

RESETTLEMENT AND INTERNATIONAL PROTECTION IN TURKEY



CEA(R)

Comisión Española
de Ayuda al Refugiado

This report has been drawn up by the advocacy area of the Spanish Commission for Refugees (CEAR) in the context of the **'Observatory on the right to asylum, forced migrations and frontiers'** project funded by the Extremadura Agency for International Development Cooperation (AEXCID).

During the research and in order to make a diagnosis of the current situation for asylum applicants and refugees in Turkey, the CEAR team held meetings and interviews with UNHCR-Turkey (Ankara and Gaziantep offices); the community centre managed by SGDD-ASAM in Gaziantep; the Bar Association in Ankara; the Directorate General for Migration Management in Ankara (DGMM in Ankara); the Human Resources Development Foundation (HRDF-İKGV) in Istanbul; the European Asylum Support Office (EASO) and the International Catholic Migration Commission (ICMC) at the Resettlement Support Centre in Istanbul; the Red Crescent Society in Turkey (Türk Kızılay) in Ankara; the Ministry of Family, Labour and Social Services of Turkey; IOM and UNICEF in Ankara; the NGO AAR-Japan in Gaziantep; and the NGO Positive Living Association in Istanbul, amongst others.

Front page photo: CEAR (SGDD-ASAM community centre in Gaziantep, 2019)
Year and place published: 2020, Madrid



The Spanish Commission for Refugees (CEAR) is a non-profit organisation founded in 1979 that is engaged in voluntary, humanitarian, independent and joint action. Our aim is to work together with citizens to defend the right to asylum. Our mission is to champion and promote human rights and comprehensive development for asylum applicants, refugees, stateless people and migrants in vulnerable situations or at risk of social exclusion. Our work takes a comprehensive approach based on temporary accommodation; legal, psychological and social assistance; training and employment; and social advocacy and participation.

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List of acronyms

CEAR: Spanish Commission for Refugees

DGMM: Directorate General for Migration Management

EU: European Union

PDMM: Provincial Directorate for Migration Management

IOM: International Organisation for Migration

NGO: Non-governmental organisation

TAC: Temporary Accommodation Centre

UNHCR: United Nations High Commissioner for Refugees

1. Introduction

Turkey, which has long been a transit country into Europe¹, and, over the last few decades, has also become a destination country² is, in absolute terms and for the fifth consecutive year, the world's leading country in terms of the number of refugees³. Since the outbreak of the conflict in Syria and displacement of millions of people to neighbouring countries, including Turkey, it has accommodated almost four million people who have fled there in search of refuge. Even so, the route to Europe through Turkey has remained one of the main ports of access into European territory. As a result, an EU-Turkey Statement was signed and has been in force since 20th March 2016⁴. As such, the conditions for international protection, resettlement and other legal and safe pathways in Turkey are a matter of interest for the 'Observatory on the right to asylum, forced migrations and borders' led by the Spanish Commission for Refugees (CEAR).

It was against this backdrop and within the framework of its objectives to defend human rights and the right to asylum that, in November 2019, CEAR undertook a research mission that sought to analyse the current situation for people seeking asylum and for refugees in Turkey. It focussed in particular on issues relating to operation of resettlement programmes and other existing legal and safe pathways. The work entailed performing direct observation in the field, visiting community centres and holding interviews with several key players in matters of asylum and protection in Turkey, and also with refugees.

2. Main statistics and context

Since 2011, over five million people have fled Syria in search of protection. They have fled mainly to neighbouring countries including Turkey, Lebanon and Jordan⁵. There are over 3.6 million people of Syrian origin in Turkey, in addition to around 370,400 people of other nationalities, particularly Afghans (46%), Iraqis (38%), Iranians (10%) and Somalians (1%)⁶. Almost 1.4 million of these people are under 15 years of age⁷.

This data means that, in absolute terms, Turkey is **the leading country in the world in terms of the number of refugees**. It has been in this position for the last five years. It is also **the third country in the world with the most refugees for the size of its population** (behind Lebanon and Jordan)⁸. Furthermore, in 2018, it was also the country that registered the highest number of asylum applicants (60% Iraqis, 33% Afghans, 4% Iranians and 2% Somalians)⁹. No official public data about asylum decisions is available, meaning that the acceptance level for these applications cannot be assessed.

Following the outbreak of the conflict in Syria, the Turkish government sustained an open door policy for individuals seeking refuge in its territory. However, **in 2015**, it began performing **strict controls along**

1 İÇDUYGU, A. (2015): *Syrian Refugees in Turkey. The Long Road Ahead*, Migration Policy Institute, pág. 4: <https://www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead>.

2 ACNUR (2019): *Tendencias globales. Desplazamiento forzado en 2018*, págs. 18 y 21: <http://cort.as/-KM5->.

3 UNHCR (2019): *Global Trends. Forced displacement in 2018*, pp. 18 & 21: <https://bit.ly/3an7bL6>.

4 European Commission (2015): *EU-Turkey joint action plan*: https://europa.eu/rapid/press-release_MEMO-15-5860_en.htm.

5 UNHCR Regional Office in Lebanon (2019): <https://www.unhcr.org/lb/>.

6 UNHCR (2019): "Turkey - Fact Sheet July 2019": <https://data2.unhcr.org/en/documents/details/71061>.

7 Idem.

8 UNHCR (2019): *Global Trends. Forced displacement in 2018*, pp. 18 & 21: <https://bit.ly/3an7bL6>. Refer to the *Resettlement and international protection in Lebanon* (available on: <http://entierradenadie.org/libano/>) and *Resettlement and international protection in Jordan* (available on: <http://entierradenadie.org/jordania/>) reports published by CEAR within the framework of the Observatory.

9 Idem, p. 21; Interview with UNHCR in Turkey (Ankara: 6th November 2019).

its borders and has only granted entry to people with health issues, people who are able to demonstrate indications of family reunification and people with exceptional humanitarian circumstances. Furthermore, since January 2016, in accordance with accepted legislation, Turkish authorities **require Syrian nationals** arriving in the country by plane or boat **to have a visa**¹⁰.

In addition, **fences and walls** blocking access into the country have been built. For example, the 764-kilometre-long wall along the **border with Syria** that has camera vigilance and lighting systems, or the recently-constructed wall along the **border with Iran** (the main point of access for Afghan nationals). The wall is over 144 kilometres long¹¹. However, despite the defence systems that have been constructed along borders, arrivals have continued. In 2018 alone, around 224,360 individuals were stopped as they attempted to cross over illegally along the border with Syria¹².

It is worth highlighting that, in the far south-west of the country, arrivals by sea from Turkey to Greece have not stopped despite the EU-Turkey Statement nor the increase in border controls. In fact, between January and October 2019, arrivals in Greece exceeded 50,000¹³. In August alone, around 9,000 people (twice the amount of the previous month and eight times the number in August the year before) arrived at the coast of Greece from Turkey on makeshift boats. Most were from Afghanistan and Syria¹⁴. It is also important to highlight that, almost four years after signing the agreement, which accounts for readmission into Turkey of asylum applicants in Greece who arrive on the islands after travelling through Turkey and whose applications have been declared unacceptable, only 1,841 individuals have been readmitted (710 Pakistanis, 351 Syrians, 193 Algerians, 105 Afghans and 101 Bangladeshis)¹⁵. Meanwhile, the number of asylum seekers in Greece has increased around 38,000 people in the same period¹⁶.

It is also important to highlight **Turkey's intention to create a 'safe zone' or control corridor in the northeast of Syria**. It would be 140 kilometres long running along the border and extend 30 kilometres inland. Its purpose would be to relocate two of the more than three and a half million Syrians with temporary protection in the country¹⁷. On the date of publication of this report, the plan had not received support from any international players¹⁸.

It should also be pointed out that, in 2016, the Turkish government approved an emergency decree authorising exclusion from the international protection procedure at any time if there is reason to believe that an individual is linked to terrorist groups or criminal organisations. This decree, which also provides for exclusion of international protection and temporary protection beneficiaries, was consolidated as a law in February 2018¹⁹. In that year, the number of deportations increased,

10 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 23: <https://www.asylumineurope.org/reports/country/turkey>.

11 Idem, pp. 22 & 117.

12 Idem, p. 117.

13 SMITH, H. (2019): "Turkish Syria offensive raises Greek fears of new refugee influx", *The Guardian*, 16th October 2019: <http://cort.as/-SgEo>.

14 MOURENZA, A. (2019): "Erdogan amenaza con dejar pasar a los migrantes si no recibe apoyo de Europa", *El País*, 6th September 2019: <http://cort.as/-Sfq1>. 'Afghans are the main nationality arriving to the Aegean islands, representing 41% of total arrivals for 2019' up to October (European Union: European Commission, Communication from the Commission to the European Parliament, the European Council and the Council. *Progress report on the Implementation of the European Agenda on Migration*, 10th October 2019, COM(2019), 481 final, p. 3, available on: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2019:481:FIN>).

15 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 31: <https://www.asylumineurope.org/reports/country/turkey>.

16 PSAROPOULOS, J. (2019): "EU calls on Turkey to speed up readmission of irregular migrants", *Al Jazeera*, 4th October 2019: <http://cort.as/-Sg7y>.

17 AYESTARÁN, M. (2019): "Erdogan amenaza a Bruselas con "abrir las puertas" a miles de refugiados", *El Correo*, 5th September 2019: <http://cort.as/-Sfu9>.

18 In fact, Human Rights Watch, points out that the 'safe zones' that were set up during other conflicts were not entirely successful and warns that simply creating such zones does not justify forced return of Syrians (Human Rights Watch (2019): "Turkey: Syrians Being Deported to Danger", *Human Rights Watch*, 24th October 2019: <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>).

