence”. This excessively broad, blanket space of exception generates the risk that in certain situations lawyers representing persons seeking to challenge their treatment will be prevented from being able to access all relevant information. In the current regional context and security environment, with a heavy emphasis on the identification and prevention of persons with alleged links to terrorist groups, the restrictions allowed by Article 51 TPR on lawyers’ access to file is concerning.

Article 51 TPR also provides guarantees for the confidentiality of personal information and documents.

D. Detention in the temporary protection framework

As a rule, temporary protection beneficiaries should not be detained. The TPR does not feature any explicit provision governing administrative detention of persons within the scope of temporary protection laying down grounds and procedural safeguards that apply. Article 35 TPR does, however, provide that beneficiaries who fail to comply with the obligations set out in the Regulation may be temporarily or permanently prevented from residing outside a Temporary Accommodation Centre. Where this provision is applied, beneficiaries are forbidden from leaving the camp, thereby being de facto in a state of detention.

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

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

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734 Council of Europe Special Representative for Migration and Refugees, Report of the fact-finding visit to Turkey, 10 August 2016, paras VI.1(b) and XI.2(f).
within camps and not being allowed to leave after being arrested for homelessness or begging have been reported in previous years.\textsuperscript{736} including to groups such as Dom.\textsuperscript{737} This practice stopped in 2018.\textsuperscript{738}

In addition, detention has also been – arbitrarily – imposed in some cases as a sanction against temporary protection beneficiaries who violate their obligation to stay in their assigned province, although practice in this regard is not uniform. For example, temporary protection beneficiaries apprehended for irregular exit by sea are transferred to Removal Centres and are held there until the completion of pre-registration, unless they pose a threat to public safety and security.\textsuperscript{739}

Temporary protection beneficiaries may be subject to detention for the purpose of removal (see International Protection: Grounds for Detention) where their status is cancelled or they fall within the exceptions to the principle of non-refoulement (see Protection from Refoulement).

\textsuperscript{737} Information provided by the Kirkayak Cultural Centre, February 2018.
\textsuperscript{738} Information provided by the Kirkayak Cultural Centre, February 2019.
\textsuperscript{739} Information provided by a stakeholder, February 2018.
The temporary protection framework laid down by the TPR, first and foremost, provides a domestic legal status to beneficiaries granting legal stay in Turkey, protection from punishment for illegal entry or presence and protection from *refoulement.*

The evolution of discourse on and integration policy for Syrian refugees has been summarised in 2018 as follows:

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

The second period includes the years 5, 6, 7, and 8, the current one [2018]. In this period, due to the anticipation that the crisis is not going to be resolved in a short time, there has been a mobility in Turkey with regards to the Syrians. The Syrian population that used to live around the border towns and in South East Anatolia, have recently migrated to industrialized cities where the labor market is more active and today, Istanbul alone hosts around 600 thousand Syrians. The focal points of this second period have been participation in education opportunities, special needs of women and children, child marriage, child labor, and problems of people with chronic diseases, the disabled, and the elderly, etc. During this period, protection has come into prominence and the actors focused more on the aforementioned issues. Besides, access to livelihood and labor market has become more important subjects. As a result of the mobility in Turkey and the increase in participation in the labor market in this period, Syrians have become more visible in Turkey.”

2019 could potentially be identified as the beginning of a third period: one of social cohesion and return. As already mentioned, DGMM issued a new strategy, the Cohesion Strategy and National Action Plan. According to the strategy, six thematic areas are to be addressed by DGMM: social cohesion, information, education, health, labor market and social support (social services and benefits). However, events in Istanbul in the summer of 2019 also saw a rise in irregular migrants sent to detention centres in several cities and unregistered Syrians sent to temporary accommodation centres. Amnesty International documented cases of Syrians deported from Istanbul, including 20 cases of forced returns and other stakeholders have expressed concerns about the voluntary nature of those signing voluntary return forms, particularly from detention. After a field visit to Turkey in 2019, an NGO from Belgium reported testimonies that Syrian refugees in detention centres had been forced to sign a ‘voluntary’ return document. Several of these refugees were also mistreated by the Turkish security services or denied access to medical care.

Türk Kızılay runs 16 community centres for migrants in different locations across the country. Municipalities also have a central role in the provision of services and integration support through projects. In the past the...
lack of a national integration plan led to fragmentation and lack of coordination in the area of integration. The Cohesion Strategy and Action Plan (2018-2023) hopes to solve some of these issues.

International NGOs have also been active in border provinces since the beginning of the Syrian conflict. In 2015, for example, there were approximately 150 NGOs including international NGOs in Gaziantep. Currently, however, the scope of foreign NGOs’ activities is limited and under close monitoring by the competent PDMM, as organisations need to obtain permission to operate in Turkey and renew it regularly. They generally conduct cross-border activities in Syria in collaboration with DGMM and other authorities. They previously faced severe delays in obtaining residence permits for their foreign workers, but the situation seems to have been resolved as of 2018.

A. Status and residence

1. Protection from refoulement

Article 6 TPR guarantees protection from refoulement to persons granted temporary protection. However, an exception to this rule was introduced by way of emergency decree in October 2016, providing that a deportation decision “may be taken at any time during the international protection proceedings” against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations. The reform was consolidated by Law No 7070 on 1 February 2018.

Deportation decisions were increasingly issued to Syrians on the basis of the abovementioned provisions in 2018, and 2019, similar to persons seeking international protection in Turkey.

In one case, the Administrative Court of Izmir quashed a deportation decision against a Syrian national on foreign terrorist fighter (YTS) grounds, due to the fact that no evidence of terrorist activities had been established and that a criminal investigation was still pending. However, in a different case concerning a Syrian national detained on public security grounds while criminal proceedings were ongoing, the Magistrates’ Court of Hatay refused to order release from detention on the basis that there existed a risk of absconding. In another case, the Court refused to terminate detention, despite the existence of an interim measure from the Constitutional Court.

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

748 For a list of active organisations, see Ministry of Interior, Foreign CSOs permitted to operate in Turkey, available at: https://bit.ly/2TZyYgU.
749 Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676.
750 Information provided by a lawyer of the Izmir Bar Association, March 2019.
751 1st Administrative Court of Izmir, Decision 2017/1608, 28 February 2018.
753 2nd Magistrates’ Court of Hatay, Decision 2018/4287, 27 November 2018.
754 The Constitutional Court had granted interim measures on 16 November 2018, and ordered interim measures again: Constitutional Court, Decision 2018/33177, 21 December 2018.
The Temporary Protection Regulation was also amended in December 2019. According to these amendments, Syrians that are under temporary protection shall be deported if they do not comply with their notification duty three times consecutively.\footnote{Evrensel, ‘Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya’, 25 December 2019, available in Turkish at: \url{http://bit.ly/2IL7kwp}.}

In Antakya the number of deportations executed is quite low. Instead, Syrian refugees are forced to sign a voluntary return form. In the case of a deportation decision, individuals are either sent to a third safe country (which is not applicable to Syrians) or held in a removal centre. In the removal centre, individuals are threatened that they will be held there for six months, plus another six months, and forced to sign the voluntary return form. They are told that they can come back to Turkey illegally anytime. People sign the form, leave Turkey and illegally re-enter Turkey, but when they are caught upon return they are deported to Syria directly without any court process or decision because they do not know that a V-87 code (an entry ban) has already been put on their names. Those apprehended on the border are also being registered, their fingerprints are taken and forced to sign a voluntary return form to prevent them from legally entering Turkey. Unregistered refugees staying in Antakya do not leave their houses due to fear of deportation.\footnote{Information provided by a stakeholder, February 2020.}

In Gaziantep, voluntary return forms are also being signed by force and the temporary protection status of those who return to Turkey is not re-activated except vulnerable cases. This is a general application in the region and PDMMs say that this is the decision of the Governorates. They do not apply the DGMM circular of January 2019 on Cessation of Status of Syrians due to Voluntary Return. People are afraid to leave their houses due to a fear of deportation.

In some cases in 2019, Syrian refugees were deported to the ‘safe zone’ established by Turkey in northern Syria\footnote{For more information, see Al Jazeera, ‘Will Turkey succeed in creating a ‘safe zone’ for Syrians?’, available at: \url{https://bit.ly/2xxpDTR}.} and courts found this practice to conform with the law. Stakeholders were concerned that UNHCR only monitors limited cases of voluntary returns, those that happen at the Oncupinar border, (‘real’ voluntary returns) but not the ones from removal centres.\footnote{Information provided by a stakeholder in Gaziantep, February 2020.}

For a discussion on case law of Administrative Courts and the Constitutional Court on the derogation from non-refoulement, see also \textit{International Protection: Removal and Refoulement.}\footnote{Article 2 TPR.}

\section*{2. Temporary protection identification document}

The TPR provides a registration procedure and envisions the issuing of Temporary Protection Identification Documents (\textit{Geçici Koruma Kimlik Belgesi}) to beneficiaries upon registration.\footnote{Article 2 TPR.} This card serves as the document asserting the concerned person’s status as a beneficiary of temporary protection.

Article 25 TPR explicitly excludes temporary protection beneficiaries from the possibility of long-term legal integration in Turkey. According to Article 25, the Temporary Protection Identification Document issued to beneficiaries does not serve as residence permit as such, may not lead to “long term residence permit” in Turkey in accordance with Articles 42 and 43 LFIP.

Temporary Protection Identification Documents list a Foreigners Identification Number (YKN) assigned to each beneficiary by the Directorate General of Population and Citizenship Affairs. In Turkey, all legally resident foreign nationals are assigned YKN which serve to facilitate their access to all government services. International protection applicants and status holders within the framework of LFIP are also given
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.\textsuperscript{761} UNHCR reported that 96\% of the verification target across Turkey was met through this exercise.\textsuperscript{762} According to stakeholders, however, the verification process only covered about 50 to 60\% of temporary protection beneficiaries in regions such as Istanbul, Şanlıurfa or Hatay.\textsuperscript{763}

### 3. Naturalisation

As discussed in International Protection: Naturalisation, citizenship may be granted through: (a) the normal procedure, following 5 years of residence; (b) marriage to a Turkish citizen; or (c) the exceptional circumstances procedure.

