



Country Information Pack

The Asylum System in Turkey

*Last updated 15 June 2016*

**DRAFT and REDACTED VERSION  
FOR INTERNAL USE ONLY**

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## List of acronyms

AFAD	Disaster and Emergency Management Authority
AIDA	Asylum Information Database
ASAM	Association for Solidarity with Asylum seekers and Migrants
ERRC	European Roma Rights Centre
DGMM	Directorate General of Migration Management
EU	European Union
FIN	Foreigners Identification Number
[...]	
IP	International protection
LFIP	Law on Foreigners and International Protection
NGO	Non-Governmental Organisation
NOAS	Norwegian Organisation for Asylum Seekers
PDMM	Provincial Directorate of Migration Management
RSD	Refugee Status Determination
RRT	Refugee Rights Turkey
TP	Temporary Protection
TPR	Temporary Protection Regulation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees

#### Disclaimer – April 2018

This document is a redacted version of the original document. Redactions were applied strictly in line with the sixth subparagraph of the Article 4(6) of the EC Regulation 1049/2001. Moreover, information provided by oral sources was removed, as well as references to the oral sources in order to protect these sources. In doing so, the balanced and comprehensive nature of the original document, as well as its length (and page numbering) were altered. Please note that the original draft version was finalised in June 2016 and does not contain information published after this date.

#### **DISCLAIMER**

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## Introduction: The Turkish International Protection System

The Law on Foreigners and International Protection (LFIP), adopted in April 2013 (entered into force in April 2014), provided Turkey with a comprehensive legal framework for its international protection system as well as a new dedicated civilian institution, the Directorate General of Migration Management (DGMM), under the Ministry of Interior, which was assigned overall responsibility for the implementation of Turkish legislation related to foreigners, migrants and refugees. Prior to the adoption of the LFIP, asylum was governed by the 1994 Asylum Regulation ([...])<sup>1</sup> while the Foreigners' Department of the Turkish National Police was responsible for its implementation<sup>2</sup>. [...]<sup>3</sup>

[...]<sup>4</sup>. [...]<sup>5</sup>.

**Table summarising the different protection regimes according to the LFIP and the Temporary Protection Regulation:**

Responsible institution: DGMM			
Temporary Protection (TP)	International Protection (IP)		
	Conditional refugee status	Refugee status	Subsidiary protection
Syrians	Non-Europeans (except Syrians)	Europeans	All except Syrians
Group-based (Exclusion/Cessation/Cancellation possible)	Individual Assessment – Same determination procedure – Same procedural safeguards		
No set duration Family reunification	No family reunification No long-term legal integration	Rights and entitlements according to 1951 Refugee Convention	Family reunification No long-term legal integration
Protection against refoulement			

## 1. Temporary Protection (TP)<sup>6</sup> for Syrians<sup>7</sup>

### 1.1 Legal basis

- Temporary Protection Regulation no 2014/6883 (22 October 2014) – Based on Article 91 of the Law on Foreigners and International Protection (LFIP).
- Regulation no 2016/8722 (April 2016) amending the Temporary Protection Regulation (TPR)<sup>8</sup>.

<sup>1</sup> [...].

<sup>2</sup> EC, Commission Staff Working Document, Accompanying the document Report from the Commission to the European Parliament and the Council, Second Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>3</sup> [...].

<sup>4</sup> [...].

<sup>5</sup> [...].

<sup>6</sup> For ease of use, 'Temporary Protection' will be referred to as « TP » throughout the document.

<sup>7</sup> Information under this specific chapter is based on the following sources: UNHCR, Syrian Refugees in Turkey, Frequently Asked Questions, January 2015; AIDA, Country Report: Turkey, December 2015; Refugee Rights Turkey, Introduction to the asylum context in Turkey, published on AIDA's website, n.d.; NOAS, Seeking Asylum in Turkey – A critical review of Turkey's asylum laws and practices, 2016; [...].

<sup>8</sup> At the time of writing, the official text of Regulation no 2016/8722 was not available in English. The Turkish text is available at: <http://www.resmigazete.gov.tr/eskiler/2016/04/20160407-18.pdf>. Reference to this Regulation is made in a letter by the Permanent Delegation of Turkey to the European Union Ambassador to the European Commission Directorate General of Migration and Home Affairs. See: Permanent

According to the Temporary Protection Regulation:

“The citizens of the Syrian Arab Republic, stateless persons and refugees who have arrived at or crossed our borders coming from Syrian Arab Republic as part of a mass influx or individually for temporary protection purposes due to the events that have taken place in Syrian Arab Republic since 28 April 2011 shall be covered under temporary protection, even if they have filed an application for international protection”<sup>9</sup>.