19 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 23: <https://www.asylumineurope.org/reports/country/turkey>.

particularly on the border with Iran²⁰, although the reasons for them are unknown²¹. Likewise, in 2019, Human Rights Watch and Amnesty International documented **dozens of cases of Syrians who were deported to Syria between January and September**. Many cases followed arbitrary arrest for periods of up to six months²² although the team from CEAR was unable to confirm this fact during the mission.

It should also be highlighted that Turkey and Afghanistan signed a readmission agreement in April 2018. In that year, around 17,000 people were returned to Afghanistan. Similarly, **illegal pushbacks from Greece to Turkey are ongoing with alleged collaboration from authorities in both countries** after individuals cross the Evros River (also known as the Maritsa), a natural border between the two countries²³. Several civil society organisations in Greece have recorded a number of declarations made by people who have been the victims of episodes such as these²⁴.

With regards to inland areas of the country, it must be highlighted that **police checks have intensified** since mid-2019. This is particularly true in the large cities to which people travel in search of employment. It gives rise to a considerable increase in arrests of asylum applicants and temporary protection beneficiaries who are in a province that is different to the one where they are registered. In July 2019, the authorities in Istanbul ordered temporary protection beneficiaries in the province but who were registered in another one to return to the province they were registered within a month (this was later extended for a further two months)²⁵. In July alone, around 15,000 people (including around 2,600 Syrians) were arrested in Istanbul as a result of this order. Nothing of this kind had been observed since the outbreak of the conflict in Syria²⁶. Turkish authorities informed CEAR during the mission that people who were registered in other provinces were moved to those provinces. Civil society organisations, meanwhile, indicated that people who were not registered were given thirty days to leave the country voluntarily or were detained in deportation centres. According to statements collected by Human Rights Watch and Amnesty International²⁷, individuals are handed a 'voluntary return form' (in Turkish) at the centres and are given neither explanations nor the help of an interpreter. Security agents would urge them to sign the document in order for them to be released. It is understood that many individuals have signed the documents without understanding their content and have consequently been returned to Syria. Meanwhile, other people who have refused to sign them have remained under arrest²⁸.

20 Idem, p. 22.

21 However, according to the European Council on Refugees and Exiles, irrespective of the place, the number of deportations based on the premise introduced by the decree and deportations based on the premise of being a leader, member or sympathiser of terrorist or criminal organisations, or being a risk to security or public order, increased in 2018 (Idem, p. 23).

22 Human Rights Watch (2019): "Turkey: Syrians Being Deported to Danger", Human Rights Watch, 24th October 2019: <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>; Amnesty International (2019): *Sent to a war zone. Turkey's illegal deportations of Syrian refugees*: <https://bit.ly/367eTqy>.

23 Ipa (2019): "'We were beaten and pushed back by masked men at Turkish-Greek border' – Turkish journalist and asylum seeker", *Ipa News*, 5th May 2019: <https://bit.ly/2pv0Lb3>.

24 Greek Refugee Council (2019): "The new normality: Continuous push-backs of third country nationals on the Evros river", *Greek Refugee Council*: <http://cort.as/-Sg-6>; Mobile Info Team (2019): *Illegal pushbacks in Evros: Evidence of Human Rights abuses at the Greece/Turkey border*: <https://bit.ly/2sf1Yq0>.

25 ECRE (2019): "Turkey: Mass detention following Istanbul push for return of refugees to 'satellite cities'", *Asylum Information Database*, 28th August 2019: <http://cort.as/-SdAr>.

26 MOURENZA, A. (2019): "Miedo entre los refugiados sirios por la oleada de detenciones y deportaciones del Gobierno turco", *El País*, 9th August 2019: <http://cort.as/-Sd3U>.

27 Human Rights Watch (2019): "Turkey: Syrians Being Deported to Danger", Human Rights Watch, 24th October 2019: <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>; Amnesty International (2019): *Sent to a war zone. Turkey's illegal deportations of Syrian refugees*: <https://bit.ly/367eTqy>.

28 CARRIÉ, S. and AL-OMAR, A. (2019): "'It's not legal': UN stands by as Turkey deports vulnerable Syrians", *The Guardian*, 23rd August 2019: <http://cort.as/-SdER>; CHULOV, M. (2019): "Syrian refugees in Beirut and Istanbul detained and deported", *The Guardian*, 29th July 2019: <http://cort.as/-Sd6C>.

3. International protection in Turkey

Unlike Lebanon and Jordan, **Turkey is a signatory country of the 1951 Geneva Convention** relating to the Status of Refugees and its 1967 protocol²⁹. Nonetheless, it continues to apply geographical restrictions and only recognises the status for people seeking protection due to conflicts taking place in the European continent. Everyone else, however, can be given *conditional* refugee status, as provided for by the **Law on Foreigners and International Protection** that was passed by the Turkish Parliament in April 2013 and which has been in force since April 2014³⁰. This law (which takes inspiration from European legislation) and its development regulation, approved the same year, provide the legal framework for international protection in the country³¹. It states that three types of international protection can be awarded: refugee status; *conditional* refugee status (valid until the person is resettled to a third country); and subsidiary protection, which provides similar guarantees to those included in the European Qualification Directive³².

The Directorate General of Migration Management (DGMM) was set up in 2014. It answers to the Ministry of the Interior, the ministry that is responsible, from a governmental point of view, for all migration and asylum matters in the country. A **temporary protection regulation** for assisting Syrians and stateless individuals and refugees of Palestinian origin from Syria was approved that same year and it came into force in October. It states that all these people must be given *prima facie* recognition. This is 'temporary protection status' (beyond the scope of international protection)³³, which gives them the right to legal residence in Turkey until they can be safely returned to Syria, plus access to other rights and basic services such as healthcare, education and employment³⁴.

However, this legal framework was not comprehensively implemented until the regulation for the Law on Foreigners and International Protection was published in March 2016. This coincided with implementation of the EU-Turkey Statement³⁵. A pre-registration phase for individuals coming from Syria was also implemented that month. This step precedes registration as temporary protection beneficiaries. Its purpose is to perform security checks within a 30-day period³⁶. People who are readmitted from Greece are also subject to this pre-registration phase by virtue of the EU-Turkey Statement.

3.1. Registration of applications

In September 2018, the DGMM took over responsibility for registration of international protection applicants of any nationality, and for refugee status **determination**, in addition to registration of people from Syria as 'temporary protection beneficiaries'. This role was previously performed by UNHCR along

29 UNHCR (2015): *States parties to the 1951 Convention relating to the Status of Refugee and the 1967 Protocol*: <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>.

30 Turkey: *Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016)*: <https://www.refworld.org/docid/5a1d828f4.html>.

31 This law, which replaces the 1994 Asylum Regulation (the first legal framework for asylum seekers and refugees in Turkey following the large scale displacement from Iraq experience in the 1990s), has been well received by the European Commission and other international players as a symbol of a big step forward by Turkey in matters of migration management, in addition to its humanitarian facet (KILBERG, R. 2014): "Turkey's Evolving Migration Identity", *Migration Policy Institute*: <https://www.migrationpolicy.org/article/turkeys-evolving-migration-identity>.

32 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, pp. 99-100: <https://www.asylumineurope.org/reports/country/turkey>.

33 This measure is provided for in the Law on Foreigners and International Protection (article 91) and it is a complementary measure to international protection for when applications cannot be processed individually because of the sheer volume of cases.

34 In practical terms, as UNHCR informed the team from CEAR within the framework of the observation mission, it can only be applied to people of Syrian nationality.

35 A year prior to that, in March 2015, the Turkish government undertook an Action Plan on Migration and Asylum detailing the steps and deadlines for progressive harmonisation of national legislation with European Union migration and asylum directives and policies.

36 Individuals can only access emergency healthcare with the document that is obtained during pre-registration. Nevertheless, if there are urgent cases for health reasons, the authorities can issue a temporary protection certificate before the thirty-day assessment period ends. Cancer patients, women in an advanced stage of pregnancy and people over 65 years of age can benefit from this (The Ombudsman Institution of the Republic of Turkey (2018): *Syrians in Turkey. Special Report*, p. 53: https://www.ombudsman.gov.tr/syrians/special_report.pdf).

with the Disaster and Emergency Management Authority of the Ministry of the Interior. Since then, people who are not Syrian nationals appear to have faced significant challenges when registering their application for asylum³⁷, particularly African people and Afghan single men³⁸.

The DGMM carries out the registration procedure through provincial offices: Provincial Directorate for Migration Management (PDMM). When a person turns to a PDMM to request protection, the PDMM can complete registration or assign that person a 'satellite city'³⁹ in any part of the country. The person must travel to that city to complete registration within two weeks⁴⁰ and then remain there.

If the person is detained in a Removal Centre⁴¹ or in a police station⁴², he or she can also request international protection. Nonetheless, some sources from civil society with whom CEAR held meetings point out that there is insufficient information about this and that there are issues registering applications, both in removal centres and police stations and on borders. This is particularly true in the existing detention centres in transit zones in the airports of Istanbul, Ankara and Izmir, to which lawyers do not have access.