Time spent in Turkey under a Temporary Protection Identification Document may not be interpreted to count towards the fulfilment of the requirement of 5 years uninterrupted legal residence as a precondition in applications for Turkish citizenship. The Minister of Interior stated in January 2019 that there were 53,099 naturalised Syrians in Turkey, although this figure includes persons who arrived on residence permits prior to 2011.\textsuperscript{764} This figure rose to 110 000 as of 14 February 2020.\textsuperscript{765}

Temporary protection beneficiaries who arrived after 2011 can only access naturalisation through marriage to a Turkish citizen or through the exceptional circumstances procedure. Citizenship under exceptional circumstances is granted on the basis of certain profiles and criteria such as skills which could contribute to Turkey. Generally, citizenship is granted to highly qualified Syrians in practice, although other categories can also obtain it.\textsuperscript{766}

The process to acquire citizenship is not clear. There are reportedly four phases but there are applicants who have been waiting for a very long time.\textsuperscript{767}

The government initiated a preliminary study to offer Turkish citizenship to qualified Syrians in 2018. The situation of about 10,000 families was examined by DGMM, corresponding to 20,000 persons. Information on the families was discussed in the Citizenship Commission. It was anticipated that the cases would take a long time to process, since a significant part of the information on Syrians was based on their own statements.\textsuperscript{768} There was no update on this process in 2019.

There is another route to Turkish citizenship under exceptional circumstances for foreign investors to ensure capital flow to Turkey. According to this arrangement citizenship can be acquired in exchange for

\textsuperscript{762} UNHCR, Turkey: Operational Update 2018 Highlights, available at: https://bit.ly/2Cr3tBB.
\textsuperscript{763} Information provided by an NGO, February 2019.
\textsuperscript{766} Information provided by the International Refugee Rights Association, February 2019; Istanbul Bar Association, February 2019.
\textsuperscript{767} Information from a stakeholder, February 2020.
\textsuperscript{768} Grand National Assembly, Göç ve Uyum Raporu, March 2018.
purchasing property of at least $1 million or investing in fixed capital of at least $2 million, or creating new employment for at least 100 people or depositing in in Turkey at least $3 million with a reservation of not withdrawing it for three years or of buying governmental bonds of $3 million with a reservation of not selling them for three years, or acquiring investment fund of $1.5 million. The limit for real estate ownership decreased down to $250,000 in 2018. According to data collected from the General Directorate of Deeds and Lands (Tapu ve Kadastro Genel Mudurlugu), 6,694 foreigners have received Turkish nationality through purchasing property since 2017. Iranian nationals rank first (1,475) with Iraqis in second place with 842 and Afghans third with 812. 

In 2019 Syrians in Antakya requested information on exceptional citizenship through acquiring property but as far as lawyers know the quota for foreigners to acquire property has been exceeded in Antakya. The process is not transparent and mostly regulated through internal communication in DGMM and PDMM. 

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

Unaccompanied children accommodated in child protection shelters are granted citizenship if it is established that they have no relatives in Turkey. The legal status of children born in Turkey was discussed by a 2018 report of the Refugee Rights Commission of the Grand National Assembly. According to the report, as many as 276,000 children born in Turkey are stateless (haymatlos), since they hold neither Syrian nor Turkish identification papers.

The number of new-born Syrians in Turkey was 450,000 as of February 2020.

Many of these can be presumed to be stateless. The Turkish Parliament’s Refugee Sub-committee in 2018 spoke of over 300,000 Syrian children stateless in Turkey. Turkey is not a party to the 1961 Convention on the Reduction of Statelessness or the 1997 European Convention on Nationality. Stakeholders have expressed concerns that Turkey does not currently provide these children unconditional birth-right citizenship and that the Regulation on Temporary Protection does not include time spent in Turkey under temporary protection towards the five years’ uninterrupted legal residence as a precondition for applications for Turkish citizenship by naturalisation. In addition, nationality legislation in Syria does not guarantee women the right to transmit their Syrian nationality to their children. This with the loss of

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769 Grand National Assembly, Göç ve Uyum Raporu, March 2018.
771 Information from a stakeholder in Antakya, February 2020.
772 Information provided by a lawyer of the Ankara Bar Association, January 2019.
773 Information provided by an NGO, February 2019.
774 Information provided by an NGO, February 2019.
775 Information provided by an NGO, February 2019.
776 Grand National Assembly, Göç ve Uyum Raporu, March 2018.
B. Family reunification

Article 49 TPR appears to grant temporary protection beneficiaries the possibility of “making a request” for family reunification in Turkey with family members outside Turkey. While the article provides that DGMM shall “evaluate such requests”, the wording of this provision does not indicate strictly a right to family reunification for beneficiaries. It is rather worded as a possibility subject to the discretion of DGMM.

According to Article 3 TPR, a beneficiary’s spouse, minor children and dependent adult children are defined as family members. The article also provides that in the case of unaccompanied children, “family unification steps shall be initiated without delay without the need for the child to make a request”.

In practice, Türk Kızılay is the main actor working on family reunification applications, especially reunification of children with their families in Turkey, while AFAD manages family reunification requests in the border regions. According to their statistics, as of January 2020 Türk Kızılay has received 1,696 family reunification requests to date. They also provide accompaniment in case of child reunification in Turkey and family tracing services.

C. Movement and mobility

1. Freedom of movement

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The temporary protection declaration decision of the Presidency may contain the implementation of temporary protection measures to a specific region within Turkey as opposed to countrywide implementation. 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”.

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

782 Türk Kızılay, Syrian Crisis Humanitarian Relief Operation, January 2020, 34.
783 Article 10(1)(c) TPR.
784 Article 15(1) TPR.
However, it was not until August 2015 that Turkish Government authorities imposed a dedicated instruction to introduce controls and limitations on the movement of Syrians within Turkey. On 29 August 2015, an unpublished DGMM Circular ordered the institution of a range of measures by provincial authorities to control and prevent the movement of Syrians inside Turkey. Its existence became known when security agencies particularly in the southern provinces began to act on this instruction and started intercepting Syrians seeking to travel to western regions of the country. It appears that the impetus behind this measure was to halt the growing irregular sea crossings of Syrian nationals to Greek islands along the Aegean coast. Following the EU-Turkey statement, movement restrictions have been enforced more strictly vis-à-vis temporary protection beneficiaries. Obtaining permission to travel outside the designated province has become more difficult, while routine unannounced checks in the registered addresses of beneficiaries have also increased.

DGMM Circular 2017/10 of 29 November 2017 specifies that PDMM may introduce reporting obligations on temporary protection beneficiaries by means of signature duty. Failure to comply with reporting obligations for three consecutive times without valid excuse may lead to implicit withdrawal and cancellation of temporary protection status and to the issuance of a “V71” code based on “unknown location” of the person.

Beneficiaries may request a travel authorisation document in order to travel outside the province in which they are registered. The document is issued at the discretion of the competent Governorate and may not exceed 90 days in duration, subject to a possible extension for another 15 days. The beneficiary is required to notify the Governorate upon return to the province. Failure to do so after the expiry of the 90-day period leads to a “V71” code, as a result of which the person’s status is considered to be implicitly withdrawn. The “V71” code is deactivated if the person approaches the PDMM with valid justification, following an assessment of the case.

Movements of temporary protection beneficiaries seem to continue, nevertheless. DGMM statistics on apprehensions for irregular migration do not discern irregular entries from irregular exits from Turkey, yet indicate that the majority of apprehensions occur in western and southern provinces. By the end of 2019, Syrians accounted for 55,236 of the total number of 454,662 apprehensions across the country. More specifically, the Coast Guard reported a total of 60,544 persons apprehended for irregular migration at sea in 2019.

Temporary protection beneficiaries may also move between provinces inter alia to seek employment. This is often the case for Syrians living in Şanlıurfa or Istanbul and relocating to Ankara for work opportunities. To reduce informal employment, the Ministry of Family, Labour and Social Services has provided employers with the possibility to make one official declaration before a public notary that a beneficiary is starting employment, in order for that beneficiary to transfer his or her place of residence within 30 days. However, due to obstacles in obtaining a work permit (see Access to the Labour Market), and to the fact that employers do not actively make the necessary official declarations, they are not able to change their address from the place of first registration to Ankara.

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785 DGMM Circular No 55327416-000-22771 of 29 August 2015 on “The Population Movements of Syrians within the Scope of Temporary Protection”.
786 Council of Europe Special Representative for Migration and Refugees, Report of the fact-finding visit to Turkey, 10 August 2016, para IV.5.
In January 2020 the Governor of Istanbul reported that the number of Syrians living in Istanbul under the temporary protection law had been reduced to 479,420 people in 2019, which is 78,200 less than 2018 and that nearly 100,000 unregistered Syrians had been removed from Istanbul. The Turkish authorities reportedly arrested about 118,432 irregular migrants in Istanbul during 2019, compared to only 28,364 in 2018. In an official press release the Istanbul Governate said that 42,888 non-Syrians were transferred from Istanbul to removal centres along with 6,416 Syrians to Temporary Accommodation Centres, from 12 July to 15 November 2019.

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.

Stakeholders are not aware of any such “passports with a foreign-nationals-only stamp” issued to a temporary protection beneficiary. That being said, there are cases of temporary protection beneficiaries being allowed to travel on their Syrian passports to third countries for private purposes, although in some cases these individuals encounter difficulties in entering Turkey upon return.

3. Resettlement and family reunification departures

3.1. The general procedure

DGMM pre-identifies cases for resettlement consideration among the registered temporary protection caseload through the PDMM and makes referrals to UNHCR in lists. When UNHCR identifies the applicants most in need of resettlement from these lists, it presents them to third countries.

The final decision is taken by the third countries. They examine the files and decide whether to accept the relevant applicants, especially after conducting security checks. IOM organises the implementation of health checks, the preparation of travel documents and the cultural orientation of those accepted for resettlement.

Departure of temporary protection beneficiaries to third countries for the purpose of resettlement is subject to the permission of DGMM. A so-called “exit permission” must be issued in order for a beneficiary to be allowed to exit Turkey to a third country either for the purpose of a temporary visit or on a permanent basis for the purpose of resettlement.

The same exit permission requirement also applies to temporary protection beneficiaries in the process of departing from Turkey for the purpose of family reunification with family members in third countries. Syrians

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


792 Article 44 TPR.
seeking a family reunification departure from Turkey must first register with DGMM as a temporary protection beneficiary before they can subsequently request and obtain an “exit permission” to leave Turkey to a third country.\textsuperscript{793} IOM also supports the process for family reunification departures to Germany.\textsuperscript{794}

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

As already mentioned in Resettlement, in 2019, UNHCR submitted 17,552 cases for resettlement, 67% of whom were Syrian refugees. In 2019, 10,558 refugees departed to start new lives in resettlement countries; 78% of them were Syrian refugees and 22% were refugees of other nationalities.\textsuperscript{795} According to DGMM statistics, a total 16,285 Syrians were transferred to third countries between 2014 and 2019, mainly to Canada, the US, the UK and Norway.\textsuperscript{796}

All resettlement from Turkey was suspended in early 2020, including German and Turkey’s bilateral agreement on the readmission of refugees, due to the Corona Virus.

