

Republic of Turkey

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Country Resource Chart for the Republic of Turkey

Is there a refugee protection program? Please describe it.	<p>Turkey has a formal process available for noncitizens to seek refugee or asylum protections. <i>See Refugees and Asylum Seekers in Turkey</i>, UNHCR Turkey, https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey (last visited July 19, 2021).</p> <p>The process is run by the Republic of Turkey. The country has undertaken significant legislative and institutional reforms to build an effective national asylum system in compliance with the international standards. <i>Id.</i></p>
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	<p>The Republic of Turkey is part of the 1951 Refugee Convention and 1967 Protocol. <i>Id.</i> In order to comply with international standards, Turkey enacted its first asylum law, the Law on Foreigners and International Protection (LFIP) in 2013. <i>Id.</i> The LFIP established the Directorate General of Migration Management (DGMM) as the main organization in charge of policy and proceedings for all foreigners in Turkey. <i>Id.</i> In 2014, Turkey also adopted the Temporary Protection Regulation, which sets out the rights, obligations, and procedures for those who are granted temporary protection. <i>Id.</i></p> <p>However, according to the NGO, Asylum in Europe, single male asylum seekers from Afghanistan face particular obstacles to accessing registration for temporary protection compared to other nationalities. Asylum Information Database [AIDA], <i>Country Report: Turkey</i>, at 71 (2020), https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf. In particular, many Provincial Directorates of Migration Management (PDMM) are reluctant to register Afghan asylum applications. <i>Id.</i> This leaves Afghan refugees without an identity card, automatically excluding them from access to education and healthcare services, freedom of travel, and increases their risk of deportation and detention. <i>Id.</i></p> <p>There is no public information as to whether the DGMM currently subscribes (or will in the future subscribe) to a categorical approach in deeming certain countries as “safe countries” when making determinations on temporary protection applications. <i>Id.</i> at 67. However, it seems that the DGMM considers Iran and Pakistan to be safe third countries for Afghans entering Turkey. <i>Id.</i></p>
<p>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</p>	<p>As of 2018, UNHCR stopped registering refugees wishing to apply for international protection in Turkey. <i>Registration and RSD with UNHCR</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/registration-rsd-with-unhcr/ (last visited July 26, 2021). Now, the LFIP provides that refugees are obliged “to apply to the Provincial Directorates of Migration Management (PDMM) individually to be registered under the provision of international protection procedures.” <i>National asylum procedures for international protection</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/national-asylum-procedures-ip/ (last visited July 26, 2021).</p>

<p>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</p>	<p><u>Registration Process</u></p> <p>During registration with PDMM, refugees are asked for information regarding their “reasons for leaving [their] country of origin or former habitual residence; [their] experience following departure; and events that led to the application.” <i>National asylum procedures for international protection</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/national-asylum-procedures-ip/ (last visited July 30, 2021).</p> <p>As per the law, PDMM conducts an in-person interview with refugees within thirty days of registering. <i>Id.</i> (Turkish law requires that the “confidentiality” of a refugee's identity and the information they provide “shall be respected.” <i>Id.</i>)</p> <p>After registration with PDMM, and in accordance with the law, refugees should reside in the city assigned to them. <i>National asylum procedures for international protection</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/national-asylum-procedures-ip/ (last visited July 30, 2021). With registration, an International Protection Applicant ID (IPAID) is issued to each refugee (one for each family member) that will allow them to legally stay in Turkey with the ID document. <i>Id.</i> Each ID document contains the noncitizen refugee’s ID number (99 xxxxxx), granting each refugee access to a set of rights and services in Turkey. <i>Id.</i> In accordance with PDMM, refugees are obliged to maintain regular contact with PDMM by reporting at scheduled intervals to sign themselves in (“signature duty”). <i>Id.