As confirmed by the team from CEAR at the DGMM in Ankara, during registration, international protection applicants have the right to be assisted by an interpreter (as is the case during asylum interviews) although the lack of available interpreters is a practical barrier to actually exercising this right. They can also access **free legal assistance provided by the bar associations⁴³ in at least eighteen of the eighty-one provinces** in the country (including Ankara, Istanbul and Gaziantep) for the duration of the international protection procedure, if arrested and in relation to civil rights disputes⁴⁴. They can also be given legal guidance from non-governmental organisations (NGOs). The Law on Foreigners and International Protection provides for the **right to public and free legal support** for representation during legal processes for anyone who does not have sufficient financial resources, including asylum applicants (during the appeal phase) and refugees. However, insufficient resources in bar associations for everyone in need of legal support and a lack of information across associations⁴⁵ mean that, in practical terms, accessing and exercising this right is very limited. In addition, access to legal guidance varies considerably between provinces⁴⁶.

3.2. International protection procedures

Turkish legislation provides for **two procedures** for international protection. One is the standard procedure in which, as provided for by law, the DGMM should take a decision regarding protection within six months (this is not a mandatory deadline and can be extended as and when deemed necessary).

37 Interview with UNHCR in Turkey and AAR Japan (Gaziantep: 8th November 2019); ECRE (2019): "European Commission Publishes Latest Report on Turkey Refugee Facility", *Asylum Information Database*, 19th April 2019: <http://cort.as/-Sd1D>.

38 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 55: <https://www.asylumineurope.org/reports/country/turkey>; LEGHTAS, I. and THEA, J. (2018): "You cannot exist in this place: Lack of registration denies Afghan refugees protection in Turkey", *Refugees International*, pp. 9-10: <https://bit.ly/2CT1iqq>.

39 The assignment criteria are not standardised. Ostensibly, the existence of first grade families is taken into account but it is not clear that other criteria are contemplated (ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 63: <https://www.asylumineurope.org/reports/country/turkey>).

40 If this deadline is not respected, it is understood that the person does not wish to pursue the application (Ibid, p. 28).

41 Facilities used for administrative arrest, including confinement, prior to return. Under certain circumstances, international protection applicants can be detained there too.

42 Individuals can be detained in police stations for a maximum of 48 hours before being confined to a Removal Centre (*Turkey: Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016)*: Art. 57(2): <https://www.refworld.org/docid/5a1d828f4.html>).

43 Only lawyers who specialise in asylum and foreigners, as indicated by members of the Bar Association in Ankara who were interviewed within the framework of this observation mission.

44 ECRE (2019): "European Commission Publishes Latest Report on Turkey Refugee Facility", *Asylum Information Database*, 19th April 2019: <http://cort.as/-Sd1D>.

45 Information provided by confidential sources within the framework of the mission indicates that protection officers in some PDMMs, such as the one in Ankara, do not inform international protection or temporary protection applicants about this right.

46 UNHCR in Turkey (2019): "Promoting access to and the provision of protection", Fact Sheet July 2019, p. 4: <https://data2.unhcr.org/es/documents/download/71066>.

The other is an accelerated procedure⁴⁷ in which the personal interview for asylum must be completed within three days following registration of the request and the decision must be taken within five days following the interview. It is important to highlight that the people who access this accelerated procedure are not issued an International Protection Applicant ID card⁴⁸, which is essential for accessing basic services in the country.

If applicants' requests are denied, they have thirty days to lodge an appeal before the corresponding administrative court against decisions taken in ordinary procedures, or fifteen days against rulings stating that applications are unacceptable⁴⁹ or against negative rulings in the accelerated procedure⁵⁰. All appeals have a **suspensive effect** on expulsion, except those relating to people who may be expelled for reasons linked to public safety, public health or association with a criminal or terrorist organisation⁵¹. Appeals can ultimately be lodged against administrative court decisions regarding cases treated in ordinary procedures at the Council of State within thirty days⁵².

Last of all, one positive measure can be highlighted: a free 24/7 telephone information line available in six languages about the international protection procedure in Turkey and temporary protection for Syrians⁵³.

4. Reception and inclusion for international protection applicants, refugees and temporary protection beneficiaries

4.1. Accommodation

There is no asylum applicant reception system in Turkey as such, although there are two 'reception and accommodation centres' (in Yozgat and Tekirdag provinces) with a maximum of 150 places. There is a third, additional centre for people with special needs (in Konya province). It has seventy-five places⁵⁴.

Aside from the two 'reception and accommodation centres', in 2011, following the huge displacement of people due to the outbreak of the Syrian conflict, the Turkish government initiated a network of over twenty camps called Temporary Accommodation Centres, or TACs, in the southern provinces. The camps are financed by the Turkish government and co-managed by the DGMM and Red Crescent Society in Turkey. In addition to accommodation, they cover the basic needs of people in a vulnerable situation who are assigned places by the DGMM.

47 The law provides for seven circumstances under which an application can be fast tracked. They include when the applications references reasons that are unrelated to international protection; when the applicant has intended to trick the authorities by using false documents or information, or by hiding information or documents that could have a negative impact on a decision; when he/she has destroyed or taken steps to destroy ID or travel documents in order to avoid his/her nationality being ascertained; when he/she has been arrested in order to be deported; when he/she has made the application with the sole aim of postponing execution of an expulsion order; when he/she is a danger to public order or safety, or has previously been deported from Turkey for these reasons; or when he/she makes a subsequent application after having implicitly abandoned a previous one (*Turkey: Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016)*: Art. 79(1): <https://www.refworld.org/docid/5a1d828f4.html>).

48 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 30: <https://www.asylumineurope.org/reports/country/turkey>.

49 As provided for in article 72(1) of the Law on Foreigners and International Protection, an application for asylum can be ruled unacceptable at any phase in the process if it is confirmed that it is a subsequent application that does not contain any new elements, if it has been made with no reasonable justification by a person whose case has already been processed in a family application, or if the applicant comes from a 'safe third country' or a 'first country of asylum' (based on individual analysis of the case). All unacceptability criteria must be examined during the application registration phase.

50 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 22: <https://www.asylumineurope.org/reports/country/turkey>.

51 Idem.

52 Idem, p. 38.

53 Interview with the Provincial Directorate for Migration Management in Ankara (Ankara: 7th November 2019).

54 Idem, p. 65.

Until early 2013, most people from Syria stayed in large TACs. National and international organisations, including UNHCR (as CEAR was informed during the mission), have highlighted that they are relatively comfortable and well organised in comparison with facilities for Syrians in neighbouring countries⁵⁵. However, that year, the Turkish government began replacing accommodation in camps with private accommodation because the camps had been designed as short-stay facilities⁵⁶.

As a result, in early 2014, almost half of the people lived outside the camps and, by late 2014, this figure had increased to over half. At the same time, in terms of support for refugees, there was a change from a centralised emergency response in Turkey to a long-term scheme involving participation of international organisms and civil society organisations based on the principle of shared responsibility and 'good global governance'⁵⁷. As such, in 2018, six camps were closed down and the number of people in a further three was reduced. Following this, around 60,500 people integrated into the private housing market in towns and cities of their choice with financial support from UNHCR⁵⁸.

Within this context, by mid-2019, **98% of temporary protection beneficiaries in Turkey (Syrian men and women) lived in urban and rural areas** whilst the remaining 2% (around 143,500 people) continued living in the seven TACs that were still operative in five provinces in the country⁵⁹. The latter tend to be people who are in a particularly vulnerable situation such as victims of gender violence, torture and physical violence; women who are alone; older people; and people with some disability⁶⁰. People who do not adhere to the requirements of the temporary protection regulations can be denied departure and residency outside the camps, either temporarily or permanently⁶¹.

It is important to point out that outside of the centres where most refugees live, access to housing is complicated, particularly because of **costly rent** and advance payment terms imposed by some property owners who take advantage of the situation. As a result, many Syrian families are forced to share homes with other families in order to be able to pay the rent, or to live in precarious housing conditions and overcrowded dwellings. They are exposed to destitution⁶². Even though there is little available information about the circumstances of people of other nationalities, it would seem that their situation is even more complex. This is particularly true for people of African origin due to racism amongst Turks but also discrimination amongst the Syrian population. This is also the case for Afghans in some parts of the country⁶³.

Whilst reception communities have been incredibly generous, the impact on the national infrastructure has been significant. Municipalities have been directly responsible for providing services to the entire population. Turkish people complain about the lack of jobs, low wages and high rent and this has put refugees in the spotlight. It has led to **social tension and xenophobic reactions** in some regions and neighbourhoods, particularly in the southeast of the country where there are a number of people

55 İÇDUYGU, A. (2015): "Syrian refugees in Turkey. The Long Road Ahead", *Migration Policy Institute*, p. 8: <https://www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead>.

56 So that people who intended to seek protection in the country could have a place to stay for a few days before heading to Ankara to register their application.

57 İÇDUYGU, A. (2015): "Syrian refugees in Turkey. The Long Road Ahead", *Migration Policy Institute*, p. 9: <https://www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead>; World Bank (2015): *Turkey's Response to the Syrian Crisis and the Road Ahead*, p. 10: <https://bit.ly/2MW38wx>.

58 UNHCR (2019): "Turkey - Operational Update Highlights 2018", p. 5: <http://cort.as/-SqSK>.

59 Some Iraqi asylum seekers are also housed there.

60 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 65: <https://www.asylumineurope.org/reports/country/turkey>.

61 Idem, p. 121.

62 Idem, p. 66.

63 Idem, p. 67.

of different ethnicities and religions⁶⁴. In the provinces that have borders with Syria, there is also a generalised perception that rents have gone up and that available accommodation has decreased as a result of increased demand following the arrival of refugees⁶⁵. Nonetheless, based on information obtained from Turkish authorities in Ankara within the framework of this mission, there have not been any serious cases of attacks directed against refugees.