All Syrians, stateless persons and refugees who have arrived directly from Syria are eligible for TP, upon completion of the registration process (see section 1.3).

TP does not guarantee access to individual International Protection (IP)<sup>10</sup> although there are three instances where a person who falls within the scope of the current “temporary protection” regime may be considered by the DGMM to be within the framework of the international protection procedure: a person who arrived prior to 28 April 2011; persons who did not arrive directly from Syria<sup>11</sup>. [...] <sup>12</sup>. [...] <sup>13</sup>. According to the Asylum Information Database (AIDA) report on Turkey, there is no publicly available information on a list of safe third countries<sup>14</sup>. [...] <sup>15</sup>.

There is no set limitation for TP<sup>16</sup>. [...] <sup>17</sup>.

TP foresees grounds for exclusion, cancellation, cessation of the TP status<sup>18</sup>.

Time spent in Turkey under the TP does not count towards fulfilment of residency requirements (permanent residence permit) and does not entitle a person to apply for Turkish citizenship<sup>19</sup>.

## 1.2 Information provision on TP

[...] <sup>20</sup>.

[...] <sup>21</sup>.

[...] <sup>22</sup>. [...] <sup>23</sup>. [...] <sup>24</sup>. [...] (see section 1.3) <sup>25</sup>.

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Delegation of Turkey to the European Union Ambassador, Letter to the European Commission Directorate General (DG) Migration and Home Affairs, 12 April 2016.

<sup>9</sup> Republic of Turkey, Temporary Protection Regulation, 22 October 2014.

<sup>10</sup> For ease of use, ‘International Protection’ will be referred as « IP » throughout the document.

<sup>11</sup> AIDA, Country Report: Turkey, December 2015.

<sup>12</sup> [...].

<sup>13</sup> [...].

<sup>14</sup> AIDA, Country Report: Turkey, December 2015.

<sup>15</sup> [...].

<sup>16</sup> AIDA, Country Report: Turkey, December 2015.

<sup>17</sup> [...].

<sup>18</sup> AIDA, Country Report: Turkey, December 2015.

<sup>19</sup> AIDA, Country Report: Turkey, December 2015.

<sup>20</sup> [...].

<sup>21</sup> [...].

<sup>22</sup> [...].

<sup>23</sup> [...].

<sup>24</sup> [...].

<sup>25</sup> [...].

## 1.3 Access to the territory and procedures

### 1.3.1 Access to the Turkish territory

The Turkish authorities have maintained an open-door policy for all Syrians fleeing the conflict since 2011<sup>26</sup>. However, since mid-2015, partly due to security concerns related to terrorist attacks, authorities have restricted the options to enter the country legally, forcing many Syrians to “risk dangerous illegal crossings”. Urgent medical cases have, however, been able to access the Turkish territory<sup>27</sup>.

In 2015-2016, some human-rights organisations and media articles have reported a number of recent incidents in which Syrian refugees were shot at by Turkish border guards when attempting to cross the border, as well as push-backs of refugees from Syria detected as they tried to cross the border, and the forced return, ill-treatment and detention of refugees immediately after they crossed the border<sup>28</sup>.

[...] <sup>29</sup>. [...] <sup>30</sup>. Similarly, the EU Commission (May 2016) reports that in some cases the entry of persons seeking protection from Iraq and Syria has been delayed, obliging them to wait at the border. According to the Commission, these cases were “normally followed by the authorisation to cross the border once it became apparent that the safety or the medical conditions of the waiting persons imposed it” <sup>31</sup>. [...] <sup>32</sup>.

TP is obtained by registering with the DGMM (in 81 Turkish provinces) and obtaining a Temporary Protection Identification Card<sup>33</sup>.

[...] <sup>34</sup>. As of 31 January 2016, the DGMM had registered 2,582,600 persons, mostly Syrians, but also some Palestinians living in Syria, as beneficiaries of TP<sup>35</sup>.

### 1.3.2 Access to procedure at airports and removal/detention centres

In principle, applying for TP is possible at the airport and in removal/detention centres.

[...] <sup>36</sup> [...] <sup>37</sup>.

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<sup>26</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

<sup>27</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016. Human Rights Watch, Turkey: Syrians pushed back at the border, 23 November 2015.