</i> Complying is important. Failing to fulfil signature duty, without a valid reason, can result in PDMM considering a refugee's international protection application as implicitly withdrawn, issuing a decision which needs to be appealed in Court. <i>Id.</i></p> <p>As per law, application assessment by the Directorate General of Migration Management (DGMM) is finalized no later than six months after the date of a refugee's registration. <i>Id.</i> (However, this may take longer. <i>Id.</i>) Decisions are made on an individual basis and family applications are evaluated as a single application, with the decision being valid for the whole family. <i>Id.</i> A refugee's personal circumstances and the current conditions in their country of origin are taken into consideration. <i>Id.</i></p> <p>See here for a visual representation of the steps.</p>
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	<p><u>Appeal Process</u></p> <p>If a refugee's international protection application is rejected or has been considered withdrawn by DGMM/PDMM, the negative decision can be appealed. <i>Id.</i> Appeals need to be submitted to the International Protection Evaluation Commission (IPEC) within ten days, or alternatively to an administrative court within thirty days of the date of the notification of the decision. <i>Id.</i> If a refugee's application was considered in the accelerated procedure, or considered inadmissible, they can appeal the negative decision to the administrative court within fifteen days. <i>Id.</i> If the negative decision is not appealed within that time, it becomes final. Refugees can seek legal aid when appealing. <i>Id.</i> This aid is provided by the Legal Aid Bureaus under each Bar Association in Turkey. Information can be found here.</p>
<p>Do refugees have a right to work? A right to education? A right to medical care? Please describe.</p>	<p><u>Right to Work</u></p> <p>Working legally in the Republic of Turkey requires a work permit. <i>See Working in Turkey</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-nonsyrians/livelihoods/ (last visited on July 27, 2021). Informal work, however, is against the law in Turkey. <i>Id.</i> But Article 17 of the Law on Foreigners and International Protection provides that “[a]pplicants or status holders of international protection” have the right to <i>formally</i> work in Turkey. <i>Id.</i></p> <p>Article 17 - (1) Foreigners who made an international protection claim according to Law of Foreigners and International Protection, No. 6458 and final decision regarding the application is pending and conditional refugees may apply for work permit or work permit exemption after six months from the date of application, and those under temporary protection after six months from the issuance date of temporary international protection identity document. (2) For granting work permit or work permit exemption to the foreigners, who are entitled to apply in the scope of first paragraph, Ministry of Interior's favorable opinion shall be required. (3) Having a valid work permit and work permit exemption shall not confer an absolute right of residence for those foreigners</p> <p><i>See</i> Law on Foreigners and International Protection (2013) 28615 (Turk.), available at https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf.</p> <p><u>Right to Education</u></p> <p>All refugees in the Republic of Turkey have the right to education and can enroll in Turkish public schools once they have received a foreigner’s identification number. <i>Education</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/education/ (last visited Aug. 4, 2021). Refugees</p>

	<p>do not need to wait until their registration or refugee status determination procedures are completed to enroll in school. <i>Id.</i> In addition to primary and secondary school, refugees can attend courses offered by Public Education Centers, including Turkish language courses, that are free. <i>Id.</i></p> <p>To enroll children in public schools, parents must go to the Provincial Directorate of the Ministry of National Education and bring their registration with the Turkish authorities (foreigner’s ID number) and proof of residential address (obtained from mukhtar). <i>Id.</i></p> <p><u>Right to Medical Care</u></p> <p>Once refugees register with PDMM and receive their identification document (as long as it is an international protection applicant or beneficiary identification document with a number starting with 99), they are eligible for medical assistance—on par with Turkish citizens—under the General Health Insurance provided by the Social Security Institution. <i>Medical and psychological assistance</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/medical-and-psychological-assistance/ (last visited Aug. 4, 2021).</p> <p>Registered refugees can access public health centers in their province for primary health services free of charge. <i>Id.</i> Unregistered refugees can only access <i>hospital</i> emergency services free of charge. <i>Id.</i> However, they can also go to private hospitals and clinics, but these services will not be free of charge. <i>Id.</i></p> <p>With their international protection applicant or beneficiary identification document, registered refugees only have to pay 20% of the total cost of medicines prescribed to them (as is the case for all Turkish citizens). <i>Id.</i></p>