Last of all, as mentioned, it must be pointed out that temporary protection beneficiaries must remain in the province corresponding to their assigned 'satellite city', as confirmed by the PDMM in Ankara during the mission. Only in that province can they be provided with the basic services and social benefits that they have been granted⁶⁶. This **free movement and residence restriction** also applies to international protection beneficiaries⁶⁷.

4.2. Employment

After six months in the country as an international protection applicant or as a temporary protection beneficiary, it is possible to **apply for a work permit** in the province where they are registered. Such work permits are only valid for the corresponding province. It should be pointed out that work permits are not required for employment in agriculture and farming but the corresponding exemption paperwork does need to be requested from provincial authorities⁶⁸.

Work permit applications can be made online and responses to applications are generally received between one and two months later. It is important to point out that employees must make the application unless the person wishes to work for themselves (in this case, that person has to make the application). In any case, individuals must have valid ID or, in other words, an ID card issued by the PDMM. As such, people who are not registered can only opt for informal employment, of which there is a lot in the country. In fact, as stated by the Ombudsman Institution in Turkey⁶⁹, illegal or informal employment is in itself 'one of the most serious problems of the Turkish economy' in which 'one-third of workers are employed without social security'⁷⁰. However, according to information provided by one of the civil society organisations that met with CEAR during the mission, many of the people who have sought international protection in Turkey but who wish to leave the country because their needs are not being met and their rights are not being guaranteed, choose not to learn Turkish and work informally for fear of losing resettlement options and having to stay in Turkey.

Another significant barrier to employment is the **price of work permits**, particularly in the case of people who are not Syrians. They are required to pay around €125 in order to get one. Syrians, meanwhile, have an almost 50% discount on the price compared with other nationalities. They pay around €60⁷¹. Likewise, by law, the number of Syrian workers cannot exceed 10% of the total employees in a company in each work centre, unless there are no Turkish nationals available to

64 İÇDUYGU, A. (2015): "Syrian refugees in Turkey. The Long Road Ahead", *Migration Policy Institute*, p. 3: <https://www.migrationpolicy.org/research/syrian-refugees-turkey-long-road-ahead>; HACAĞLU, S. (2018): "A Flood of Refugees Tests Turkey's Tolerance", *Bloomberg Business Week*, 12th December 2018: <https://bloom.bg/2JEqTMC>.

65 Interview with ASAM-SGDD community centre (Gaziantep: 8th November 2019); World Bank (2015): *Turkey's Response to the Syrian Crisis and the Road Ahead*, p. 8: <https://bit.ly/2MW38wx>.

66 Departure from the province is permitted with written permission from the PDMM and for a maximum of thirty days. It can be extended once only for an additional thirty days.

67 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 106: <https://www.asylumineurope.org/reports/country/turkey>.

68 Idem, p. 68.

69 The Ombudsman Institution of the Republic of Turkey (2018): *Syrians in Turkey. Special Report*, p. 156: https://www.ombudsman.gov.tr/syrians/special_report.pdf.

70 LEGHTAS, I. (2019): *Insecure future. Deportations and lack of legal work for refugees in Turkey*, *Refugees International*, p. 13: <https://bit.ly/2ORKEhD>.

71 Idem, p. 11; UNHCR (2019): *Turkey: 3RP Country Chapter - 2019/2020*, p. 86: <https://reliefweb.int/sites/reliefweb.int/files/resources/68618.pdf>.

do that job. In the case of people of other nationalities, businesses cannot employ more than one for every five Turkish employees. Likewise, access to certain professions is not permitted for foreigners.

In order to improve employability, international protection applicants and temporary protection beneficiaries can go on vocational training courses and take free Turkish classes provided by provincial delegations of the Ministry of National Education, the Employment Agency in Turkey and some NGOs. Even with this option, the number of permits assigned to these people is very low (around 20,000 between 2016 and September 2019)⁷² and the general unemployment rate is still high, particularly amongst young people⁷³. Out of all the Syrian families with temporary protection, 86% indicate that at least one family member has a job. However, only 2% of them are in formal employment⁷⁴. Furthermore, recent devaluation (in 2019) of the currency in Turkey and the resulting increase in inflation have had a significant impact on the means that refugees have in order to survive and have led to an increase in displacement into Europe⁷⁵. Some Turkish politicians, for their part, have successfully capitalised on this situation by blaming refugees and Syrians for worsening the economic situation in the country. This has increased bitterness towards them amongst the Turkish population, as some civil society organisations pointed out during meetings with the team from CEAR during the mission.

Many asylum seekers and temporary protection beneficiaries move to the big cities such as Istanbul in search of employment. However, given restrictions on residency, they cannot obtain a work permit there nor access social services. This pushes them into working in the underground economy⁷⁶, leaving them, furthermore, exposed to arrest. In actual fact, it increases competition on the job market.

The main industries in which refugees find employment opportunities in Turkey are the textile, construction and agriculture industries⁷⁷.

4.3. Healthcare

The social security system in Turkey provides **free healthcare for people who cannot afford medical insurance**, including international protection applicants and temporary protection beneficiaries, as long as they have an ID card⁷⁸. This covers patient care services, diagnosis, treatment and rehabilitation in primary healthcare clinics and immunisation against infectious and contagious diseases, specialist services for new-borns, children and adolescents and maternal and reproduction health services⁷⁹. It also covers medical assistance and treatment in public hospitals when referred, in addition to mental healthcare provided by public health centres and psychological support given by the Family and Social Policies provincial offices. However, interpreters are not available in all of them. A number of NGOs, such as the Red Crescent Society, provide psychological and social support services in a number of cities across the country.

⁷² Interview with the Ministry of Family, Labour and Social Services (Ankara: 7th November 2019).

⁷³ In January 2019, the recorded unemployment rate was 14.7%, the highest for the last decade. The figure for people under twenty-five years of age was 26.7% (Europa Press (2019): "El paro se dispara al 14,7% en Turquía y marca máximos de una década", *Europa Press*, 15th April 2019: <https://bit.ly/334Qocv>).

⁷⁴ UNHCR (2019): *Turkey: 3RP Country Chapter - 2019/2020*, p. 8: <https://reliefweb.int/sites/reliefweb.int/files/resources/68618.pdf>.

⁷⁵ Interview with UNHCR in Turkey (Ankara: 6th November 2019).

⁷⁶ Many Turkish employees, however, prefer to employ Syrians illegally so that they can pay lower salaries and make a saving on social security contributions (AMAMEH, Q.; ROLLINS, T. (2019): "Syrian refugees in Istanbul nervous over raids, arrests by Turkish authorities", *The National*, 18th July 2019: <https://bit.ly/2N2MLOY>).

⁷⁷ Durable Solutions Platform; IGAM Research Center on Asylum and Migration (2019): *Working towards self-reliance: Syrian refugees' economic participation in Turkey*, p. 5: <https://bit.ly/31YiHlz>.

⁷⁸ ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 68: <https://www.asylumineurope.org/reports/country/turkey>. The social security system in Turkey dictates that all residents must have some kind of medical insurance, whether this be public or private.

⁷⁹ *Idem*, p. 71.

The main barrier when accessing healthcare is language⁸⁰ and this is exacerbated by the fact that doctors' appointments have to be requested over the phone and in Turkish only. Therefore, some NGOs provide accompaniment services for asylum applicants who are in a particularly vulnerable situation in some parts of the country⁸¹, and have set up health centres for migrants right across the country. Syrian healthcare personnel work in them in order to be able to provide primary healthcare services and decrease overcrowding in hospitals⁸². Healthcare is, in fact, one of the aspects that refugees who met the team from CEAR in Gaziantep (in the south of the country) highlighted as a positive. However, the people who live in rural areas still face issues accessing the healthcare system.

For their part, people in need of protection who are not registered and, therefore, do not have an ID card, can access emergency healthcare.

4.4. Education

International protection applicants in the country and their families have the **right to primary and secondary education**⁸³. **It is mandatory and free for all children (boys and girls) between six and eighteen years of age**⁸⁴. Although an international protection applicant ID card is necessary in order to access education, the Ministry of National Education has instructed public schools to facilitate access to all minors even if the family has not yet completed the asylum applicant registration process at the PDMM⁸⁵. However, the child's father, mother or tutor must register the child in school within the established timeframe. The language barrier is the main reason why many boys and girls are not sent to school when they should. It is also a practical barrier to integration at school⁸⁶. Increasingly more Turkish language classes are being given in order to deal with this issue, some of which are provided by Public Information Centres and others in coordination with NGOs or international organisms such as the EU or UNHCR. However, despite the fact that, on the whole, the average stay in Turkey for Syrian refugees lasts four years, under 25% have learnt Turkish⁸⁷.

In addition, there is **significant discrimination** against **and harassment** of Syrian children in public schools with both classmates and teachers being responsible for this⁸⁸. In order to put a stop to this issue, which furthermore leads to students dropping out from education, some NGOs such as AAR Japan have been working in conjunction with school educators.

Furthermore, even though public education is free in the country, materials and school transportation are a huge expense for many refugee families or temporary protection beneficiaries. As the Ministry of Family, Employment and Social Services indicated to CEAR, it means that many children are unable to complete their studies and some families even choose not to put them into school. In order to deal with this situation and provide a supplement to existing programmes, public assistance schemes financed using European funds have been set up since 2016. For example, the Conditional Cash Transfer for

80 The Ombudsman Institution of the Republic of Turkey (2018): *Syrians in Turkey. Special Report*, p. 149: https://www.ombudsman.gov.tr/syrians/special_report.pdf.

81 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 72: <https://www.asylumineurope.org/reports/country/turkey>.