<sup>28</sup> Human Rights Watch, Turkey: Syrians pushed back at the border, 23 November 2015 ; Turkey: Illegal Mass Returns of Syrian Refugees expose Fatal Flaws in EU-Turkey Deal, 1 April 2016; Human Rights Watch, Turkey: Open Borders to Syrians Fleeing ISIS, 14 April 2016; Amnesty International, Turkey: Struggling to survive: Refugees from Syria in Turkey, 20 November 2014; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016. Independent (The), Turkish guards 'attacking' Syrian refugees and 'pushing them into the arms of smugglers', 5 March 2016. The Times, Turks shoot to kill as refugees cross border, 31 March 2016. [...] The Times, Turks shoot to kill as refugees cross border, 31 March 2016

<sup>29</sup> [...].

<sup>30</sup> [...].

<sup>31</sup> EC, Commission Staff Working Document, Accompanying the document, Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>32</sup> [...].

<sup>33</sup> Refugee Rights Turkey, International Protection Procedure in Turkey – Rights and Obligations, Questions & Answers, February 2016.

<sup>34</sup> [...].

<sup>35</sup> EC, Commission Staff Working Document, Accompanying the document, Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>36</sup> [...].

<sup>37</sup> [...].



Although there is no provision in the Temporary Protection Regulation governing deprivation of liberty of persons falling with the scope of TP, there are a number of situations where TP beneficiaries may be subject to administrative detention, such as in the case of persons excluded from the benefit of TP<sup>38</sup>. [...] <sup>39</sup>.

[...] <sup>40</sup>. [...] <sup>41</sup>.

[...] <sup>42</sup>. [...] <sup>43</sup>. [...] <sup>44</sup>. [...] <sup>45</sup>.

[...] <sup>46</sup>.

### 1.3.3 Pre-registration

[...] <sup>47</sup>. FINs, assigned to all categories of legally resident foreign nationals, including TP beneficiaries, categorically start with the digits of 99<sup>48</sup>.

### 1.3.4 Registration

While the DGMM has registered a lot of Syrians, sources report that the PDMMs have been overburdened by registration work related to TP beneficiaries in their province in addition to IP procedure duties. This has caused, especially since the beginning of 2015, delays in registration, [...] <sup>49</sup>. The waiting period for pre-registration and registration varies greatly depending on provinces and locations; [...] <sup>50</sup>. In the southern border provinces, such as Hatay, sources note that the registration of Syrians has been delayed<sup>51</sup>. [...] <sup>52</sup>. Mülteci-Der, [...] highlights that of the five Izmir registration centres, only one was opened as of 18 April 2016. As a result, the registration takes several months before Syrians can finalise their TP registration<sup>53</sup>. [...] <sup>54</sup>.

[...] <sup>55</sup>.

### 1.3.5 Freedom of movement

According to AIDA's report, since August 2015 a range of measures has been introduced to control and prevent the movement of Syrians inside Turkey. According to these measures, any Syrians identified as unregistered are to be referred to the nearest registration centre, while any identified as having left the province where they were registered without written permission are referred to or taken back to the province of legal residence<sup>56</sup>. The EU Commission refers to Note 2016/8 issued on 15 March 2016 which

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<sup>38</sup> AIDA, Country Report: Turkey, December 2015 ; [...].

<sup>39</sup> [...].

<sup>40</sup> [...].

<sup>41</sup> [...].

<sup>42</sup> [...].

<sup>43</sup> [...].

<sup>44</sup> [...].

<sup>45</sup> [...].

<sup>46</sup> [...].

<sup>47</sup> [...].

<sup>48</sup> AIDA, Country Report: Turkey, December 2015.

<sup>49</sup> AIDA, Country Report: Turkey, December 2015; [...].

<sup>50</sup> [...]; AIDA, Country Report: Turkey, December 2015.

<sup>51</sup> [...]; Amnesty International, Turkey: Illegal Mass Returns of Syrian Refugees expose Fatal Flaws in EU-Turkey Deal, 1 April 2016.

<sup>52</sup> [...].

<sup>53</sup> Mülteci-Der/Pro-Asyl, Mülteci-Der's observations on refugee situation in Turkey, 22 April 2016.

<sup>54</sup> [...].

<sup>55</sup> [...].

<sup>56</sup> AIDA, Country Report: Turkey, December 2015.

“limits the unauthorised mobility beyond the limits of the province of registration to prevent possible attempts to reach and depart from the Aegean coasts”<sup>57</sup>. [...] <sup>58</sup>.

## 1.4 Rights attached to the TP status

According to the LFIP, TP beneficiaries have access to health, education, social assistance and the labour market (under certain conditions; see section 1.4.3). Registration is required to access basic services (health and education in the public system). Syrians living outside reception centres (camps) can only access social services and a work permit in the province where they are registered<sup>59</sup>.

