

Distr.: General
29 April 2016

English

Economic Commission for Europe

Conference of European Statisticians

Work Session on Migration Statistics

Geneva, Switzerland

18-20 May 2016

Item 9 of the provisional agenda

Asylum seekers and refugees

International protection

Note by Directorate General of Migration Management*

Abstract

Having been an important source country for a long period of time, Turkey has also become a transit and target country owing to its geographical location and economic improvements. In addition, Turkey has seen different waves of immigrants arriving on its territory related to specific incidents. Therefore, immigration to and through Turkey has become a long-lasting feature of the country's migration reality.

Turkey is heavily affected by the war and crisis situation in Syria; since beginning of the crisis, almost 2.5 millions of refugees found a temporary asylum in Turkey. It is important to register these refugees to make a policy. Within this scope, a new database is build.

DGMM's Migration-net (GOC.NET) system where the detail, accurate, reliable data is stored is actively used in 81 provincial directorates of migration management. The system is now connected to and compatible with the databases of relevant public institutions in Turkey including the Turkish National Police, Ministry of Labor and Social Security, National Judiciary Informatics System (UYAP) and General Directorate of Civil Registration and Nationality (NVGİM).

Discussions on country experiences, faced problems, solutions would be beneficial for our ongoing and near future works.

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I. Legislation

1. Turkey retains a geographical limitation to “**1951 Geneva Convention Relating to the Status of Refugees and 1967 Protocol Relating to the Status of Refugees**” and this means that only foreigners who flee to Turkey as a consequence of events occurring in Europe and claim for international protection can be considered as refugees.
2. Taking into account the recent events in the region surrounding Turkey and human rights violations arising from these events, Turkey introduced a new migration law, the Law No. 6458 on Foreigners and International Protection on 11 April 2013.
3. In accordance with this Law, international protection applications filed in Turkey by those fleeing from Europe can be granted refugee status and those fleeing from outside of Europe can be granted conditional refugee status under international protection until they are resettled in a third country.
4. Despite this dualistic legal definition, all claims of international protection applicants are to be assessed in consideration of asylum procedures and without any discrimination within the framework of 1951 Geneva Convention, 1967 Protocol as well as the Law No. 6458 on Foreigners and International Protection.
5. Both refugees and conditional refugees can equally benefit from social assistance, medical care, and rights to labor, employment and education.

II. Procedure

6. Refugee status, conditional refugee status and subsidiary protection can be granted to foreigners whose international protection applications in Turkey are approved by the Directorate General of Migration Management (DGMM) in line with the Articles 61, 62 and 63 of the Law No. 6458 on Foreigners and International Protection.

- **Applicants Arriving from European Countries:**

All the international protection procedures of the foreigners identified as refugee in Turkey are carried out by the Directorate General in the framework of 1951 Geneva Convention and Law No. 6458 on Foreigners and International Protection as well as they are allowed to stay as permanent residents in Turkey.

- **Applicants Arriving from outside of European Countries:**

Since Turkey implements 1951 Geneva Convention with a geographical limitation, the applications of foreigners who arrive at Turkey in need of international protection as a result of events occurring outside of European countries and claim for a residence permit in Turkey to seek asylum in another country, are assessed by DGMM. DGMM also informs United Nations High Commissioner for Refugees (UNHCR) and ensures that the foreigners are registered and interviewed with UNHCR, as well.

- If the applicant is assessed to meet the criteria for refugee status defined in Article 1 of 1951 Geneva Convention, then the applicant is granted “conditional refugee status” and is allowed to temporarily reside in Turkey and thus covered under international protection (until resettlement in a third country is possible).Text

III. Subsidiary protection

7. Following the assessment of international protection application, even if the applicant does not meet the criteria of refugee or conditional refugee, his/her situation is assessed in the framework of Article 63 of the Law No. 6458 on Foreigners and International Protection and it is investigated whether he or she will be exposed to human rights violations or persecution in case he or she is removed from Turkey to his/her country of origin.
8. Within the scope of this Law, in case the applicant is returned to her/his country of origin where he or she may be subject to death penalty or execution; or torture or inhuman or degrading punishment; or a situation which he or she may be in a serious individual risk because of violence without discrimination in international and armed conflicts in that country; the applicant shall not be deported and returned to that country but allowed to stay in Turkey as a conditional refugee.

IV. International protection applications are carried out as follows:

- a. The foreigners who regularly or irregularly enter into Turkey apply with a petition to Provincial Directorates of Migration Management which they stay. Their photographs and fingerprints are taken during application.
- b. During the application, applicant shall be informed both verbally and in writing of “the principles to be notified to international protection applicants”. Applicants arriving from outside of European countries are informed to register with UNHCR. Those who have the risk to carry an infectious disease are examined in coordination with Provincial Directorate of Health. An Individual Interview Appointment Document is eventually given to them.
- c. The foreigner whose individual interview is conducted through an interpreter on a determined date shall be provided residence in a province upon approval of DGMM.
- d. An international protection application form is issued for the foreigners who are transferred to provinces. Following that they are invited to the interview and their interview reports are prepared, an identity document for international protection beneficiaries is issued with a six months validity period at a time.
- e. The international protection is provided to the foreigners whose circumstances are assessed as appropriate to refugee or conditional refugee or subsidiary protection status within the Law No. 6458 on Foreigners and International Protection.

f. Administrative review or judicial appeal could be sought against the negative decisions; if the foreigners do not exercise their rights, then they are required to leave Turkey within the given period of time.