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<p>Are those seeking refugee protection free to live freely or forced to reside in camps?</p>	<p>International protection applications are received by all provinces in Turkey. <i>Registration and RSD with UNHCR</i>, UNHCR Turkey, https://help.unhcr.org/turkey/information-for-non-syrians/registration-rsd-with-unhcr/ (last visited July 26, 2021). However, under law, refugees are not allowed to permanently stay in some provinces. <i>Id.</i> These include, Edirne, Kirklareli, Tekirdag, Istanbul, Kocaeli, Bursa, Izmir, Aydin, Mugla, Antalya, Ankara, Bartin, Osmaniye, Tunceli, Bingöl, Diyarbakir, Mus, Bitlis, and Rize. <i>See id.</i> If a refugee applies within one of the provinces where residence is not allowed, they will be referred to a province where longer-term residence is regulated. <i>Id.</i></p> <p>Turkey’s Temporary Protection Regulation authorizes the Directorate General of Migration Management (DGMM) to build camps to accommodate temporary protection beneficiaries. <i>Housing: Turkey</i>, Asylum Information Database, https://asylumineurope.org/reports/country/turkey/content-temporary-protection/housing/ (last visited Aug. 5, 2021). The camps are officially referred to as “Temporary Accommodation Centres.” <i>Id.</i> The DGMM is authorized to determine whether a temporary protection beneficiary will be referred to a camp or allowed to reside outside of the camps on their own means. <i>Id.</i> As of April 2021, Turkey has seven open camps, spread across five provinces: one in Adana, three in Hatay, one in Kahramanmaraş, one in Kilis, and one in Osmaniye. <i>See id.</i>; <i>Temporary Protection</i>, Republic of Turkey Ministry of Interior, https://en.goc.gov.tr/temporary-protection27 (last visited Aug. 5, 2021).</p>
<p>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal permanent status available for people with refugee status?</p>	<p>Turkish law does not grant refugees the right to stay and settle down in Turkey long-term and obtain Turkish citizenship. Refugee Rights Turkey [MHD], <i>International Protection Procedure In Turkey Rights and Obligations: Questions & Answers</i>, at 3 (2017), https://www.mhd.org.tr/images/yayinlar/MHM-14.pdf. Once a refugee’s application for international protection status is granted, they are allowed to remain in Turkey indefinitely, even if they are unable to find another country for long-term settlement. <i>Id.</i></p> <p>According to the Turkish Citizenship Act No. 5901, foreign citizens can only naturalize as Turkish citizens by (1) residing in Turkey for five years, (2) marrying a Turkish citizen, or (3) claiming exceptional circumstances (reserved for foreigners who contribute to the “scientific, economic, cultural, social and sportive progress of Turkey”). <i>See</i> Asylum Information Database [AIDA], <i>Country Report: Turkey</i>, at 129 (2020), https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf. However, time spent in Turkey under a Temporary Protection Identification Document does not count towards the five year requirement under the first procedure. <i>Id.</i> at 153.</p>

<p>Does the country offer temporary protections available other than refugee status? If so, what are they?</p>	<p>It seems that the only status offered is that of being under temporary international protection.</p>
<p>What, if any, penalties are there for people without status or people who are denied refugee protection?</p>	<p><u>Criminal penalties</u></p> <p>According to the Global Detention Project’s Report on immigration detention in Turkey, Turkey’s legal framework appears to reflect a growing trend also found in some European countries who have “decriminalised immigration violations in recent years.” Global Detention Project [GDP], <i>Country Report Immigration Detention In Turkey: A Serial Human Rights Abuser And Europe’s Refugee Gatekeeper October</i>, at 12 (2019), https://www.globaldetentionproject.org/wp-content/uploads/2019/10/ONLINE-191024-Immigration-Detention-in-Turkey.pdf. Specifically, although “previous legislation provided for criminal prosecution and prison sentences,” for foreigners who are found to have violated Turkey's immigration regulations, the LFIP does not include such provisions. <i>Id.