82 UNHCR (2019): *Turkey: 3RP Country Chapter - 2019/2020*, p. 60: <https://reliefweb.int/sites/reliefweb.int/files/resources/68618.pdf>.

83 *Turkey: Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016)*: Art. 89(1): <https://www.refworld.org/docid/5a1d828f4.html>.

84 Interview with the Red Crescent Society in Turkey/Türk Kızılay (Ankara: 7th November 2019).

85 For the duration of the registration process, minors can go to class as 'guest students' although they are not awarded certificates or diplomas when they pass the school year unless they complete the registration process and are officially enrolled in school (ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, pp. 69 & 138: <https://www.asylumineurope.org/reports/country/turkey>).

86 Idem.

87 MOURENZA, A. (2019): "El descomunal reto de integrar en el mercado laboral turco a tres millones de refugiados sirios", *El País*, 28th November 2019: <https://bit.ly/2PaGUXE>.

88 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 139: <https://www.asylumineurope.org/reports/country/turkey>.

Education programme⁸⁹, which is targeted mainly at the Syrian population. Over half a million families have benefited from bimonthly transfers for their children through this programme so that their children can continue studying and not have to drop out of education in order to make a contribution towards the family income⁹⁰. Girls, in particular, have benefited from the scheme since their allocation is larger than for boys. Information provided by UNICEF indicates that the financial allocation is similar to what Turkish families receive so that the latter do not feel discriminated against when they compare their situation to the aid given to refugees in their country. UNICEF participates in management of this scheme that aims to promote education and which stems from an even larger one: the Emergency Social Safety Net.

The children of families who are seeking international protection can also go to private schools if they pay the corresponding fees. In Ankara, for example, there are private schools for children from Libya and Iraq. They are supervised by the Ministry of National Education⁹¹. There are also informal private schools known as 'temporary education centres' inside the camps and these are managed by Syrian charities. Classes are given by Syrian volunteers and the certificates that these schools award cannot be given official recognition in Turkey. However, the number of schools of this type is decreasing⁹². Even so, as UNICEF has indicated, almost 40% of all the Syrian children and adolescents who are of school age do not actually attend school⁹³.

4.5. Social benefits

International protection applicants and temporary protection beneficiaries in Turkey can receive support and be given social benefits in the province where they are registered, as provided for by the Law on the Promotion of Social Assistance and Solidarity. They can also access other aid provided by the Ministry of Family, Labour and Social Services and which is not limited to asylum applicants and refugees. For example, support provided to people with disabilities. However, this aid is scarce and there is often favourable discrimination towards the Turkish population.

Within this context, it is important to highlight the aforementioned **Emergency Social Safety Net**, the largest humanitarian aid project in the history of the EU⁹⁴, which was set up with the collaboration of the United Nations World Food Programme, the Turkish government and the Red Crescent Society in Turkey. Up until September 2019, this social assistance scheme had contributed towards covering the basic needs of over 1.5 million refugees who are in a particularly vulnerable situation⁹⁵.

Last of all, it should be pointed out that, despite being the country with the most asylum applicants and refugees in the world and the largest receptor country for international protection applicants in 2018, along with everything that this entails in terms of migration policy and humanitarian assistance management, UNHCR believes that Turkey's 'response to refugees has been generous and positive'⁹⁶. This is the common opinion amongst the NGOs supporting refugees in the country.

89 The EU is the biggest source of finance but the Governments of Norway and the USA also make a financial contribution.

90 European Commission (2019): "Turkey - European Civil Protection and Humanitarian Aid Operations": https://ec.europa.eu/echo/where/europe/turkey_en.

91 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 70: <https://www.asylumineurope.org/reports/country/turkey>.

92 Idem, p. 141.

93 UNHCR (2019): *Turkey: 3RP Country Chapter - 2019/2020*, p. 46: <https://reliefweb.int/sites/reliefweb.int/files/resources/68618.pdf>.

94 European Commission (2019): "Turkey - European Civil Protection and Humanitarian Aid Operations": https://ec.europa.eu/echo/where/europe/turkey_en.

95 Idem.

96 UNHCR (2019): "Turkey - Fact Sheet July 2019": <https://data2.unhcr.org/en/documents/details/71061>. This is what the Ankara office indicated to the CEAR team within the framework of the investigation project.

Likewise, it should be pointed out that, based on the information provided by UNHCR, the Turkish government has been very active in setting up **social cohesion or 'harmonisation' projects** to combat any potential social tension amongst reception communities.

4.6. People in a vulnerable situation

The Turkish Law on Foreigners and International Protection provides for a category of 'people with special needs' accounting for unaccompanied minors; people with disabilities; elderly people; pregnant women; single parents with young children; and victims of torture, rape and other forms of psychological, physical and sexual violence⁹⁷. The law states that people with special needs must be given **priority in procedures and in access to rights**⁹⁸. To this end, data about the person's vulnerability is recorded during the registration phase and used to build up a personalised file that is handed over to the DGMM. However, according to UNHCR, there are still weaknesses in terms of identifying vulnerability situations. Pregnant women who are far into their pregnancy, people with serious illnesses and unaccompanied children are the individuals who, in practical terms, benefit from this prioritisation process⁹⁹.

Children

Once applications have been recorded and an ID card has been issued, minors are housed in special dwellings that are managed by the Ministry of Family, Labour and Social Services. They are assigned a tutor (priority is given to relatives, if there are any) for a period of two years. This period can be extended¹⁰⁰. Whilst the exact number of unaccompanied children who request international protection in the country is unknown, the large majority of them are from Afghanistan¹⁰¹.

It is important to highlight that **child labour and exploitation is prevalent**, particularly in some sectors such as agriculture and in textile factories, but also in the restaurant industry in cities such as Ankara¹⁰². In the textile industry, Syrian children under fifteen years of age are more affected by this than minors from Turkey. Furthermore, out of all the Syrian families living in urban areas, around 64% live in poverty, including 18% who live in extreme poverty¹⁰³.

LGBTIQ+ people¹⁰⁴

It is very important to point out that **neither the law nor the corresponding regulations contemplate LGBTIQ+ people as 'individuals with special needs'**. However, a number of poor practices during the international protection procedure in relation to this collection have been identified. They range from use of inappropriate terminology regarding sexual orientation and gender identity during interviews about asylum, to poor translation by interpreters (due to a lack of sensitivity or censure), to offensive questions and cases of verbal abuse during the registration process¹⁰⁵. Furthermore, on the whole, interviews regarding asylum are not always performed in such a way that confidentiality can be guaranteed and practices such as these are particularly inhibiting

97 Turkey: Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016): Art. 3(1) (l): <https://www.refworld.org/docid/5a1d828f4.html>.

98 Idem: Art. 67(1).

99 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 32: <https://www.asylumineurope.org/reports/country/turkey>.

100 Idem, pp. 49 & 50.

101 Idem, p. 50.

102 Idem, p. 137.

103 UNHCR (2019): *Turkey: 3RP Country Chapter - 2019/2020*, p. 7: <https://reliefweb.int/sites/reliefweb.int/files/resources/68618.pdf>.

104 Lesbians, gays, bisexuals, transgender, intersexual and other forms of sexual and emotional diversity.

105 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, pp. 46 & 34: <https://www.asylumineurope.org/reports/country/turkey>.

for this people¹⁰⁶. The few NGOs working in this field have highlighted these shortcomings and complain that there are a number of organisations who deal with refugees in general, but very few that specialise in groups or people with specific vulnerabilities.

Most LGBTIQ+ people who are refugees in Turkey are from Iran (where homosexuality is illegal and can carry a death sentence) or Pakistan¹⁰⁷. Turkey does not consider homosexuality a crime. However, it is one of the countries in Europe in which these people's rights are most restricted. Based on information from one of the NGOs that provide assistance for this collective, the situation for them has worsened over the last few months, particularly for transsexual individuals. They are constantly threatened and assaulted and there have even been cases of murder. This is why an increasing number of people in this collective seek a way out of the country. Many of them choose illegal and dangerous options. In light of these circumstances, UNHCR is trying to prioritise their cases in resettlement programmes.

Women

Women who are victims of violence in Turkey are referred to Centres for the **Elimination and Monitoring of Violence**. These centres, in turn, refer them to shelters for women that are managed by the Ministry of Family, Labour and Social Services, the municipalities and some NGOs. As AAR Japan, an NGO in charge of places in Sanliurfa, mentioned, they can stay there for periods of up to six months. There are 3,454 places in 144 shelters across seventy-nine municipalities in the country. This includes the twelve shelters that are managed by the DGMM¹⁰⁸. The available places do not satisfy the country's needs, particularly in the southern provinces such as Gaziantep, Adana and Sanliurfa¹⁰⁹. Again, the main barrier is language. Many Syrian women (and their children) are unable to speak Turkish, which means that the psychological damage they may suffer in these centres is greater than the help they receive¹¹⁰. In addition, based on information gathered by the European Council on Refugees and Exiles, women who are victims of trafficking are asked to leave the country in under a month¹¹¹ in spite of Turkish legislation aimed at identifying victims and giving them national protection¹¹². There are two shelters: one in Ankara and one in Kirikkale. However, it would seem that, in actual fact, both the victims and the traffickers are deported with no legal procedures whatsoever¹¹³.

According to the Ombudsman's Office in Turkey, women who have been victims of sexual abuse and violence during the conflict in Syria; widows; women who are separated and who have travelled to Turkey alone; and single mothers and their children are in particularly vulnerable situations¹¹⁴. Furthermore, there are a large number of child and forced marriages, informal marriages and polygamy within Syrian families, in addition to little awareness of the rights and services that are available for women who are the victims of gender violence¹¹⁵. Nonetheless, there are thirty-four **Women and Girls Safe Spaces** in the country. They provide women and girls

106 Idem, p. 48.

107 Ahval (2019): "Iranian activist details struggle of LGBTQ refugees in Turkey", *Ahval*, 5th June 2019: <http://ahval.co/en-49494>.