V. Temporary protection

9. Procedures and principles regarding the acts and actions on temporary protection granted to foreigners who are forced to leave their country, cannot return to the country that they left, and arrived at or crossed the borders of Turkey in a mass influx seeking immediate and temporary protection are stipulated in a regulation of the Council of Ministers.
10. Some of the rights and obligations of the foreigners falling within the scope of Temporary Protection Regulation which also covers Syrians are as follows;
 - a. Decision on temporary protection shall be taken and terminated by the Council of Ministers. Concerning the termination of the temporary protection that is in effect; the Council of Ministers may decide to restrict, temporarily or indefinitely suspend temporary protection measures in implementation, in the event that conditions forming a threat to national security, public order, public security, or public health arise.
 - b. Temporary Protection Identification Document issued on behalf of the person;
 - i. grants the right to stay legally in Turkey for the foreigner in question.
 - ii. is not subjected to any fee or charge.
 - iii. is not equivalent to residence permit document or the documents which substitute a residence permit as laid down in the Law No 6458.
 - iv. shall not entitle holder to apply for Turkish citizenship.
 - v. includes an identification number belonging to the foreigner in question.
 - c. The foreigners in question can access to the rights and services with the foreigner identification number assigned within the Law on Population Services.
 - d. It is regulated in detail how to provide particularly health services and education, access to labor market, social assistance services and interpretation and similar services.
 - e. The best interest of the child shall be observed in all proceedings related to children. Priority shall be given to those with special needs and especially to unaccompanied children in all acts and actions to be carried out. All types of assistance and aid especially health care services, psycho-social support and rehabilitation services shall be provided free of charge and with utmost priority possible.
 - f. Within the scope of relevant legislation, necessary measures shall be taken immediately regarding those who may be considered as victims of human trafficking.

g. Registration of the foreigner in the central address registration system is now obligatory. Furthermore, right to access basic services and social assistance shall be ensured on condition that they are in the provinces where they were initially registered.

h. Within the framework of the procedures and principles that have been determined by our Directorate General, personal data of the foreigners in question shall be collected, protected and used by the Directorate General and governorates in accordance with the relevant legislation and international agreements of which Turkey is a party to.

i. Syrian nationals in our country aren't sent back to their country except their own requests, and they are accommodated in the Temporary Accommodation Centers which provide services for them within the Prime Ministry Disaster and Emergency Management Presidency. These foreigners are allowed to stay freely in the provinces they want to reside based on the "Temporary Protection Identification Document" which is issued for them after their registration because of the fact that the number of these foreigners cannot be fulfilled by the available accommodation centers.

VI. Procedure

11. In accordance with the Circular of the Ministry of Interior which regulates "Procedures and Principles Regarding the Actions and Procedures of Syrians"; Syrians are registered after their fingerprints are collected, and they are given a preliminary registration document that is valid for 30 days. Syrians are allowed to stay in Turkey by presenting this document. If the foreigner is deemed to be eligible to stay in Turkey under temporary protection at the end of this 30 day period, then a Temporary Protection Identification Card is issued on behalf of the applicant. With this free of charge document, migrants can access rights and services in Turkey.

VII. Foreigner identification number

12. Syrians who are under temporary protection are granted a "**Foreigner Identification Number**" which begins with "**99**" and they are registered in the central database with this number. Integration have been established between DGMM's Göç-Net database, where all information collected from foreigners in Turkey are stored, and the database systems used by Social Security Administration, Turkish National Police, Directorate General of Population and Citizenship Services, Ministry of Health and Ministry of Labor and Social Security. Data on the system are shared with these institutions. DGMM continues to work towards making integration possible with the systems of other institutions such as Turkish Red Crescent (Kızılay) and Turkish Employment Agency (İŞKUR).