</i></p> <p><u>Civil penalties</u></p> <p>Article 102 of the Law on Foreigners and International Protection provides that “where other applicable laws do not provide for a higher penalty,” persons who violate immigration related regulations can be subjected to any one of the following administrative fines:</p> <ul style="list-style-type: none"> • (a) Two thousand Turkish Liras to foreigners that, in violation of Article 5, illegally enter into or exit from Turkey or, attempt to do so; • (b) One thousand Turkish Liras to those who have entered into Turkey despite an entry ban to Turkey issued according to the first and second paragraphs of Article 9; • (c) One thousand Turkish Liras to those that do not leave Turkey within the period stipulated in the first paragraph of Article 56; • (ç) One thousand Turkish Liras to those who have escaped during the actions set out in Articles 57, 58, 60 and 68. <p><i>See</i> Law on Foreigners and International Protection (2013) 28615 (Turk.), available at https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf.</p>

	<p><u>Deportation</u></p> <p>Article 52 of the Law on Foreigners and International Protection provides that “Foreigners may be removed to their country of origin or a transit country or a third country by virtue of a removal decision,” the process for which is delineated in Article 53.</p> <p>Article 54 delineates the persons who are subject to removal under the LFIP (edited to remove terrorism, security, and criminal related conditions):</p> <ul style="list-style-type: none">• (c) submit untrue information and false documents during the entry, visa and residence permit actions;• (e) has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled;• (f) residence permits are cancelled;• (g) overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;• (ğ) are determined to be working without a work permit;• (h) breach the terms and conditions for legal entry into or exit from Turkey;• (ı) are determined to have entered into Turkey despite an entry ban to Turkey;• (i) international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Turkey after the final decision.• (j) fail to leave Turkey within ten days in cases where their residence permit renewal application has been refused. <p>Article 55, however, stipulates that a Removal decision shall not be issued “regardless of whether they are within the scope of Article 54” under the following conditions:</p> <ul style="list-style-type: none">• (a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to;• (b) who would face risk due to serious health condition, age or, pregnancy in case of travel;
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	<ul style="list-style-type: none"> • (c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition; • (ç) victims of human trafficking, supported by the victim’s assistance programme; • (d) victims of serious psychological, physical or sexual violence, until their treatment is completed <p><i>See</i> Law on Foreigners and International Protection (2013) 28615 (Turk.), available at https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf.</p> <p><u>Detention</u></p> <p>The Law on Foreigners and International Protection provides several grounds for pre-removal administrative detention, as well as grounds for administrative detention of asylum seekers and people in international protection procedures. Article 57 subsection 2 stipulates that detention can be ordered for “those who may abscond or disappear, who violate rules for entry into and exit from Turkey, who use fraudulent or unfounded documents, who do not leave Turkey in the granted period without an acceptable excuse, who constitute a threat to public order and security or public health.”</p> <p>Article 57 subsection 3 delineates the maximum length of detention, providing that “the duration of administrative detention in removal centres shall not exceed six months.” But this subsection permits this period to “be extended for a maximum of six additional months” in cases where “the removal cannot be completed due to the foreigner’s failure of cooperation or providing correct information or documents about their country of origin.”</p> <p><i>See</i> Law on Foreigners and International Protection (2013) 28615 (Turk.), available at https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf.</p>
<p>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able to help displaced people access services and rights, even if their mission is not to specifically work with</p>	<ol style="list-style-type: none"> 1. <u>Association for Solidarity with Asylum Seekers and Migrants (ASAM)</u> Provides psycho-social counselling, legal counselling, health and reproductive counselling, educational activities, and social activities for asylum-seekers and refugees. <ul style="list-style-type: none"> • http://sgdd.org.tr/where-we-work/ • ASAM has 72 offices in 46 provinces in Turkey. Using the website, you can find the contact information and location of the closest ASAM office. 2. <u>Human Resources Development Foundation (HRDF)</u>