3.2. The 1:1 resettlement scheme

The EU-Turkey statement of 18 March 2016 established a specific resettlement procedure (“1:1 scheme”), under which one Syrian national would be resettled from Turkey to EU Member States for each Syrian national returned from Greece to Turkey, taking into account the UN vulnerability criteria.\textsuperscript{797}

In practice, participation in resettlement may vary from one region to another. For example, while temporary protection beneficiaries residing in Istanbul and Izmir may generally be interested in resettlement under the 1:1 scheme, this is not an option pursued by people living in Gaziantep or Hatay.

As of 12 March 2020, the following numbers of refugees had been resettled to the EU under the 1:1 scheme:

<table>
<thead>
<tr>
<th>Resettlement of Syrian refugees under 1:1 scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Country of destination</strong></td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>France</td>
</tr>
<tr>
<td>Netherlands</td>
</tr>
<tr>
<td>Finland</td>
</tr>
<tr>
<td>Belgium</td>
</tr>
<tr>
<td>Sweden</td>
</tr>
<tr>
<td>Spain</td>
</tr>
<tr>
<td>Italy</td>
</tr>
<tr>
<td>Croatia</td>
</tr>
<tr>
<td>Portugal</td>
</tr>
<tr>
<td>Austria</td>
</tr>
<tr>
<td>Luxembourg</td>
</tr>
<tr>
<td>Lithuania</td>
</tr>
</tbody>
</table>

\textsuperscript{793} Information provided by the International Refugee Rights Association, February 2019. 
\textsuperscript{794} IOM, Göç ve Entegrasyon, available in Turkish at: https://bit.ly/2uwAnfM. 
\textsuperscript{795} UNHCR Turkey Operational Highlights 2019, 6 March 2020, at: http://bit.ly/3d0MsyY. 
\textsuperscript{797} Council of the European Union, EU-Turkey statement, 18 March 2016, para 2.
Bulgaria  85
Estonia  59
Latvia  46
Slovenia  34
Romania  31
Malta  17
Denmark  16
Total  26,135


The total number of 26,135 thus marks a slight increase in comparison to last year were it reached 20,267 as of March 2019.\textsuperscript{736}

Frontex registered a 46% increase in migrants arriving from Turkey in 2019, despite the deal with the EU to curb migrant influx into the bloc.\textsuperscript{739} The situation became extremely tense in February and March 2020 after an escalation of tensions in northeastern Syria. Turkish President Erdogan ‘opened the gates’ between Turkey and the EU, saying amongst other things that Turkey could not cope with another mass influx of refugees from Syria. This led to Greece closing its border, criticisms of both Europe and Turkey’s handling of the situation and concerns for the human rights of migrants and refugees in the middle.\textsuperscript{800}

D. Housing

<table>
<thead>
<tr>
<th>Indicators: Housing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. For how long are beneficiaries entitled to stay in camps?</td>
<td>Not regulated</td>
</tr>
<tr>
<td>2. Number of beneficiaries staying in camps as of 27 February 2020</td>
<td>64,048</td>
</tr>
</tbody>
</table>

1. Temporary Accommodation Centres

The TPR does not provide a right to government-provided shelter as such for temporary protection beneficiaries. However, Article 37(1) TPR, as amended in 2018, authorises DGMM to build camps to accommodate temporary protection beneficiaries.\textsuperscript{801} These camps are officially referred to as Temporary Accommodation Centres.\textsuperscript{802} A further amendment to the LFIP in 2018 sets out provisions on the financing of camps set up by DGMM.\textsuperscript{803}

Articles 23 and 24 TPR authorise DGMM to determine whether a temporary protection beneficiary shall be referred to one of the existing camps or allowed to reside outside the camps on their own means in a province determined by the Ministry of Interior Affairs. Amended Article 24 TPR authorises DGMM to allow temporary protection beneficiaries to reside outside the camp in provinces to be determined by the Ministry of Interior Affairs.\textsuperscript{804} It also commits that out of temporary protection beneficiaries living outside the camps, those who are in financial need may be accommodated in other facilities identified by the Governorate.

\textsuperscript{801} Article 37(3) TPR, as amended by Regulation 2018/11208.
\textsuperscript{802} Article 3 TPR.
\textsuperscript{803} Article 121A LFIP, inserted by Article 71(e) Decree 703 of 9 July 2018.
\textsuperscript{804} Article 24 as amended by Regulation 2019/30989.
As of 27 February 2020, there were seven such large-scale camps accommodating a total of 64,048 temporary protection beneficiaries, spread across five provinces in Southern Turkey in the larger Syria border region.\textsuperscript{805} The cost of operation of the camps and service provision therein is significant.\textsuperscript{806}

The number of temporary accommodation centres has been steadily reducing. In 2019, the number of camps and of residents decreased again. In 2019, Malatya Beydagı, Harran, Ceylanpinar, Suruc, Antep Nizip 2 and Kilis Oncupinar were closed. Closing dates were announced beforehand and UNHCR gave pocket money of between 1,730 \texteuro{} (266 EUR) up to 11,540 \texteuro{} (1,775 EUR) for moving. As of May and June 2019, 29,880 Syrians were transferred to other locations from Ceylanpinar and Suruc camps. Approximately 80,000 people have been transferred to cities to date. Some vulnerable groups such as victims of violence, disabled people are still in camps but the rest have mainly been appointed to new cities. Some cities were closed to new registrations in 2019 such as Mersin, Antalya, Yalova and Istanbul and others have introduced quotas. For example, Hatay had a quota for 50 new registrations. The majority of those who left camps needed support due to barriers to adapt to city life. Unaccompanied children were kept in Adana Saricam camp were transferred to public premises (CODEM) after legal amendments in December 2019. The main problems are social cohesion, language barrier, access to services and housing.\textsuperscript{807}

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

There were recent reports that 53 Syrian and Afghan refugees who had been waiting to be accepted by the Greek authorities on the border in Edirne for more than a month, were forcibly transported to Osmaniye camp by bus.\textsuperscript{809}

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

2. Urban and rural areas

With the overall size of the temporary protection beneficiary population sheltered in the camps steadily declining, the vast majority of the current population subject to Turkey’s temporary protection regime reside outside the camps in residential areas across Turkey. As of 27 February 2020, the total population of temporary protection beneficiaries registered with Turkish authorities was listed as 3,587,266, of which less than 2% were accommodated in the Temporary Accommodation Centres, whereas 3,523,218 were resident outside the camps (see Statistics).

More than half of the 3.6 million Syrians were registered in 4 out of the 81 Turkish provinces (Istanbul, Şanlıurfa, Hatay and Gaziantep). While Istanbul hosts the largest number of registered temporary

\textsuperscript{805} DGMM, \textit{Temporary protection}, available at: \url{http://bit.ly/1Np6Zdd}.


\textsuperscript{807} Information provided by a stakeholder in Gaziantep, February 2020.


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

According to a report of the National Police Academy:

> “While a substantial part of the refugees who do not stay in the centres reside in houses they rent either through their own means or with the support of NGOs or individual citizens, a percentage of them stay in blighted neighborhoods of cities which were evacuated as part of urban transformation projects. It must be noted that those living in these neighborhoods live their lives under harsh circumstances and are deprived of healthy housing conditions. Although the refugees who can afford to rent a house are assumed to have no problems, it must be taken into account that the vast majority of refugees have poor economic conditions. The refugees in poor economic conditions live in groups or are forced to live in low-cost and unhealthy houses to decrease their housing costs… Their living spaces are mostly small, dark, humid and unhealthy apartments on the ground or basement levels. The unhealthy conditions of these flats directly affect refugees’ state of health and cause various health problems.”\(^{812}\)

The level of inclusion and quality of accommodation of temporary protection beneficiaries varies from one province to another. “Syrians with means or Turkish relatives to help them buy property might have good accommodations, while a large portion with fewer financial means find accommodations in basements, warehouses, and storage and shanty houses closed with plastic or nylon covers.”\(^{813}\)

Many Syrians in Adana and Mersin live under squalid conditions in tents set up in agricultural areas.\(^{814}\) Hundreds of Syrians unable to afford increasing rent princes in Ankara lived in nylon tents in the Dikmen and Karakusunlar areas in 2018,\(^{815}\) but there are reports that many tents were moved on in 2019 as the area was developed.\(^{816}\) Tents are also used by some refugees in Hatay.\(^{817}\) In March 2018, several hundred people were reported to live in a complex of abandoned houses originally intended for luxury villas in the Beylikdüzü district in Istanbul, due to the halt of the construction project since 2009.\(^{818}\)

Recent research from the University of Gaziantep, based on a survey of 1,824 persons in 129 Syrian households in Gaziantep, found that an average of 6.6 residents live in each household, with 30% of the surveyed households accommodating more than one family.\(^{819}\) Similar findings were published in June 2018 by SGDD-ASAM and UN Women based on a survey of 1,230 women. About half of the surveyed women reported living in households larger than seven people.\(^{820}\) According to recent data 70.53% of Syrians in Turkey are Women and Children.\(^{821}\)

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814 Information provided by the Antakya Bar Association, February 2018; Adana Bar Association, February 2018; Mersin Bar Association, February 2018.
Incidents of tension and violence by locals against Syrians have also been reported. In Mardin, seven Syrian families received letters in February 2019 threatening them with violence if they refused to leave the neighbourhood within seven days.822 In Elazığ, refugees were subject to racist violence in September 2018 and were told to leave the Artuklu neighbourhood after their shops were attacked.823 Two serious incidents were reported in Bursa in July and September 2018.824 Two people were killed in a different incident occurring in Şanlıurfa in September 2018, following which the governor gathered Syrian “opinion leaders” to discuss cohesion issues.825 In Denizli, following the arrest of six Syrians following rape accusations, a total of 927 Syrians were evacuated from the Kale district in October 2018 to avoid lynching from the local population.826 Governors in different provinces lead migration coordination groups aiming at improving social cohesion. In Kayseri, for example, this group visits a family of refugees each week.827 On the other hand, the Governor of Hatay stated ahead of the local elections on 31 March 2019 that Syrians should avoid leaving their homes on election day.828