VIII. Statistics

Figure 1

International protection

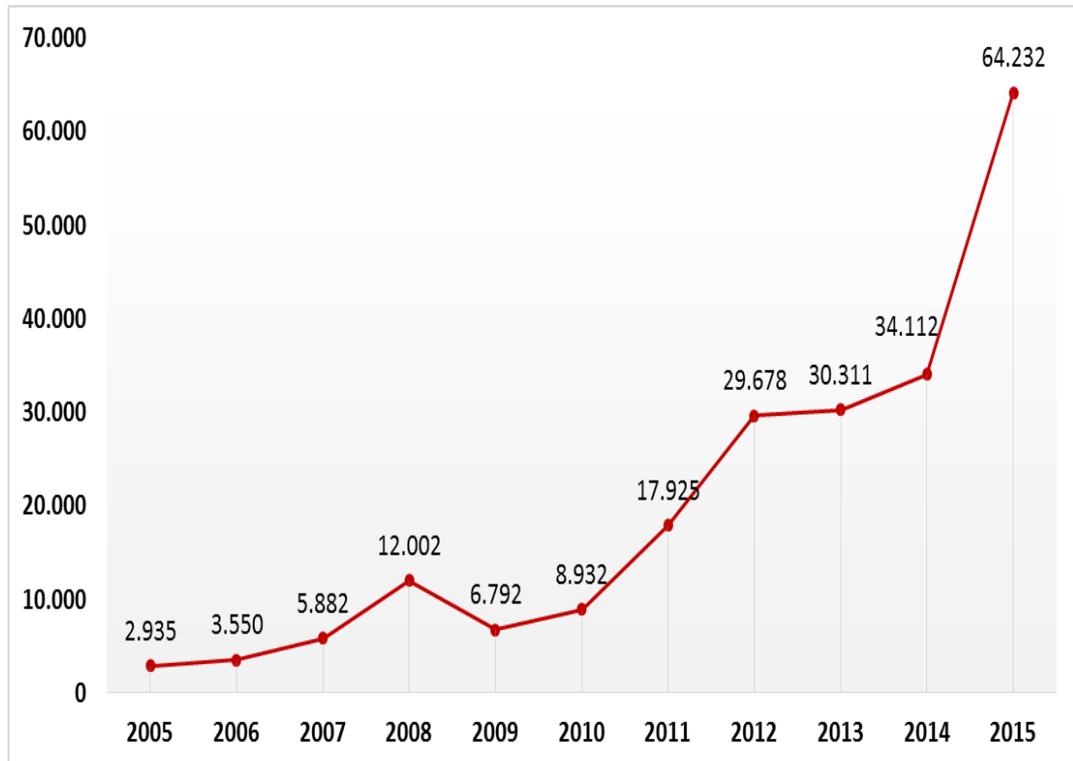


Figure 2

Syrians under temporary protection

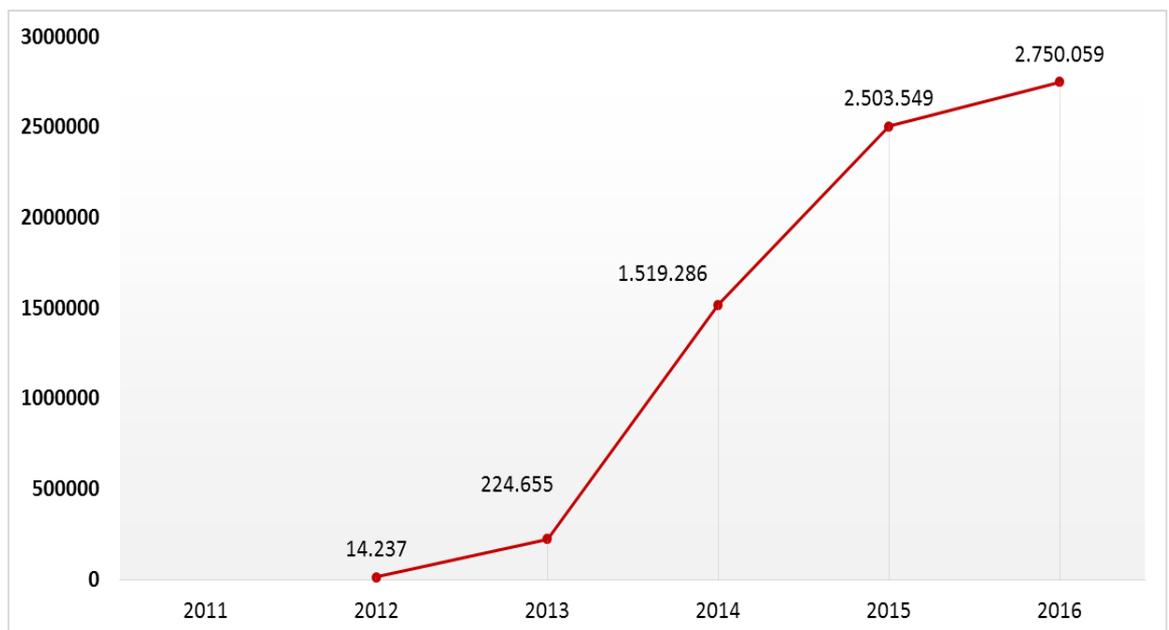


Table 1

AGE/GENDER	MAN	WOMEN	TOTAL
GRAND TOTAL	1.463.313	1.286.746	2.750.059
0-4	187.259	174.673	361.932
5-9	197.681	189.067	386.748
10-14	151.724	138.825	290.549
15-19	172.477	143.092	315.569
20-24	181.156	143.128	324.284
25-29	148.679	115.786	264.465
30-34	121.587	97.164	218.751
35-39	87.208	74.405	161.613
40-44	60.201	56.766	116.967
45-49	48.539	44.713	93.252
50-54	37.892	36.601	74.493
55-59	25.624	25.756	51.380
60-64	17.827	18.385	36.212
65-69	11.593	11.962	23.555
70-74	6.304	7.264	13.568
75-79	3.872	4.605	8.477
80-84	2.096	2.642	4.738
85-89	1.129	1.296	2.425
90+	465	616	1.081