108 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 74: <https://www.asylumineurope.org/reports/country/turkey>.

109 Idem, p. 149.

110 The Ombudsman Institution of the Republic of Turkey (2018): *Syrians in Turkey. Special Report*, p. 163: https://www.ombudsman.gov.tr/syrians/special_report.pdf.

111 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 149: <https://www.asylumineurope.org/reports/country/turkey>.

112 For further information about the situation of the fight against human trafficking in Turkey, refer to GRETA (2019): *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Turkey*, Council of Europe: <https://bit.ly/32QGZEK>.

113 Interviews with confidential sources within the framework of the observation mission.

114 The Ombudsman Institution of the Republic of Turkey (2018): *Syrians in Turkey. Special Report*, p. 162: https://www.ombudsman.gov.tr/syrians/special_report.pdf.

115 Idem.

with guidance and support on sexual health and reproduction. They also provide gender violence prevention services and psychological and social support¹¹⁶.

Disabled people

The temporary protection regime that was approved in 2014 led to the creation of **rehabilitation and social and psychological support services** aimed specifically at people with special needs such as children, women and elders. However, there is also regular and intermittent public financial aid for families with a family member who has some disability and requires assistance and care (the aid is given to the carer)¹¹⁷. Nonetheless, the available help is scarce in comparison with the number of people with needs, particularly in border provinces with Syria where the percentage of refugee families who have a family member with some disability is 28% (in 30% of cases the affected individual is a minor)¹¹⁸. The special education needs of some disabled children is provided by NGOs, entities that increasingly work with local communities to raise awareness, identify these children and try to improve their integration into society¹¹⁹.

5. Durable solutions / Legal and safe pathways

5.1. Local integration

Legislation in Turkey contemplates **long-term integration in the country** as a durable solution to displacement for refugees of European origin, but this is not the case for individuals who have been given *conditional* refugee status because they are legally excluded from this option¹²⁰. In fact, based on information provided by PDMM in Ankara in the meeting that was held during the mission, protection condition is dependent on achieving resettlement in a third country. Furthermore, it is not an option for Syrian nationals since they are beneficiaries of temporary protection only. Therefore, local integration is not a viable solution for most of the people who are forced to seek refuge in Turkey.

5.2. Voluntary return

The Turkish government manages a number of ongoing **voluntary return** support programmes for Syrian nationals (some for family reunification in Syria) in collaboration with local Turkish authorities even though there is no national official programme. As indicated by the Ministry of the Interior in Turkey, around 295,000 people returned to Syria between 2017 and 2018. However, UNHCR put the figure at little more than 48,600 cases¹²¹. In some parts of the country, UNHCR collaborates with the government supervising return interviews¹²², but it has not been given access to the detention centres in order to check if the repatriations that take place from there are voluntary or not. An internal poll performed by this organism in early 2019 confirmed that most people of Syrian origin (69.3%) did not intend to return to their country in the near future, mainly because of the insecurity there (89%)¹²³. Despite this, around

116 UNHCR (2019): Turkey: 3RP Country Chapter - 2019/2020, p. 60: <https://reliefweb.int/sites/reliefweb.int/files/resources/68618.pdf>.

117 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 60: <https://www.asylumineurope.org/reports/country/turkey>.

118 Interview with AAR Japan (Gaziantep: 8th November 2019).

119 Interview with UNICEF (Ankara: 6th November 2019); interview with AAR Japan (Gaziantep: 8th November 2019).

120 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 99: <https://www.asylumineurope.org/reports/country/turkey>.

121 MOURENZA, A. (2019): "La crisis económica en Turquía mueve a los refugiados a regresar a Siria", *El País*, 18th January 2019: <https://bit.ly/2JBm4i8>.

122 In 2018, it supervised around 12,400 interviews in the country's southern provinces (UNHCR (2019): "Turkey - Operational Update Highlights 2018", p. 7: <http://cort.as/-SqSK>).

123 Interview with UNHCR in Turkey (Ankara: 6th November 2019).

26,650 people allegedly returned voluntarily to Syria from Turkey between January and September 2019¹²⁴.

In addition to the increased rhetoric and steps taken by the Turkish government with regards to returning to Syria, which has contributed towards creating a **climate of fear amongst Syrians in Turkey**, discrimination with regards to access to housing and hate speech has increased in some parts of the country. This climate has been heightened by the recent control, detention and returns campaign mentioned in section two of this report, in addition to issues accessing basic services when registration documents are unavailable or individuals are in a province that is not their assigned province.

5.3. Resettlement

In the existing context, **resettlement** in a third country is the best durable solution for non-European people who are refugees in Turkey¹²⁵. However, only 0.5% of refugees in the country have access to it¹²⁶. In practical terms, this means that resettlement is not a plausible option neither for the majority of asylum applicants or people who have *conditional* refugee status nor for Syrians who are temporary protection beneficiaries. The latter do, however, have easier access than the former to resettlement programmes. In fact, in the EU, most countries only receive Syrian nationals through resettlement schemes (since 2016, mainly from Turkey)¹²⁷. With this in mind, it is important to highlight that the Spanish resettlement programme was recently opened up to other nationalities in need of protection and to diverse communities such as the LGTBIQ+ collective.

Between 2011 and 30th November 2019, **83,797 people (over 37,800 of them were Syrians) were transferred to a third country through resettlement schemes**¹²⁸. For a long time, the USA was the main destination country for individuals resettled from Turkey. However, the resettlement process to the USA has been on hold since 2016 and selection interviews with candidates on UNHCR lists have not been carried out since then¹²⁹. The three main destination countries for resettlement from Turkey are currently European countries: Germany, France and the Netherlands¹³⁰. Turkish authorities pointed out to CEAR that there has been a lot of talk over the last few years about increasing resettlement quotas from the EU but that, in actual fact, things have changed very little. They pointed out that only two thirds of all resettlements can be carried out due to administrative and logistical issues in the destination countries¹³¹.

During the aforementioned period (between 2011 and 30th November 2019), **Spain resettled 828 individuals** from Turkey (57 in 2016, 358 in 2017, 17 in 2018 and 396 between January and November 2019). All of them were Syrians up until 2019 and, that same year, 77 people of Iranian nationality were also resettled¹³². In 2020, UNHCR expects to arrange 20,000 resettlements from Turkey¹³³ and Spain is expected to accomplish the agreed 2018 resettlement quota.

124 Idem.

125 UNHCR in Turkey (2019): "Refugees and Asylum Seekers in Turkey": <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>.

126 UNHCR (2019): "Turkey - Fact Sheet July 2019": <https://data2.unhcr.org/en/documents/details/71061>.

127 Interview with the European Asylum Support Office and the International Catholic Migration Commission (Istanbul: 4th November 2019).

128 UNHCR Resettlement Data Finder: <https://rsq.unhcr.org/en/#1Vjy>.

129 ECRE (Ed.) (2019): "Country report: Turkey", *Asylum Information Database*, p. 107: <https://www.asylumineurope.org/reports/country/turkey>.

130 Interview with UNHCR in Turkey (Ankara: 6th November 2019).

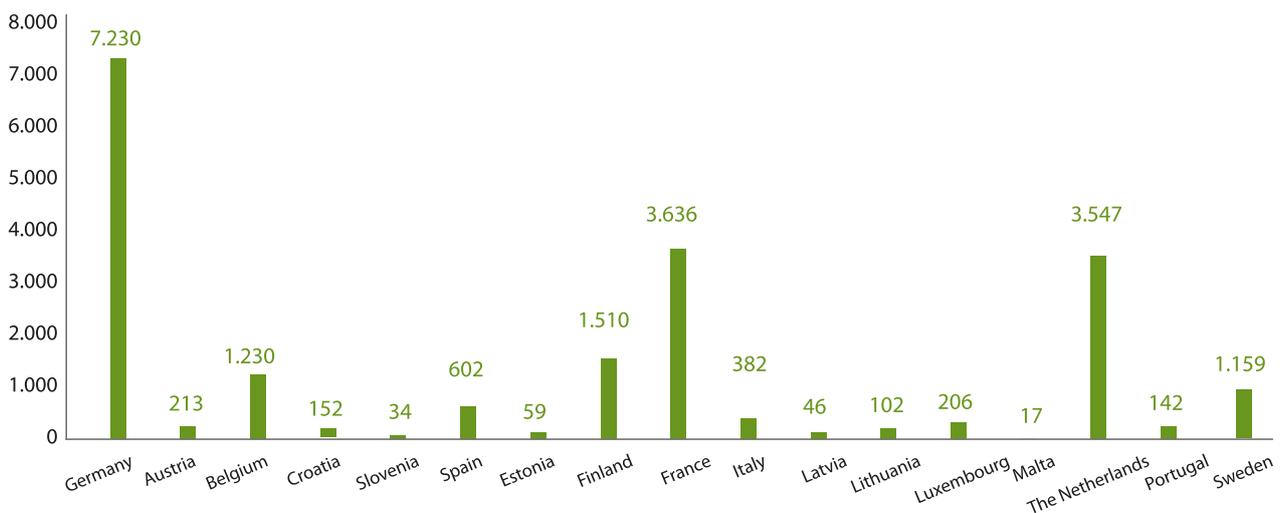
131 Interview with the Provincial Directorate for Migration Management in Ankara (Ankara: 7th November 2019).