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

In 2018, the Ombudsman received 37 complaints against racial discrimination and found violations in two cases.833 A report from 2019 on discrimination in Turkey found that discrimination against refugees, particularly from Syria, and against groups that do not conform to heteronormativity due to gender identity are the most prevalent forms of discrimination in Turkey.834

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827 Information provided by an NGO, February 2019.
830 International Crisis Group, Turkey’s Syrian refugees: Defusing metropolitan tensions, January 2018, 3-4.
833 Information provided by the Ombudsman, 21 January 2019.
Association has also produced recent analyses on very negative reporting in the media on refugee issues,\(^{835}\) including blaming refugees for a lack of access to healthcare for host populations.\(^{836}\)

### E. Employment and education

#### 1. Access to the labour market

<table>
<thead>
<tr>
<th>Indicators: Access to the Labour Market</th>
</tr>
</thead>
</table>
| 1. Does the law allow for access to the labour market for beneficiaries?  
  - If yes, when do beneficiaries have access the labour market?  
  □ Yes □ No 6 months |
| 2. Does the law allow access to employment only following a labour market test?  
  □ Yes □ No |
| 3. Does the law only allow asylum seekers to work in specific sectors?  
  - If yes, specify which sectors:  
  □ Yes □ No |
| 4. Does the law limit beneficiaries’ employment to a maximum working time?  
  - If yes, specify the number of days per year:  
  □ Yes □ No |
| 5. Are there restrictions to accessing employment in practice?  
  □ Yes □ No |

#### 1.1. Legal conditions and obstacles to access in practice

Temporary protection beneficiaries have the right to apply for a work permit on the basis of a Temporary Protection Identification Card, subject to regulations and directions to be provided by the Presidency.\(^{837}\) The Regulation on Work Permit for Foreigners under Temporary Protection, adopted on 15 January 2016, regulates the procedures for granting work permits to persons under temporary protection.

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

The Regulation foresees an exemption from the obligation to obtain a work permit for seasonal agriculture of livestock works.\(^{841}\) In that case, however, beneficiaries must apply to the relevant provincial governorate to obtain a work permit exemption.\(^{842}\) The Ministry of Family, Labour and Social Services may also limit the number and provinces where temporary protection beneficiaries may work under seasonal agriculture of livestock jobs.\(^{843}\) Beyond special rules in the context of agriculture and livestock work, the Regulation prohibits beneficiaries from applying for professions which may only be performed by Turkish nationals.\(^{844}\)

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\(^{837}\) Article 29 TPR.

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

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

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

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

\(^{842}\) Ibid.

\(^{843}\) Article 5(5) Regulation on Work Permit for Foreigners under Temporary Protection.

\(^{844}\) Article 6(2) Regulation on Work Permit for Foreigners under Temporary Protection.
When deciding on the granting the right to apply for a work permit, the Ministry of Family, Labour and Social Services takes into consideration the province where the beneficiary resides as a basis. 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.

The Ministry may also set a quota on temporary protection beneficiaries based on the needs of the sectors and provinces. The number of beneficiaries active in a specific workplace may not exceed 10% of the workforce, unless the employer can prove that there would be no Turkish nationals able to undertake the position. If the workplace employs less than 10 people, only one temporary protection beneficiary may be recruited.

The work permit fee is 347TL / €53. Under the Regulation, temporary beneficiaries may not be paid less than the minimum wage.

The number of work permits issued to temporary protection beneficiaries has slowly increased following the adoption of the Regulation on 15 January 2016. In Şanlıurfa, for example, the Association of Syrian Businessmen has signed a Memorandum of Understanding for the investment of 80m TL to establish 20 factories with a total employment capacity of 1,500 workers. According to the Ministry of Labor, Family and Social services, the number of companies having at least one Syrian founder is 15,159 as of 29 February 2019.

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

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

<table>
<thead>
<tr>
<th>Profession</th>
<th>Number of permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manual labourer</td>
<td>2,411</td>
</tr>
<tr>
<td>Textile worker</td>
<td>1,117</td>
</tr>
<tr>
<td>Errands runner</td>
<td>653</td>
</tr>
<tr>
<td>Physician</td>
<td>554</td>
</tr>
<tr>
<td>Nurse</td>
<td>543</td>
</tr>
</tbody>
</table>

845 Article 7(1) Regulation on Work Permit for Foreigners under Temporary Protection.
846 Article 7(2) Regulation on Work Permit for Foreigners under Temporary Protection.
847 Article 8 Regulation on Work Permit for Foreigners under Temporary Protection.
849 Article 10 Regulation on Work Permit for Foreigners under Temporary Protection.
The total number of work permits issued to temporary protection beneficiaries rose to 32,199 as of 15 November 2018.\textsuperscript{853} The number as of 31 March 2019 is 31,185.\textsuperscript{854}

Although there are no updated statistics for the full year 2019, reports quote 113,134 work permits issued to immigrants in Turkey between January to October 2019, mainly to immigrants from Syria, Kyrgyzstan, Ukraine, Turkmenistan, Georgia, Uzbekistan and Russia.\textsuperscript{855} These figures show that the number of work permits issued still represents a small percentage of the temporary protection beneficiaries between the age of 19 and 64 in Turkey.

Civil society organisations are an important employer for Syrians under temporary protection. According to stakeholders, there were 150 national and international NGOs and about 14,000 employees working in Gaziantep by the end of 2015. However, as of that date, the state started strictly monitoring international NGOs working at the border. Irregularities on the part of international NGOs in relation to the obligation to employ people with work permits have led to a significant number of administrative fines. In one case, the Magistrates’ Court of Hatay has annulled such a fine on the ground that it is incompatible with the a special protection provisions for humanitarian aid NGOs in the Law on Work Permit of Foreigners and the Refugee Convention.\textsuperscript{856}

Despite the legal framework introduced in 2016 to regulate access to the labour market for temporary protection beneficiaries, substantial gaps therefore persist with regard to access to employment in practice. Beneficiaries receive little or no information on the work permit system, as the number of community centres providing information about such opportunities remains limited; 16 centres were operated by Türk Kızılay as of January 2020.\textsuperscript{857}

\subsection*{1.2. Working conditions}

Temporary protection beneficiaries in Turkey are impacted by the widespread practice of undeclared employment under substandard working conditions and low wages.\textsuperscript{858} Undeclared employment flourishes

\begin{table}[h]
\centering
\begin{tabular}{|l|c|}
\hline
Position & Number \\
\hline
Administrative manager & 521 \\
Office clerk & 460 \\
Support staff & 452 \\
Cleaner & 433 \\
Others & 20,786 \\
\hline
Total & 27,930 \\
\hline
\end{tabular}
\caption{Work permits issued by occupation, 2019}
\end{table}

\begin{flushleft}
\textsuperscript{856} 1st Magistrates’ Court of Hatay, Decision 2016/180, 31 March 2016.
\textsuperscript{857} For more information, see Türk Kızılay, Syria crisis: Humanitarian relief operation, October 2018, available at: https://bit.ly/2UusS3h.
\end{flushleft}
in the agricultural sector, particularly in provinces such as Adana. Despite initiatives such as a recent UNHCR-funded agricultural skills training in southeastern Turkey, Syrians work long hours – in many cases exceeding 11 hours a day – for 38 TL / €8.37, a portion of which is withheld by “handlers” (elciler) who act employment agents. In other provinces such as Muğla, undeclared employment frequently occurs in the construction sector, while in Ankara it is prevalent in the furniture manufacturing industry in Altındağ. In Istanbul, a report published by the United Metalworkers’ Union (Birleşik Metal İşçleri Sendikası) on the situation of Syrian refugees in the textile industry. According to the report, the wages of 46% of Syrian and of 20% of Turkish workers are below the minimum wage level. It can be said that the minimum wage is not applicable in textile ateliers operating without licence (Merdıvenaltı atölyeleri). In terms stratification of wages in the labour market, Turkish men are at the top, followed by Turkish women, while Syrian men close to the bottom and Syrian women at the bottom.

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

Poor health and safety conditions at work are also a matter of concern. According to Health and Safety Labour Watch 112 refugee workers lost their lives in work-related accidents in 2019 including as a result of fires, equipment failure and road accidents.

Women, in particular, face significant challenges in obtaining effective access to the labour market. This is due, on the one hand, to obstacles such as lack of childcare and lack of information and training opportunities. On the other hand, traditional gender roles assigned to women as caretakers, especially in southern Turkey regions such as Şanlıurfa, mean that women’s access to public space is limited compared to men, while training opportunities mainly revolve around traditional vocations such as hairdressing or sewing. In addition, where they do take jobs outside their homes, women in the textile sector often face discrimination and ill-treatment. This is namely the case for ateliers operating without licence (Merdıvenaltı atölyeleri) in Istanbul, where women and girls work in the rear of basements and in windowless rooms for long hours.

Information provided by a lawyer of the Adana Bar Association, February 2018.
Information provided by Bodrum Women’s Solidarity Association, December 2017.
More information is available in Turkish at: http://bit.ly/2UiMtpE.
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, textile factories, as well as restaurants in cities such as Ankara. In the textile sector, approximately 19% of the workforce is underage, while this number is as high as 29% in respect of Syrians. Syrian working children under the age of 15 are much more visible in the industry than Turkish children. The Worker Health and Safety Council documented the case of a 5-year-old Syrian child forced to work in Gaziantep in 2017. According to the Turkish Medical Association, children in textile industries work 12-hour shifts for 300 TL a month.

2018 was declared as the year of the fight against child labour in Turkey. The (then) Ministry of Labour and Social Security announced a six-year National Action Plan to Fight Against Child Labour in 2017 and a project of 10 million TL was announced for NGOs and public authorities to conduct activities in ten pilot cities during this period. Dedicated monitoring bodies were set up for the purpose of preventing child labour in six cities under that National Action Plan. The bodies continued to be active in 2019. Monitoring Commissions held meetings every month and raised awareness among NGOs and other public bodies.

2. Access to education

<table>
<thead>
<tr>
<th>Indicators: Access to Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the law provide for access to education for children beneficiaries?</td>
</tr>
<tr>
<td>2. Are children able to access education in practice?</td>
</tr>
</tbody>
</table>

Under Turkish law, “basic education” for children consists of 12 years, divided into 3 levels of 4 years each. All children in Turkish jurisdiction, including foreign nationals, have the right to access “basic education” services delivered by public schools. All children registered as temporary protection beneficiaries have the right to be registered at public schools for the purpose of basic education.