refugees and displaced people?	<p>Social workers in seven provinces work with local authorities to establish and strengthen the rights of refugees.</p> <ul style="list-style-type: none">• <u>Ağrı</u><ul style="list-style-type: none">○ Leylek Pınar Mah. Cumhuriyet Cad.○ Günakın İş Merkezi Kat:1 No:8 Ağrı○ Tel: (0541) 579 9404• <u>Ankara</u><ul style="list-style-type: none">○ Atatürk Bulvarı No:219/4 Kavaklıdere Çankaya/Ankara○ Tel/Fax: (0312) 428 3011• <u>Bilecik</u><ul style="list-style-type: none">○ Gazipaşa Mah. Yahyabey Sok. No:13/1-2 Bilecik○ Tel/Fax: (0228) 212 1164• <u>Eskişehir</u><ul style="list-style-type: none">○ Hoşnudiye Mah. İsmet İnönü-1 Cad. No:45/2 Tepebaşı/Eskişehir○ Tel/Fax: (0222) 234 6442• <u>İstanbul</u> (HRDF Beyoğlu)<ul style="list-style-type: none">○ Asmalı Mescit Mah. Asmalı Mescit Cad. Nil Han No: 16 Kat: 1 Daire:10-11 Beyoğlu/İstanbul○ Tel: (0212) 254 1776○ Fax: (0212) 254 1732• <u>İstanbul</u> (HRDF Esenler) (Support Office for Syrian Refugees)<ul style="list-style-type: none">○ Kazım Karabekir Mah. 1001. Sok. No:2 Esenler/İstanbul○ Tel: (0212) 562 5062○ Fax: (0212) 562 5067• <u>Kütahya</u><ul style="list-style-type: none">○ Saray Mah. Mahvel Sok. No: 68 A Blok Kat: 1 Daire:4 Merkez/Kütahya○ Tel/Fax: (0274) 223 2627• <u>Van</u><ul style="list-style-type: none">○ Hafiziye Mah. Kazım Karabekir Bulvarı F1 Kaya İş Merkezi No:150/1○ Kat:2 Daire: 10 İpekyolu/Van○ Tel/Fax: (0432) 216 0534
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	<p>3. <u>Union of Turkish Bar Association</u> Refugees have the right to approach and request legal aid from Bar Associations for any legal dispute. <i>Legal Aid</i>, UNHCR Turkey, https://help.unhcr.org/turkey/social-economic-and-civil-matters/legal-aid/ (last visited July 30, 2021). Refugees can contact their local Turkish Bar Association to inquire about legal aid.</p> <ul style="list-style-type: none">• https://www.barobirlik.org.tr/ <p>4. <u>Emergency Social Safety Net (ESSN)</u> ESSN is an unrestricted cash assistance program to cover the basic needs of people living outside of camps under temporary or international protection in Turkey. Eligible families receive a card loaded monthly with 120 Turkish Liras per family member.</p> <ul style="list-style-type: none">• https://www.kizilay.org.tr/kizilaykart-SUY/ <p>5. <u>Violence Prevention and Monitoring Centre (ŞÖNİM)</u> ŞÖNİM is a free shelter for those facing gender-based violence in Istanbul.</p> <ul style="list-style-type: none">• Address:<ul style="list-style-type: none">○ Yeşilköy Mahallesi Halkalı Caddesi No:30○ Bakırköy/İSTANBUL○ Phone: 0 (212) 465 21 96○ 0 (212) 465 21 97○ 0 549 806 79 48 <p>6. <u>Afghan Refugee Solidarity Association (ARSA)</u> Provides social and legal support for Afghan refugees and asylum seekers in Turkey with the mission to integrate them into Turkish social life. They provide language and arts and crafts courses, translation services, and humane aid, among other services.</p> <ul style="list-style-type: none">• https://arsa.org.tr/EN• Address:<ul style="list-style-type: none">○ Gevher Nesibe Mah. Atatürk bulvarı. NO: 62/2 Kocasinan Kayseri○ Phone: +90 352 222 54 81○ Email: info@arsa.org.tr
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<p>Is there other information that might be valuable for displaced people arriving in that country to know?</p>	<p>In terms of consequences on the ability to work if a migrant is found without status in Turkey, two statutory provisions delineate consequences for employment. The first was referenced above: Article 54 subsection 3 provides that foreigners who are determined to be working without a work permit are subject to removal. The second possible set of possible sanctions are governed by the new Law on International Workforce. Article 23 imposes penalties on work places and/or foreign employees who fail to comply with the Law and its requirements for securing appropriate work authorizations:</p> <ul style="list-style-type: none">• (b) In the absence of work permit following amounts of administrative fines shall be imposed,<ul style="list-style-type: none">○ (1) For foreigner working dependently without a work permit 2.400.00 TL,○ (2) For foreigner working independently without a work permit 4.800.00 TL○ (8) Foreigners working without a work permit shall be notified to Ministry of Interior in order to be deported. <p><i>See</i> Law on International Workforce (2016) No. 6735 (Tur.), available at http://turkishlaborlaw.com/wp-content/uploads/2016/09/INTERNATIONAL_WORKFORCE_LAW-6735_.pdf.</p>
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