132 UNHCR Resettlement Data Finder: <https://rsq.unhcr.org/en/#1Vjy>.

133 UNHCR (2019): "Turkey - Fact Sheet July 2019": <https://data2.unhcr.org/en/documents/details/71061>.

The aforementioned data does not include resettlements from Turkey to European countries through the 1:1 resettlement scheme arranged by virtue of the EU-Turkey Statement¹³⁴. Within this framework, over a period of approximately three and a half years, over 25,000 people with international protection needs have been resettled in eighteen EU Member States¹³⁵, mainly Germany, France and the Netherlands, as shown in graph 1. The European Commission labels this as 'a clear success'¹³⁶.

Graph. 1. Number of people resettled under scheme 1:1 from Turkey to countries in the European Union between April 2016 and March 2019



Source: ECRE (Ed.) (2019): "Country report: Turkey", Asylum Information Database, p. 129.

5.3.1. The resettlement process

Within the framework of classic resettlement programmes, the DGMM is the organism in charge of pre-identification of cases based on dossiers prepared by the PDMMs about vulnerability conditions during the registration phase, both for Syrian temporary protection beneficiaries and for asylum applicants in the country. It sends UNHCR a list with cases that are susceptible to resettlement in accordance with the applicable global criteria. UNHCR adds them to a database of potential resettlement cases identified by the organisation itself from amongst the group of people it assists. Alternatively, they are identified by social NGOs and those NGOs refer cases of people or families who are in particularly vulnerable situations and who cannot be appropriately protected or attended in the country to UNHCR.

UNHCR uses the database to identify candidates based on a number of selection criteria linked to the vulnerability of that person or family: survivors of violence and torture, people who are at risk of violence and exploitation (particularly children), LGTBIQ+ people and people with medical needs or disabilities are considered eligible for resettlement. UNHCR protocol dictates that priority is not given to people who have been soldiers or who have been part of paramilitary groups, informants (except

¹³⁴ It states that for each Syrian individual readmitted by Turkey from Greece when that individual has arrived in Turkey from the latter, another person of Syrian nationality will be resettled in an EU Member State.

¹³⁵ European Union: European Commission, Communication from the Commission to the European Parliament, the European Council and the Council. *Progress report on the Implementation of the European Agenda on Migration*, 10th October 2019, COM(2019), 481 final, p. 7, available on <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2019:481:FIN>.

¹³⁶ Idem.

people who provided information under torture or threat) and people who have worked in detention centres or security facilities. Nonetheless, people with these profiles can be declared 'strictly priority' based on matters of health or protection. In these cases, the classic procedure for refugee status determination is used and if areas of doubt are cleared up, the case returns to the Resettlement Unit.

It is important to point out that in Turkey (as is the case in Lebanon and Jordan) UNHCR combines resettlement selection and refugee status declarations into what it calls a 'merged procedure' for Syrian individuals or families because of the huge number of cases that have to be processed. People who are not Syrians, on the other hand, have to go through the refugee status determination procedure before they are referred to the resettlement programme. In either case, UNHCR also assesses the person or family's interest in and suitability for resettlement once cases have been validated and personal data has been checked. Last of all, the Protection Unit holds an in-depth interview to verify that the person is a refugee and, as provided for by the 1951 Convention, there are no exclusion elements. The interview includes preparation of the Resettlement Registration Form, which is then sent to the authorities in the country that the organisation has determined is the most suitable one for resettlement based on the criteria in each country¹³⁷.

The entire duration of the process varies between cases and depends mainly on the time that the country in question takes to assess matters of health and security relating to the person or family. On the whole, it takes between nine and eighteen months¹³⁸. The assessment procedure also varies from country to country. Some carry out selection missions that can include interviews with candidates. Others, meanwhile, assess cases using the written documentation in the file sent by UNHCR or through the embassy in the country. The Spanish Government alternates between the first two.

It is worth pointing out that, in April 2019, a pilot project called a Resettlement Support Facility¹³⁹, was set up in Istanbul. It is coordinated by the European Asylum Support Office in association with the International Catholic Migration Commission with support from UNHCR and IOM. The project provides logistical and administrative support for selection missions in Turkey carried out by European countries that voluntarily participate in the project¹⁴⁰. It also manages medical examinations and cultural guidance courses prior to resettlement. The aim is to make the resettlement process more agile and improve its quality in EU countries. Since it began and up until September 2019, over 800 cases have been processed through the Resettlement Support Facility in Istanbul¹⁴¹.

Once the assigned country has accepted a case, the departure process begins, generally with support from the International Organisation for Migration (IOM). The Resettlement Support Facility also takes charge of this phase of the process. During the process, it not only organises the logistics of the journey but also prepares people or families before they depart¹⁴². Preparation includes cultural guidance courses lasting several days. They are based on information and material sent by the destination countries.

¹³⁷ In the European context, there are requirements that considerably reduce chances of resettlement for many families. For example, limitations placed on the number of family members. Furthermore, the presence of relatives in other Member States is also a significant obstacle in candidate eligibility since this excludes them from the process in countries other than the one where those family members are residing.

¹³⁸ Interview with UNHCR in Turkey (Ankara: 6th November 2019).

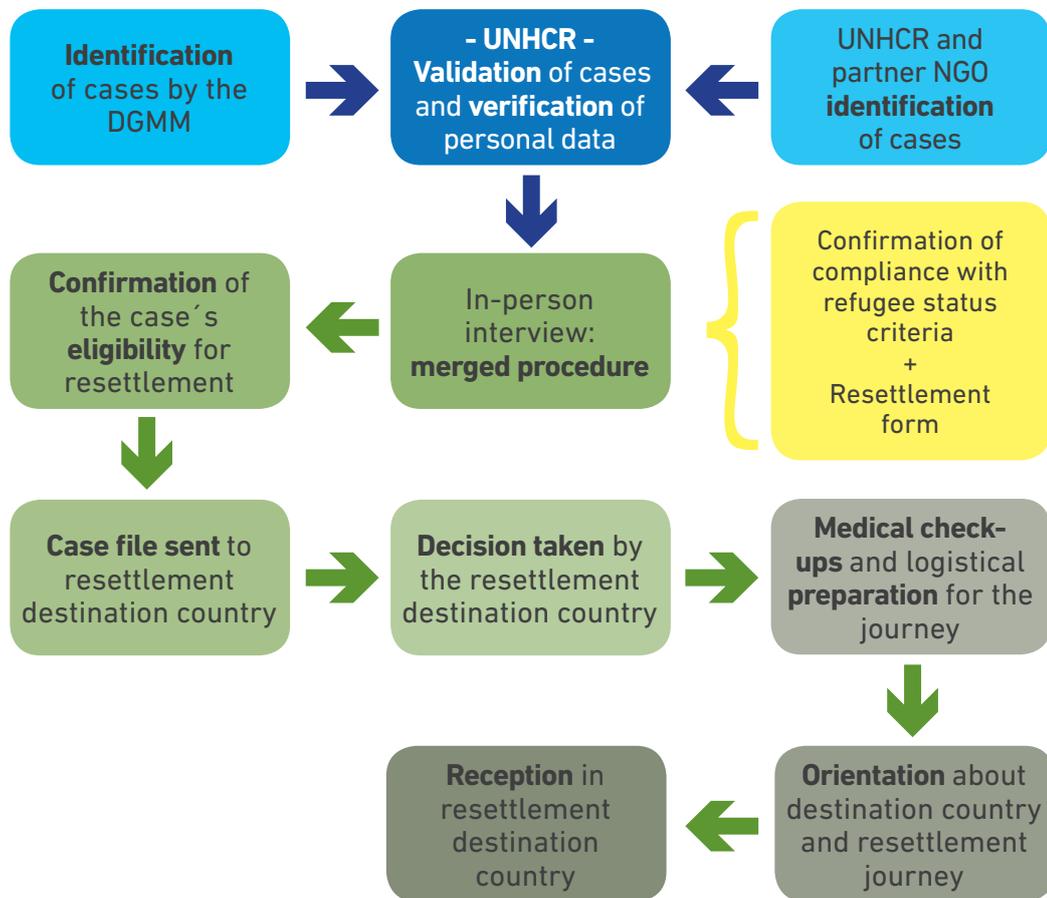
¹³⁹ EASO (2019): "Pilot EASO Resettlement Support Facility in Turkey", Information Note: <https://bit.ly/2XtbzmM>.

¹⁴⁰ In late 2019, the participating countries included Belgium, the Netherlands, Romania, Bulgaria and Portugal.

¹⁴¹ Interview with the European Asylum Support Office and the International Catholic Migration Commission (Istanbul: 4th November 2019).

¹⁴² If a candidate (person or family) is not accepted by a country, UNHCR can choose an alternative country for resettlement except when the person or family rejects the country that has been selected for them. When this happens, the person or family is excluded from the resettlement process and cannot choose to go back on it in the future.

Graph. 2. Resettlement process from Turkey



Source: the authors.

Based on the interviews carried out, one of the main challenges that must be overcome in order to guarantee the success of resettlement is **improvements to the information about destination countries** that is given to the candidate families, in particular information about Spain. Based on information provided by IOM, candidates for resettlement in Turkey are commonly overwhelmed by the language barrier and the support and services that they will be able to access once in the host country¹⁴³. Misalignments can be corrected through greater and improved coordination of the guidance given before and after resettlement. This would allow refugees to clear up any doubts by accessing accurate information and to adjust their expectations to the realities of the host country and community. Likewise, the fact that information about resettlement and how it works is not made available to some members of the population who are in need of international protection means that many potential beneficiaries are denied this opportunity¹⁴⁴.