2.1. Public schools

Public schools in Turkey are free of charge. They instruct in Turkish and teach a standardised Ministry of National Education curriculum, and are authorised to dispense certificates and diplomas to foreign national children with full validity.

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875 Information provided by Development Workshop, February 2019.

876 Information provided by a stakeholder, March 2020.
In order to enrol in public schools, children and their parents need to have Temporary Protection Beneficiary Identification Cards. Children who are not yet registered can be temporarily enrolled as a “guest student” which means that they can attend classes but will not be provided any documentation or diploma in return, unless they subsequently complete their temporary protection registration and are officially admitted by the school.\textsuperscript{877}

Where a foreign national child is enrolled at public schools, the Provincial Directorate of National Education is responsible for examining and assessing the former educational background of the student and determine to which grade-level the child should be registered. In case there is no documentation regarding the past educational background, the Provincial Directorate shall conduct necessary tests and interviews to assess the appropriate grade-level to which student shall be assigned. In mid-2018, the Ministry of National Education launched an Accelerated Learning Programme (Hızlandırılmış Eğitim Programı, HEP) to reach children aged 10-18 who have missed three or more years of schooling. The programme runs in 12 provinces. The programme had reached 10,894 children by mid-2019.\textsuperscript{878}

The Ministry of National Education is building 129 new schools with EU funding under the Facility for Refugees in Turkey, to increase the enrolment rate.\textsuperscript{879} Another 55 schools are planned to be built by 2021 with World Bank funding.\textsuperscript{880}

The education response in Turkey is led and coordinated by the Ministry of National Education. The numbers of Syrian children enrolled in formal education continues to increase. At the start of the 2019/20 school year, 684,253 Syrian children under temporary protection were enrolled in Turkish public schools and temporary education centres, representing 63 per cent of school-aged Syrian children.\textsuperscript{881}

However, according to an UNESCO report, the number of additional teachers that would be needed to cover the entire population of Syrian refugee children of school age is as high as 80,000.\textsuperscript{882} UNICEF estimates as many as 400,000 children out of school,\textsuperscript{883} Drop-out rates, particularly at high school level, are linked to factors such as the high level of child labour in the job market,\textsuperscript{884} as well as early marriages.\textsuperscript{885} Bullying at schools is still a huge unresolved problem.\textsuperscript{886} Fear of deportation also has an impact on access to school, affecting around 8,500 children in Bursa, for example.\textsuperscript{887} At the same time, the rate of discrimination, prejudice and bullying remains high in public schools, both from fellow pupils and teachers. Refugee children are not offered additional Turkish language classes so as to be able to follow the curriculum effectively.

\textsuperscript{878} Inter-Agency Coordination Turkey, Turkey Education Sector: Q2 January to June 2019, available at: https://bit.ly/2UINaZj.
\textsuperscript{881} UNHCR, Turkey: Operational Highlights, 2019.
\textsuperscript{883} UNICEF, Turkey Humanitarian Situation Report, January - March 2019, 1.
\textsuperscript{884} Children in the agricultural sector are not enrolled at school, for example: Information provided by Development Workshop, February 2019.
\textsuperscript{885} Information provided by a stakeholder in Gaziantep, February 2020 and Dr Ali Zafer Sarıoğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.
\textsuperscript{886} Information provided by a stakeholder in Gaziantep, February 2020.
To ensure children’s access to the education system, another programme, Conditional Cash Transfer for Education (CCTE), is financed by ECHO and implemented through a close partnership between the Ministry of Family, Labour and Social Services, the Ministry of National Education, AFAD, Türk Kızılay and UNICEF. The CCTE programme provides vulnerable refugee families with bimonthly cash payments to help them send and keep their children in school (see Social Welfare). Cash assistance is available only for persons who can submit the school registration documents to the social service units of the Ministry. A family can receive payment provided the child attends school regularly; a child should not miss school more than 4 days in one month.\textsuperscript{888} According to Türk Kızılay, in cases were a child has not attended school for over 4 days, their protection officers visit the family to identify the cause of absence; child labour, child marriage, peer bullying are the most common factors.\textsuperscript{889} According to observations from practice, CCTE has been more effective at elementary school level.\textsuperscript{890}

In addition, the PIKTES (Project on Promoting Integration of Syrian Kids into the Turkish Education System) is a European Union funded project implemented by the Turkish Ministry of National Education. It aims to increase the integration of Syrian children, access to quality education and increasing the enrolment and attendance rates of Syrian children and youth in quality formal education.\textsuperscript{891} In early 2020, UNICEF, SGDD-ASAM and the Ministry of National Education launched the ‘Assistance Programme for Registration to Schools’ (Okula Kayit Icin Destek Programi) aiming to reach out to 65,000 Syrian students aged between 5-17 at risk of leaving the education system.\textsuperscript{892}

In 2019, the Ministry of National Education opened ‘social cohesion courses’ where students can learn about different cultures and daily life in Turkey.

Türk Kızılay Community Centre, Urfa has been following the situation of around 90 Syrian children dropping out school per month and the community centre tries to understand the real reasons behind their non-attendance at school. It is often due to early marriage of girls and boys being forced into child labour. There are social cohesion classes at schools in Urfa. They give regular trainings at schools on peer bullying, non-discriminatory practices, rights of children, hygiene and social cohesion. Also, they provide psychological support and regular health checks for students.\textsuperscript{893}

More generally, experts estimate lack of education as a common feature among the Syrian population in Turkey. According to a survey, 33% of respondents reported to be illiterate, while another 13% reported to be literate without having attended school.\textsuperscript{894}

\section*{2.2. Temporary Education Centres (GEM)}

The Ministry of National Education Circular 2014/21 on “Education Services for Foreign Nationals” of 23 September 2014 introduced the concept of Temporary Education Centre (\textit{Geçici Eğitim Merkezi}, GEM) and provided a legal framework for the supervision and monitoring of the aforementioned private schools run by Syrian charities – which had hitherto existed outside the regulatory framework of the Ministry of National Education and were therefore unlawful but tolerated by the provincial authorities. GEM are specifically

\textsuperscript{889} Information provided by Türk Kızılay, February 2019.
\textsuperscript{890} Information provided by Dr Ali Zafer Saroçiğlu, Migration Policy Centre, Ankara Yıldırım Beyazıt University, January 2019.
\textsuperscript{893} Information provided by Türk Kızılay Community Centre, Urfa, February 2020.
defined as schools established and run for the purpose of providing educational services to persons arriving in Turkey for temporary period as part of a mass influx.

By and large, the children accommodated in the camps have unimpeded and virtually full access to basic education mainly at GEM administered inside the camps. On the other hand, children of school age outside the camps, had the option of either attending a public school in the locality, which teach the Turkish school curriculum and instruct in Turkish, or a GEM.

In 2018 there were approximately 1,000 Turkish and 11,500 volunteer Syrian teachers in GEM. UNICEF provides financial assistance to 10,000 volunteer Syrian teachers. In this context, a fee of 600 TL / €120 per month is paid to the teachers in Temporary Accommodation Centres and 900 TL per month is paid to those working outside camps. The remaining 1,500 volunteer teachers are financially supported by NGOs.  

Such private Syrian schools are generally not free. They charge students varying amounts of fees. It remains unclear what legal validity any diplomas or certificates issued by the temporary education centres will have going forward, while the Provincial Directorate of National Education authorities are authorised to determine such questions if and where the child is subsequently admitted to a public school or a university in Turkey. Another challenge concerns the quality of education provided in GEM, since courses are taught by Syrian teachers, often volunteers, who are in need of remuneration and professionalisation.  

The Ministry of National Education has planned a gradual-phase out of the GEM. From September 2016 onwards, all Syrian children entering kindergarten or first grade have to be enrolled in Turkish schools and not GEM. The Ministry of National Education has also encouraged children entering fifth and ninth grade to register at Turkish schools.

The number of GEM is gradually reducing. The authorities are aiming to close all GEMs by the end of 2020. As of 2019 there were 199 GEMs in 11 provinces educating 39,178 Syrian children. For some stakeholders, the closure of GEM is carried out too rapidly and will lead to difficulties for teachers in handling curricula to mixed classes of Turkish and Syrian children.

### 2.3. Higher education

Temporary protection beneficiaries also have the right to higher education in Turkey. In order to apply and register with an institution of higher education, students are required to have completed either the 12 years of Turkish basic education or equivalent experience. Children who have attended a certified GEM can also be approved to have fulfilled that requirement on the basis of the equivalence determination carried out by the competent Provincial Directorate of National Education.

In Turkey, admission to universities is subject to the requirement of taking a standardised university entrance examination and additional requirements by each university. Students who started their university education at GEM need to have credentials evaluated by the competent Provincial Directorate of National Education. If accepted by a Turkish university, they need to register at a university by taking the required university entrance examination in their place of residence.

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895 Grand National Assembly, Gökç ve Uyum Raporu, March 2018.
896 Information provided by a lawyer of the Adana Bar Association, February 2018; Information provided by an NGO, February 2019.
898 Information provided by Dr Ali Zafer Saroğlu, Migration Policy Centre, Ankara Yıldırım Beyazit University, January 2019.
899 ERG, Öğrenciler ve eğitime erişim izleme raporu, Eğitim izleme raporu, 2019.
900 Information provided by Bosphorus Migration Studies, January 2019.
studies in Syria but were not able to complete them, may ask universities to recognise the credits (courses) that they have passed. The decision whether to recognise courses passed in Syria is made by each university and may differ from one department to another.901 Sometimes there can be problems in the recognition of previous education including qualifications. Studies in GEMs can also be in Arabic and there can be more general language problems.

Tuition fees for Syrian students are covered by the Presidency for Turks Abroad and Related Communities (Yurttaşeri Türkler ve Akraba Topluluklar Başkanlığı, YTB) for the 2017-2018 and 2018-2019 academic years for state universities;902 this is not the case for private universities. Students will still need to cover the costs of local transportation, books and living expenses. There are a number of organisations providing scholarships to Syrian students for higher education study in Turkey. These organisations include: YTB, UNHCR through the DAFI scholarship programme, and NGOs (e.g. SPARK). Scholarships awarded through YTB and DAFI cover the costs of tuition and pay students a monthly allowance for accommodation and living expenses.903

According to statistics of the Council of Higher Education, the number of enrolled Syrian students in Turkish higher education institutions rose from 14,747 during the 2016-2017 academic year904 to 33,000 Syrians in the 2019/20 academic year.905 According to the Directorate on Life-Long Learning 599,475 Syrians benefitted from vocational and other trainings by the State in 2019.906

Temporary protection beneficiaries, regardless of their age, can also benefit from free of charge language education courses as well as vocational courses offered by Public Education Centres structured under each Provincial Directorate of National Education. Some NGOs also provide free language courses and vocational courses to temporary protection beneficiaries in some localities.

Türk Kızılay has 16 community centres including a new centre in Kocaeli.907 In March 2019 Türk Kızılay also started an Adult Language Training Programme (ALT) together with the Ministry of National Education and UNDP aiming to provide Turkish language assistance to Syrians to help them into employment. Funded through the EU Trust Fund the programme aims to provide 52,000 people in ten provinces with language lessons. Participants are paid €0.9 per hour to attend three hours a day, three days a week.908 The Vocational Course Incentive also provides incentive payments for beneficiaries’ vocational training in different sectors such as food, textile, service, agriculture and animal husbandry as well as courses requiring technical expertise and craftsmanship. Participation in vocational courses is supported with 40 TL or 60 TL per day and those who attend the Turkish Language Courses are entitled to 180 TL per month. Community Centers organize various courses and activities for the beneficiaries to improve their life skills. Community Centers also provide certification approved by the General Directorate of Life Long Learning of the Ministry of National Education at the end of vocational courses. As of January 2020, 45,927 people had benefitted from different vocational courses and training. This included 32,684 people who attended courses, and 13,243 people who found employment. 909

905 A Barişçil, Refugee students in the Turkish higher education in the light of the Syrian conflict, 2019, 135.
907 Information provided by Türk Kızılay, February 2020.
908 Information from Türk Kızılay, February 2020.
Türk Kızılay Community Centre in **Urfa** has several projects on livelihoods. They provide special training and employment opportunities depending on the situation in the city that beneficiaries live in. For instance, they are accepting new applications for greenhouse trainings in Urfa. They have also opened a gastronomy academy in Harran in close cooperation with the Governorate. They are running a joint project with TOBB (Union of Chambers and Stock Markets in Turkey) to grant 50,000 TL (around 8,000 EUR) to 10 Syrian entrepreneurs in very diverse areas ranging from agriculture to 3-D printing. They are going to launch a new Science, technology, engineering, and mathematics (STEM) project with the Municipality on coding and programming for young Syrian girls and boys.

**F. Social welfare**

The law draws no distinction between temporary protection beneficiaries and applicants for and beneficiaries of international protection in relation to social assistance (see **Forms and Levels of Material Reception Conditions**).

Cash assistance programmes implemented mainly by Türk Kızılay through a dedicated bank card (**Kızılaykart**), have focused mainly, though not exclusively, on temporary protection beneficiaries. These include the following:

- **Emergency Social Safety Net (ESSN)**: The EU-funded ESSN programme was launched on 28 November 2016 by the World Food Programme, Türk Kızılay and the Ministry of Family, Labour and Social Services, under the coordination of AFAD. Families under international or temporary protection and excluded from registered employment are eligible for assistance under ESSN, which extends a monthly allowance of €18 per family member through the **Kızılaykart**. Applicants for international protection fall within the scope of this programme.

The ESSN scheme is the single largest humanitarian project in the history of the EU: as of October 2019, the ESSN was assisting around 1.7 million people. In addition, EU-funded partner organisations had distributed over 700,000 e-vouchers, food parcels or kits with other urgently needed items.

In the context of the ESSN, the Kızılay Food Card developed in cooperation with the World Food Programme offers a smart card technology developed for people in need to meet all their needs at food stores. International protection applicants who hold a YKN go to the Social Assistance and Solidarity Foundations of their satellite city and fill in an application form for a Kızılay Card. If the applicant has a disability, this should be proved by a medical report. Also, people with special needs are prioritised in practice. After 5-9 weeks, applicants can receive their cards ready to use from the contracted bank.

ESSN has been disbursed to 1,726,518 beneficiaries as of January 2020, of whom 1,540,247 (89.2%) are Syrian. The majority of beneficiaries are located in **Gaziantep**, followed by **İstanbul**, Şanlıurfa, Hatay, Adana and Ankara.

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911 Türk Kızılay, **Kızılay Kart**, Cash based assistance programmes, December 2019, 1.


914 Türk Kızılay, **Syrian Crisis Humanitarian Relief Operation**, January 2020, 10.
• **In-Camp Programme:** This programme provides cash assistance to refugees residing in Temporary Accommodation Centres. As of January 2020, 54,879 people had benefited.915

• **Conditional Cash Transfer for Education (CCTE):** The EU-funded programme CCTE aims to support refugee families in sending their children to school (see [Access to Education](#)) by providing bimonthly payments. The amounts disbursed on a bimonthly basis vary depending on the level of education: for primary school, boys receive 35 TL and girls receive 40 TL, while for high school boys receive 50 TL and girls 60 TL. The CCTE is being disbursed to 498,551 beneficiaries as of February 2020, of whom 416,347 (85.1%) are Syrian. The majority of beneficiaries are located in Istanbul, Gaziantep, Hatay and Şanlıurfa.916 CCTE has mainly focused on primary school children. 0.5% of beneficiaries attended the Accelerated Learning Programme (HEP).917 Although the programme is welcomed, some stakeholders have said that the amount given for the CCTE is symbolic and could be more effective if increased.918

• **Accelerated Learning:** Around 20,000 Syrian refugee children and young people are enrolled in accelerated learning programmes helping them make up for lost years of schooling, where they also got basic literacy and numeracy classes, and Turkish language courses. Since 2017, the EU has also provided transportation to an average of 6,000 children per month to help them attend their formal and non-formal education activities.919

### G. Health care

1. **Conditions for health care**

All registered temporary protection beneficiaries, whether residing in the camps or outside the camps, are covered under Turkey’s General Health Insurance (GSS) scheme and have the right to access health care services provided by public health care service providers.920 The health care services are no longer free of charge following a legal amendment of 25 December 2019 and they have to pay a contribution fee determined by the Ministry of Interior Affairs to access primary and emergency health care services and medicines.921 This does not apply to vulnerable groups, however.

Persons who are eligible for temporary protection but have not yet completed their registration have only access to emergency medical services and health services pertaining to communicable diseases as delivered by primary health care institutions.

Temporary protection beneficiaries are only entitled to access health care services in the province where they are registered. However, where appropriate treatment is not available in the province of registration or where deemed necessary for other medical reasons, the person concerned may be referred to another province.922

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915 Ibid.
916 Ibid.
917 Ibid.
918 Information provided by a stakeholder in Gaziantep, February 2020.
920 Article 27 TPR.
921 Article 27(1)b as amended by Regulation no.30989.
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.\textsuperscript{923}

\subsection*{1.1. Scope of health care coverage}

Under the Turkish health system, differentiation is made among primary, secondary and tertiary public health care institutions. Health stations, health centres, maternal and infant care and family planning centres and tuberculosis dispensaries that exist in each district in each province are classified as primary healthcare institutions. State hospitals are classified as secondary health care institutions. Research and training hospitals and university hospitals are classified as tertiary health care institutions.

Temporary protection beneficiaries are entitled to spontaneously access initial diagnosis, treatment and rehabilitation services at primary health care institutions. These providers also undertake screening and immunisation for communicable diseases, specialised services for infants, children and teenagers as well as maternal and reproductive health services.

Temporary protection beneficiaries are also entitled to spontaneously approach public hospitals in their province. Their access to medical attention and treatment in university and research and training hospitals, however, is on the basis of a referral from a state hospital.\textsuperscript{924} In some cases, state hospitals may also refer a beneficiary to a private hospital, where appropriate treatment is not available in any of the public healthcare providers in the province. In such a case, the private hospitals are compensated by the GSS scheme and the beneficiary is not charged.

As a rule, referrals to university hospitals and private hospitals are only made for emergency and intensive care services as well as burn injuries and cancer treatment. This is confirmed in practice in Hatay, Adana and Mersin, where temporary protection beneficiaries cannot access the research and training hospitals without a medical doctor referral. Costs are not covered by the State promptly, however.

Temporary protection beneficiaries’ access to secondary and tertiary health care services is conditional upon whether the health issue in question falls within the scope of the Ministry of Health’s Health Implementation Directive (SUT). For treatment for health issues which do not fall within the scope of the SUT or for treatment expenses related to health issues covered by the SUT, which however exceed the maximum financial compensation amounts allowed by the SUT, beneficiaries may be required to make an additional payment. For example, prosthetic surgery was previously not covered by health care services in Adana, thereby posing an important obstacle.\textsuperscript{925}

Free health care coverage for registered temporary protection beneficiaries also extends to mental health services provided by public health care institutions. A number of NGOs are also offering a range of psycho-social services in some locations around Turkey with limited capacity. The need for mental health support is pressing. The University of Marmara highlighted in 2018 that 6 out of 10 Syrian refugee children suffer from mental health conditions such as PTSD and depression.\textsuperscript{926}

\textsuperscript{924} Ibid.
\textsuperscript{925} Information provided by a lawyer of the Adana Bar Association, February 2018.
With ECHO funding until the end of 2019, the “Geçici Koruma Altındaki Suriyelilerin Sağlık Statüsünün ve Türkiye Cumhuriyeti Tarafından Sunulan İlgili Hizmetlerin Geliştirilmesi” (SIHHAT) project has established 187 Migrant Health Centres (Göçmen Sağlığı Merkezi) for Syrian beneficiaries of temporary protection in 28 provinces. Syrians can approach these centres as primary health care institutions. Migrant Health Centres employ 790 mainly Syrian doctors, 790 nurses, 300 support staff, 84 technicians and 960 patient guides.927

1.2. Medication costs

According to SUT, persons covered by the general health insurance scheme are expected to contribute 20% of the total amount of the prescribed medication costs. The same rule also applies to temporary protection beneficiaries, while the rest was previously covered by AFAD.

That said, in terms of access to medication, complications and inconsistent implementation are observed across the country. However, Turkey has repeatedly claimed that the amount allocated for Syrians service expenditure is 40 billion Turkish Lira and the major service unit is health care.928

2. Obstacles to access in practice

The language barrier is one of the key problems encountered by temporary protection beneficiaries in seeking to access health care services.929 The language barrier also hinders access to mental health treatment.930 Although there are interpreters available in some public health institutions in some provinces in the south of Turkey, in most health care facilities including Migrant Health Centres no such interpretation services are available.931 A major practical obstacle for refugees is that hospitals in Turkey give appointments to patients over the telephone. Since hospital appointment call centres do not serve prospective patients in any language other than Turkish, foreign nationals need the assistance of a Turkish speaker already at appointment stage.