5.4. Other legal and safe pathways

Even though the resettlement programme from Turkey through UNHCR is one of the largest in the world, it only represents a very small opportunity for the refugees in the country (most of whom are Syrians) and it only covers people who are in the most vulnerable situations. Out of all the files

¹⁴³ Interview with IOM (Istanbul: 5th November 2019).

¹⁴⁴ Interview with Human Resource Development Foundation (Istanbul: 4th November 2019)

UNHCR sends to resettlement countries, only around half of them are actually accepted¹⁴⁵. This is why the organism supports promoting legal and safe alternative routes to resettlement such as family reunification programmes, private and community sponsorship, labour mobility and mobility for education and training purposes. However, as UNHCR, IOM and the International Catholic Migration Commission informed CEAR, it is important to highlight that alternative pathways are few and difficult to process in the country.

One of those pathways, which also exists in other transit countries such as Lebanon and Jordan¹⁴⁶, that has recently been set up in Turkey is the humanitarian corridor. Caritas, supported by UNHCR, is the organisation that promoted establishment of the **first humanitarian corridor between Turkey and Italy**. Twelve Syrian refugees in Turkey have arrived in Italy with a humanitarian visa through this programme. The project has proven to be an agile and swift alternative resettlement option for reaching an asylum country. The refugees were on their way to Italy in under a month following their selection. It should also be pointed out that the twelve participants were given good cultural orientation and this contributed towards making it a successful experience both for them and for the host community. However, it should not be forgotten that it is a very residual alternative that is also questioned in the host country since it is a parallel programme that has different conditions for the refugees who are accepted onto it.

Another example of an alternative pathway is the IOM Family Assistance Programme for Syrian and Iraqi nationals backed and financed by the German Government¹⁴⁷. Within the framework of family reunification schemes, this programme has a heavy informative component and aims to facilitate regrouping in Germany of relatives of Syrian and Iraqi refugees who are in Turkey, Iraq or Lebanon. The idea is to stop them choosing to take illegal or dangerous routes in order to regroup. UNHCR has also carried out family reunification schemes in Spain, Ireland and Norway and these have led to the resettlement of twenty-six refugees¹⁴⁸.

In terms of **private sponsorship**, it should be highlighted that the UNHCR office in Turkey has 1,247 members who are private sponsors in Australia and a further 1,800 in Canada¹⁴⁹. However, the organisation points out that 'refugees face a multitude of legal, administrative and practical obstacles to access complementary pathways including eligibility criteria, financial and documentary requirements'¹⁵⁰. Nonetheless, this does not mean that less effort needs to go into supporting and developing them.

Indeed, the aforementioned programmes could serve as a source of inspiration for the Spanish government and other European governments with a view to exploring new legal and safe pathways for the large number of asylum applicants and refugees who remain in Turkey (many of whom are trying to reach the EU). This is particularly true in light of the country's shortfalls in terms of protection despite the effort made by the Turkish government over the last eight years.

145 UNHCR in Turkey (2019): "Resettlement and complementary pathways", Fact Sheet August 2019: <https://reliefweb.int/sites/reliefweb.int/files/resources/71062.pdf>.

146 Refer to the *Resettlement and international protection in Lebanon* (available on: <http://entierradenadie.org/libano/>) and *Resettlement and international protection in Jordan* (available on: <http://entierradenadie.org/jordania/>) reports published by CEAR within the framework of the Observatory.

147 IOM: "IOM's Family Assistance Programme": <https://bit.ly/20xAvFL>.

148 Interview with UNHCR in Turkey (Ankara: 6th November 2019).

149 Idem.

150 UNHCR in Turkey (2019): "Resettlement and complementary pathways", Fact Sheet August 2019: <https://reliefweb.int/sites/reliefweb.int/files/resources/71062.pdf>

6. Conclusions

- Since 2015, out of all the countries in the world, Turkey has been the one with the largest number of refugees in its territory and one of the countries that has received most international protection applications. In 2018, it received the most. Given its location as an exterior European border, it has traditionally been a transit country for migrants. As such, European institutions understand it to be 'a key partner for the EU, particularly in terms of management of migration in the western Mediterranean'. As such, and since the EU-Turkey Statement came into force in March 2016, it plays a border gendarme role in the European strategy of borders externalisation and is responsible for curbing illegal arrivals into the EU, particularly through Greece.
- Unlike other countries in the region, Turkey is part of the Geneva Convention on the Refugee Statute and it has a Law on Foreigners and International Protection that was passed in 2013 and based on EU legislation. Furthermore, in 2014, a 'temporary protection regulation' was passed in order to respond to the influx of Syrians fleeing from their country since the outbreak of the conflict. At the same time, it also set up the Directorate General for Migration Management within the Ministry of the Interior. It is currently responsible for all matters and procedures relating to migration and asylum in the country, including provision of temporary protection for Syrians.
- Almost all the people who have sought refuge in Turkey (98%) live in urban and rural areas. The country does not have a reception system per se. Nonetheless, since displacement of Syrians began, a limited number of camps known as Temporary Accommodation Centres (TAC) have been set up in the southern provinces of the country. Over the last two years, several of these centres have been decommissioned and the current trend is to continue in this way. Despite this, the good reception standards in these camps and the variety and quality of the services provided should be highlighted. This has been recognised by a number of international organisations.
- Outside the camps, the living conditions in the country vary from area to area depending on opportunities on the job market. The market is very informal, which makes social and financial integration for international protection applicants and refugees difficult. The municipalities have been directly responsible for providing services to the entire population but Turkish nationals complain about the lack of jobs, the low salaries and the high cost of rent. This has put refugees in the spotlight and given rise to social tension and xenophobic reactions in some regions and neighbourhoods, particularly in the southeast of the country bordering on Syria. However, it should be pointed out that people of Sub-Saharan origin are the most exposed to racism and xenophobia and live in the most precarious conditions.
- People who are neither Syrians nor Europeans and have sought international protection in Turkey live in the most difficult circumstances. On the one hand, as provided for in Turkish legislation, they can only be granted *conditional* refugee status, linked to resettlement in a third country, which means they have to look for durable solutions to their displacement outside Turkey. On the other, it is a confirmed reality that most of the internal resources and external financial aid for people who have sought refuge in the country are intended for Syrians and the needs of people of other nationalities who require international protection are not covered. This situation means that there is a need to take a closer look at their

circumstances in order to expand on the little information that is available and use this in order to make more efficient use of existing resources so that they do not end up unprotected and socially marginalised.

- The Turkish Law on Foreigners and International Protection provides for a category of 'people with special needs' which accounts for unaccompanied minors; disabled people; the elderly; pregnant women; single parents with young children; and victims of torture, rape and other forms of psychological, physical and sexual violence. According to the law, the people in this category should be given priority in procedures and access to rights. However, in practice, and based on information provided by the European Council on Refugees and Exiles, only pregnant women who are far into their pregnancy, people with serious illnesses and unaccompanied children are actually given this. Furthermore, the specific resources and professionals dealing with specialist care and who are available for these groups are very scarce.
- In Turkey, LGBTIQ+ people are not categorised as 'people with special needs'. This makes giving them specialist care and recognising them as a collective that is highly exposed to threats, aggression and crimes difficult. Given the seriousness of their situation in the country, they need to be given priority in resettlement programmes and other legal and safe pathways.
- Refugees in Turkey in general (and in particular Syrians) avoid leaving their homes as much as possible in certain large cities because they live in fear of detention and deportation. In some cases, this is linked to their involvement in the job market without a work permit or because they are in a province which is not the one that their temporary protection corresponds to. In others, it is linked to not being registered or not having ID that is valid and accepted in Turkey. Whatever the case, repatriations managed by the Turkish government since the spring of 2019 have increased the overall feeling of insecurity and fear.
- Local integration as a durable solution to forced displacement is only a plausible option for people of European origin who are given international protection in Turkey. It is, therefore, beyond the grasp of practically all the almost four million people who have sought refuge in the country. Given this figure, the Turkish government backs voluntary repatriation schemes, the voluntary nature of which is put to the test by the strict police controls on residence and work permits that have been taking place in the country since the summer of 2019.
- Within this context, resettlement to a third country is the best durable solution for refugees in Turkey, particularly for people who are not Syrians and whose international protection depends on it. However, opportunities for resettlement hardly reach 0.5% of the refugee population in the country and the opportunities from the EU are reserved mainly for Syrians. Between 2011 and late 2019, around 83,800 individuals (almost half of whom were Syrian nationals) were resettled from Turkey. The figures in late November 2019 indicated that Spain was the destination for 828 of them. In 2019, in addition to Syrians, the resettled individuals also included several Iraqis. Taking these figures into account, an increase in the number of resettlement places (including different profiles); a commitment to a mandatory quota and a progressive programme; and improvements to information on reception, services and inclusion in Spain are essential.

- Development of other legal and safe pathways from Turkey is still very limited. Based on information from UNHCR, there are a number of bureaucratic obstacles that must be overcome in order to execute alternative programmes to resettlement. This makes the materialisation of alternatives complicated. European countries, including Spain, must investigate and initiate other complementary pathways in order to fulfil their responsibilities to refugees who are in need of protection and who are trapped in Turkey. For example, humanitarian visas, as provided for the legislative initiative that was approved by the European Parliament Committee on Civil Liberties, Justice and Home Affairs in December 2018. In the case of Spain, it also includes activation of the option provided for in article 38 of the law on asylum so that people in need of international protection can apply for it in the country's embassies and consulates abroad.

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