The Ministry of Health operates a free hotline that provides limited distance interpretation services to temporary protection beneficiaries, doctors and pharmacists. However, the hotline does not provide any general counselling to beneficiaries about the healthcare system or assistance in obtaining appointments at hospitals. The Danish Refugee Council also operates a limited free hotline service providing interpretation services to Syrians in Arabic and Turkish for the purpose of facilitating interactions with health care providers. Türk Kızılay, for its part, provides an interpreter and a social worker under its Child Protection Centre project, who accompany children at hospitals in Ankara where needed. The Numune and Dışkapı State Hospitals in Ankara also have one interpreter each.

Türk Kızılay also runs community centres providing services on health and protection. 16 centres are currently operational. These centres identify the needs of temporary protection beneficiaries e.g. accessing health care, and also offer psycho-social support.932

928 Al-Monitor, ‘Suriyelere 40 milyar dolar harcandı mı?’, 2 November 2019, available in Turkish at: https://bit.ly/2yd0g9A.
931 Information provided by an NGO, February 2019.
Vulnerable and marginalised groups such as sex workers face more acute challenges to accessing services, including information on sexual health, due to the fact that they do sex work informally, often through intermediaries – who in some cases are perpetrators of discrimination and violence – and under heavy working conditions. A number of Syrian sex workers interviewed in 2017 by Red Umbrella Sexual Health and Human Rights Association were unaware of HIV testing and counselling centres and had limited knowledge of health care facilities they could go to if needed. There is very limited information currently on this vulnerable group.

In Antakya there have been complaints about a lack of translators in hospitals. Migrant Health Centres employ Syrian doctors and these centres also provide services to those having no IDs and protection. Stakeholders have complained about access to the Kanuni Sultan Suleyman hospital in Istanbul which has turned away refugees including pregnant Syrian women.

The new regulation on charging a contribution rate to Syrians refugees will impose a serious barrier to access to health but it may not be applied to vulnerable groups.

H. Guarantees for vulnerable groups

As with the LFIP, the TPR also contains definitions of “persons with special needs” and “unaccompanied children” and provides for additional guarantees. According to Article 3 TPR, “unaccompanied minors, persons with disability, elderly, pregnant women, single parents with accompanying children, victims of torture, sexual assault or other forms of psychological, physical or sexual violence” are to be categorised as “persons with special needs”.

The TPR and other related secondary legislation providing the legal framework and procedures for the provision of services to temporary protection beneficiaries identify the Ministry of Family, Labour and Social Services as the responsible authority for “persons with special needs”.

As provided by the AFAD Circular 2014/4 on “Administration of Services to Foreigners under the Temporary Protection Regime”, “services such as accommodation, care and oversight of unaccompanied minors, persons with disabilities and other persons with special needs are the responsibility of the Ministry of Family, Labour and Social Services. The Ministry is responsible for the referral of vulnerable persons to children centres, women shelters or other appropriate places.”

Being identified and registered as a “person with special needs” entitles beneficiaries to additional safeguards and prioritised access to rights and services. They should be provided “health care services, psycho-social assistance, rehabilitation and other support and services free of charge and on priority basis, subject to the limitations of capacity.”

1. Unaccompanied children under temporary protection

Article 3 TPR defines an “unaccompanied minor” as “a child who arrives in Turkey without being accompanied by an adult who by law or custom is responsible for him or her, or, a child left unaccompanied

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934 Ibid, 67-68.
935 Information provided by a stakeholder in Gaziantep in February 2020.
936 Information provided by a stakeholder in Istanbul, March 2020.
937 Information provided by a stakeholder in Gaziantep in February 2020.
938 Article 48 TPR.
after entry into Turkey, provided that he or she did not subsequently come under the active care of a responsible adult”.

Turkey is a party to the Convention on the Rights of the Child and domestic child-protection standards are generally in line with international obligations. According to Turkish Law, unaccompanied children, once identified, should be taken under state protection with due diligence under the authority of the Ministry of Family, Labour and Social Services.

Article 48 TPR provides that unaccompanied children shall be treated in accordance with relevant child protection legislation and in consideration of the “best interests” principle. The 2015 Ministry of Family and Social Policies Directive on Unaccompanied Children provides additional guidance regarding the rights, protection procedures and implementation of services for unaccompanied children. The Directive designates the PDMM as the state institution responsible for the identification, registration and documentation of the unaccompanied children. PDMM are also entrusted the responsibility of providing shelter to unaccompanied children until the completion of the age assessment, health checks and registration / documentation procedures upon which the child is referred to the Ministry of Family, Labour and Social Services.

Once the PDMM refers the child to the relevant Provincial Ministry of Family, Labour and Social Services Child Protection Directorate, temporary protection beneficiary unaccompanied children aged 0-12 are to be transferred to a child protection institution under the authority of the Ministry of Family, Labour and Social Services. Unaccompanied children between the ages of 13-18, who do not demonstrate any special needs may be placed in dedicated “child protection units” providing services within the premises of camps under the authority of the Provincial Child Protection Directorate under the Ministry of Family, Labour and Social Services. In practice, however, the referral mechanisms set out in the 2015 Directive are not being used according to stakeholders’ observations.

According to the TPR, unaccompanied children are mainly housed in Ministry of Family, Labour and Social Services shelters but may also be placed in Temporary Accommodation Centres if appropriate conditions can be ensured. In practice, unaccompanied children between the ages of 0-18 are transferred to the nearest Provincial Child Protection Directorate. These children are not only Syrians, but include children from Afghanistan, Iraq, Somalia and South Africa. Unaccompanied children are placed in the child protection units established by the Ministry in Ağrı, Konya, Yozgat, Gaziantep, Bilecik, Erzincan, İstanbul and Van. As of March 2018, there were 288 children in these centres. 8 children are being cared for by families. Socio-economic support services are provided to 450 children who live with their families.

Türk Kızılay also runs a Child Protection Centre (Çocuk Koruma Merkezi) under a pilot project launched in March 2017. Its difference from child protection centres run by the Ministry of Family, Labour and Social Services lies in its primary role in preserving integration and social inclusion of refugee children. There is only one such centre established at the moment, located in Altındağ, Ankara, close to the Ankara community centre managed by Türk Kızılay. Children benefitting from the Child Protection Centre live with their families. There, they benefit from a range of activities for children aged 6-18, including drama and music lessons and Turkish language courses. Activities, workshops, seminars and trainings are organized under various topics to provide psychosocial support with the children in the Child Friendly Space and Youth Friendly Space for 6-18 age group. The meals from Turkish Red Crescent Ankara Branch Soup Kitchen

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939 Information provided by a lawyer of the Ankara Bar Association, March 2019.
940 Article 30(3) TPR, as inserted by Regulation 2018/11208. The previous provision in Article 23(4) TPR has been repealed by the amendment.
941 Grand National Assembly, Göç ve Uyum Raporu, March 2018.
are served to children twice a day. There is also shuttle service for children coming to the centre. As of January 2020, 47,769 children have benefitted from the centre’s services.⁹⁴²

According to a March 2018 report of the Grand National Assembly, a total of 53,253 children living outside camps have lost one parent, while 3,969 children in camps have lost their father, 390 have lost their mother and 290 have lost both.⁹⁴³ Updated figures for 2019 are not available.

The psychosocial well-being of Syrian children in Turkey has been visibly impacted from the traumatic effects of war and flight, as well as deprivation, lack of opportunities for social interaction, and limited access to basic services. According to a European Commission report, citing figures by the government, an estimated 25% of Syrian children suffer from sleeping disorders.⁹⁴⁴ The University of Marmara has noted that six out of ten Syrian refugee children suffer from mental health conditions such as PTSD and depression.⁹⁴⁵

2. Women and girls under temporary protection

2.1. Protection from domestic violence

As regards the protection of women, Article 48 TPR refers to Turkey’s Law No 6284 on Protection of the Family and Prevention of Violence, and the Implementing Regulation of this law, which provides a series of preventive and protection measures for women who are either victim or at risk of violence.

These guarantees are particularly important in light of the persisting risks of gender-based violence or even death generally affecting women in Turkey.⁹⁴⁶ As highlighted by a June 2018 study, given the crowded living conditions in which women find themselves in urban areas (see Housing), “the risks for gender-based violence, sexual abuse of girls and child marriage in crowded arrangements are high and hard to address.”⁹⁴⁷ Incidents of such violence include the rape of a pregnant Syrian woman in 2017, who was subsequently murdered with her 10-month-old baby in the province of Sakarya.⁹⁴⁸ In 2018, a Syrian woman was killed by her uncle in Bursa.⁹⁴⁹ In 2020 two of the attackers were sentenced to 4 years 7 months and 3 years and 20 days imprisonment.⁹⁵⁰ In early 2020, there was also a case of a mother and daughter in a refugee camp who were allegedly forced into sex work to meet their basic needs.⁹⁵¹

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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 konuk evi) run by the Ministry of Family, Labour and Social Services, municipalities or NGOs in accordance with available capacity.

The problem, however, is that the overall number and capacity of women’s shelters in Turkey falls very short of the need (see International Protection: Special Reception Needs). In 2018 Turkey had a total of 144 shelters spread across 79 municipalities, with an overall capacity of 3,454 places. With reports of 145 shelters in 2019 with a capacity of 3,482. According to experts, the number of centres should be around 8,000 to cater for existing needs. Since women shelters are meant to accommodate both Turkish and foreign nationals in the locality, temporary protection and international protection beneficiary women are also affected by the capacity problems. The need for women shelters in regions such as Gaziantep, Adana, Şanlıurfa is pressing.

Another related practical limitation is that, although the law clearly provides that both women at risk of violence and women who have actually been subjected to violence should be able to access shelters, in practice due to capacity problems only women who have actually been subjected to violence are offered access to existing shelters. In most cases, shelters also inquire into the women’s claim to ascertain that violence is “certain” and request evidence such as an assault report or a criminal investigation, although practice is not uniform across the country. Shelters in Gaziantep request medical reports and ask women whether they have filed a report with the police, whereas in Osmaniye they do not. For foreign women to access women’s shelters in Ankara managers request a medical report evidencing the physical violence and a written criminal complaint.

As a rule, women placed in shelters can stay in the facility up to 6 months. This period can be extended on exceptional basis. Victims of trafficking are invited to leave the country within one month (see International Protection: Special Reception Needs).

The Women Shelters Regulation issued in 2013 also clearly indicates that for a woman to be admitted to a shelter, she is not required to provide a valid identity document. However, a Temporary Protection Identification Document is required of women seeking to be admitted to shelters in practice. In 2019 some women’s shelters in Istanbul required registration in the city and an identity number to accept applicants.

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See BBC Turkey, 25 Kasım Kadına Yönelik Şiddetle Mücadele Günü - Kadınlardan sığınma evleri: ‘Sanki suç işlemiş gibi davranılıyor’, 25 November 2019, available in Turkish at: https://bbc.in/3S3g7j; See also, NPR, ‘We Don’t Want To Die’: Women In Turkey Decry Rise In Violence And Killings, 15 September 2019, at: https://n.pr/39m6TU9.


955 Information provided by a stakeholder, February 2018.

956 Information provided by a stakeholder, February 2019.

957 Information provided by a stakeholder, February 2019.

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

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

960 Information provided by a stakeholder in Istanbul, March 2020.
In urgent cases, women who are not accommodated in women’s shelters may also stay at “mercy houses” run by municipalities for 2-3 days. Such houses are run by the municipalities of Altındağ, Yenimahalle, Ulus and Central Municipality in Ankara, for example.

Practice indicates persisting obstacles to effective protection of women from domestic violence. In Muğla, for instance, where child marriages remain very frequent among Syrians, women and girls face an array of difficulties, ranging from delays of up to one day in police stations, to the regular tendency of authorities to bring the perpetrator to the police station against the will of the victim for the purposes of reconciliation. Women are placed in shelters only if they refuse such reconciliation. According to organisations assisting refugee women and girls, there is limited awareness and involvement in these cases on the part of the Muğla Bar Association.

Syrian women living in Ankara subject to violence have faced difficulties in going alone to hospital or to the PDMM. They often do not know how to read or men do not allow them to go out alone. In Ankara, Diskapi and Ulus State hospitals are not well equipped in terms of translators although NGOs try to help Syrian women in this process.

Access to justice in the courts is also difficult due to language barriers. Women receive notifications from the courts in Turkish not in Arabic including in SMS messages. Syrian women’s cases can be rejected due to a lack of translators in the courts or a lack of knowledge on the part of the legal aid staff. In the past, the Gelincik Centre from the Ankara Bar Association provided specialist services to Syrian women victims of violence but now this service is provided by the legal aid office which has no specific experience in dealing with these issues.

Court orders on suspension in case of domestic violence are given however they are not very effective since the perpetrators and victims live either in the same household or same quarter. Violence by the Turkish police or on the migration route is prevalent but not visible at all. Syrian women cannot talk about this type of sexual harassment and violence.

2.2. Polygamous and arranged marriages

In addition to violence, protection of women and girls below 18 involved in arranged marriages and unofficial polygamous marriages – including “second wives” and girls sold into marriage by their families – is another important and persisting concern. While both practices are criminalised under Turkish law, polygamous marriages are legally recognised in Syria and women are not always aware of the differences between the two countries’ legal framework and their rights therein. These problems have also led to an increase in early divorce rates among girls below 18, as well as a rising number of children abandoned by their mothers due to marriage to Turkish men.

Despite criminalisation in Turkish law, in practice temporary protection beneficiaries have limited opportunities to claim the relevant legal safeguards and protection measures for lack of sufficient public information and crucially very short supply of counselling and legal assistance services available to refugee women. In addition, public authorities such as health care institutions often refrain from discharging their

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961 Information provided by a stakeholder, December 2017.
962 Ibid.
963 Information provided by the Esra Khashram, Foundation for Women’s Solidarity (KADAV), February 2020.
965 Information provided by an NGO, February 2019.
966 Information provided by a lawyer of the Istanbul Bar Association, March 2019.
legal obligation to inform the police of child marriage cases when treating child brides and mothers. Where they do inform the authorities, police officers may refrain from investigating the cases.

Statistics on such reports are not available countrywide. In Edirne, the Ministry of Family, Labour and Social Services received 186 reports of pregnant girls in 2017.

Initiatives such as the Child Protection Centre run by Türk Kızılay in Altındağ, Ankara offer information to women on early pregnancy, child marriage, sexual harassment, reproductive rights and contraception. SGDD-ASAM also runs Women’s Health and Counselling Centres in a number of provinces including Mersin, providing language courses and health care among other services. Bodrum Women’s Solidarity Association provides trainings and workshops on sexual health, hygiene along with legal counselling and social cohesion activities.

CARE Turkey provides critical early and forced marriage information to Syrian and Turkish community members in Gaziantep, Kilis and Şanlıurfa through community events, one on one legal counselling and empowering girls under threat of early marriage to access legal remedies in coordination with Turkish authorities. Through a rights based approach, CARE trains Syrian community members on key protection messages, including early marriage, which are disseminated through an innovative peer to peer approach and CARE’s community-based Information Protection Spaces.

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.

Finally, the issue of arranged marriages is not confined to women in Turkey. Reports have also documented cases of refugee men sold into marriage.

2.3. The situation of sex workers

Furthermore, specific groups such as sex workers are in a particularly vulnerable position due to the frequent interpretation of sex work as conduct threatening public order or public health in Turkey.

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968 Information provided by a stakeholder, December 2017.


970 Information provided by SGDD-ASAM, February 2018.

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

972 Information provided by CARE Turkey, February 2019.

973 Information provided by a stakeholder, February 2019.


975 Red Umbrella Sexual Health and Human Rights Association, Syrians under “temporary protection” in Turkey and sex work, 2017, 53-54. The report draws on interviews with 26 Syrian sex workers, as well as a range of authorities and civil society organisations.
3. Torture survivors under temporary protection

Both LFIP and TPR identify “torture survivors” among persons with special needs. Torture survivors, like all other temporary protection beneficiaries, have access to a range of healthcare services in public hospitals, including psychiatric assistance. There are also a small number of NGOs that specialise in treatment and rehabilitation services to torture survivors.

4. LGBTI persons under temporary protection

Persons belonging to lesbian, gay, bisexual, transgender and intersex populations are not defined by the TPR as a category of “persons with special needs”. The lack of a gender-sensitive registration procedure under TPR has an impact on their ability to disclose their sexual orientation or gender identity or being registered as persons with special needs.976

LGBT refugees feel unsafe and vulnerable due to a climate of widespread discrimination, although they generally perceive Turkish host communities to be more tolerant than Syrian communities.977 They are also targeted by hate crime and violence. On 25 July 2016, a Syrian man in Istanbul was reportedly kidnapped by a group of men, repeatedly raped and beaten before being murdered.978 A man was sentenced to 15 years imprisonment after unjust provocation and good conduct abatements.979

Syrian trans women, including trans sex workers, are faced with discriminatory – in some cases violent – treatment in their contacts with authorities, ranging from dealings with police authorities, to registration with DGMM, or to accessing health care services or housing.980 In one hate crime incident reported on 17 December 2016 in Istanbul, a trans woman sex worker was murdered by a person posing as a client.981 Another trans woman from Syria was found dead in her hotel room in Beyoglu, Istanbul, on March 9, 2018.982 In Yalova, a refugee trans woman, Ayda, was attacked by a large group of men in her neighbourhood on May 30, 2018.983

Sexual orientation is also a factor hindering people’s access to housing, as temporary protection beneficiaries living in crowded apartments with other Syrian nationals are often forced to leave or to consent to sexual abuse when their sexual orientation is revealed.984 In other cases, discrimination coming from family members or local communities pushes trans persons to move to larger cities in Turkey.985 Even in large cities such as Istanbul, however, LGBT persons face barriers in terms of access to health care and many report being unable to approach official health care institutions, but rather refer to UNHCR implementing partners.986 Their access to health care, including in Migrant Health Centres (see Health Care) is hindered by high levels of discrimination.987

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977 Ibid, 32-33.
983 Ibid.
987 Information provided by a stakeholder, February 2019.
The Hatay Bar Association supported the case of a trans woman living in a Temporary Accommodation Centre to access gender reassignment surgery and change of gender at a state hospital.  

5. Ethnic minorities under temporary protection

The number of members of ethnic minorities, such as Roma, Dom and Lom groups from Syria are not known for certain but in 2018 it was around 20,000 in the provinces of Gaziantep and Şanlıurfa. 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. In the Sirinevler district of Gaziantep 70% of the population is Dom. In 2019 the Dom population in Antep decreased by around 10,000 as people migrated to big cities like Istanbul or Ankara because of discrimination. Young Dom women and men started to work in Istanbul especially in the textile sector in small enterprises. Others are employed in the seasonal agriculture sector in the region as well as in Central Anatolian provinces such as Konya, Eskişehir or Aksaray. The daily wage is more or less the same as their Turkish counterparts now although they still face exploitation. In Gaziantep, there is a huge industrial area in the Unaldi district where many Syrians including Doms, are employed without a work permit. In rural areas, families generally live together. However, in big cities, they prefer not to be visible and live separated from each other.

These groups are under temporary protection, however they generally have old versions of identity documents such as “guest” cards and YKN cards starting with the digit “98” (see Temporary Protection Identification Document). One reason for this is the fear of being discriminated in PDMM. They do not comply with their duties of reporting due to perceived and actual institutional discrimination and so have major difficulties in accessing basic services. While improvements with regard to raising awareness were noted in 2019, there is still no standardised practice towards the Dom community. From 2019 travel documents were issued online which makes it difficult for Dom communities to access.

The Dom community was badly affected by the Istanbul operation in July 2019 with some families being deported to the safe zone (Bab area). Some families returned to Antep but the temporary protection of those who signed voluntary return forms was not reactivated when they came back and was eventually cancelled. This group is very frightened of deportation and so do not report any violations that occur.

Access to health is still quite problematic for the Dom community due to discrimination so they prefer going to the Migrant Health Centre funded by UNCHR with Syrian doctors. The Syrian doctors working in these centres earn less than their Turkish colleagues and the quality of the service can be low.

Dom groups traditionally did not get married but they are starting to in order to access social benefits as this is one of the requirements. Women have also begun to be more conscious about their civil rights.

The Kirkayak Cultural Centre helps Dom communities access services and rights such as registering newborn babies. In 2019 they assessed the educational needs of Dom students and launched a project to attract more students to education as well as to provide training on anti-discrimination and bullying. In Nizip (Antep) there is a small Dom community with a school just next to their camp. Children from the Dom community were not attending the school but through the Centre’s efforts two children are now attending.

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988 Information provided by the Antakya Bar Association, February 2018.
989 Information provided by a stakeholder, February 2019.
990 Information provided by a stakeholder, February 2018.
991 Information provided by a stakeholder, Gaziantep, February 2020.