The social assistance provided by government organisations to TP beneficiaries [...] <sup>60</sup> and remains “weak and limited”<sup>61</sup>. Turkish NGOs have been increasingly involved in projects supporting refugees and improving the quality of their protection in Turkey (language courses, courses for women to acquire vocational skills, psycho-social support programmes, legal counselling)<sup>62</sup>. [...] local and international organisations [...] are considered insufficient to cover needs, especially on housing [...] <sup>63</sup>. The United Nations Economic and Social Council, in a July 2015 report, noted that “despite the generous and vigorous response of Turkey to the crisis, including through registration and health services, many Syrians under temporary protection are living in poverty and working informally”<sup>64</sup>.

### 1.4.1 Accommodation

#### 1.4.1.1 Reception centres (camps) <sup>65</sup>

[...] <sup>66</sup>.

Turkey has been praised by many observers for the quality of refugee camps hosting Syrian refugees. These camps provide tents or containers for families, food, a variety of basic health and education services, supermarkets and markets with small businesses run by refugees<sup>67</sup>. [...] <sup>68</sup>.

[...] <sup>69</sup>. [...] <sup>70</sup>.

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<sup>57</sup> EC, Commission Staff Working Document, Accompanying the document, Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>58</sup> [...].

<sup>59</sup> EC, Commission Staff Working Document, Accompanying the document, Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>60</sup> [...].

<sup>61</sup> Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

<sup>62</sup> Centre on the United States and Europe (CUSE) at Brookings, Not likely to go home: Syrian Refugees and the Challenges to Turkey – and the International Community, Kemal Kirisci, Elisabeth Ferris, Turkey Project Policy Paper, Number 7, September 2015.

<sup>63</sup> [...]; Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

<sup>64</sup> United Nations Economic and Social Council (ECOSOC), Country programme document: Turkey, 9 July 2016, E/ICEF/2015/P/L.19.

<sup>65</sup> In the present document, the terms « camp » and “reception centres” will be used alternatively.

<sup>66</sup> [...].

<sup>67</sup> Reuters, Turkey, Greece scramble to start EU deal as refugee arrivals rise, 31 March 2016; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014, Turkey 2014 Human Rights Report, 25 June 2015; Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016; Amnesty International, Amnesty International Report 2015/16 - Turkey, 24 February 2016.

<sup>68</sup> [...].

<sup>69</sup> [...].

<sup>70</sup> [...].

Notwithstanding the above efforts, UNHCR notes that “the demand for camps has surpassed the available spaces in camps”<sup>71</sup>. [...] <sup>72</sup>. [...] <sup>73</sup>.

On 18 April 2016, rockets fired from northern Syria (part of Syria controlled by Islamic State militants) killed four Syrians, three of them children, in the Turkish border town of Kilis, host to a Syrian refugee camp<sup>74</sup> (the Syrian refugee population in Kilis is estimated at 120 000)<sup>75</sup>. In May 2016, a delegation of three members of the EU Parliament visited Turkey to assess the situation of refugees after the EU-Turkey deal. While in Kilis, the delegation reported that they could hear continuous shelling in Syria. It observed that AFAD had distributed flyers in the town to inform on how to protect oneself from rockets. However, such flyers had not been distributed in the camps. It further noted that since refugees need prior authorisation to move to another province (only granted for medical reasons or family reunion), the majority have no choice but to be exposed to the rockets in this city<sup>76</sup>.

#### 1.4.1.2 Urban residence

While TP beneficiaries can be hosted in camps, the majority of Syrians live in residential areas (private accommodation on their own resources) and are dispersed all over Turkey, including the big cities of Istanbul, Ankara and Izmir, among others<sup>77</sup>. [...] <sup>78</sup>. [...] <sup>79</sup>.

Refugees outside camps are confronted with high rents compared to low wages, and receive little or no assistance<sup>80</sup>. [...] <sup>81</sup>.

Access to services is reportedly more difficult for the majority of Syrians and non-Syrians living outside of the reception centres. The European Commission noted that “...many of the 90% of Syrian refugees that live outside of camps in urban and rural areas are often unaccounted for, and are surviving under very challenging circumstances. Access to information, registration and to public services, including education and healthcare, is acutely limited”<sup>82</sup>. Amnesty International reports on a late 2015 housing study conducted by an NGO in a southern border province which surveyed 36,000 Syrian refugees. According to this survey, “only 33% were living in modern, well-insulated buildings, with the rest residing in accommodation ranging from structures with poor insulation and problems with humidity and cold (43.3%) to tents (17.9%), uninhabitable buildings such as garages of unfinished buildings (4.96%) and public places such as mosques or parks (0.55%)”<sup>83</sup>.

Turkish authorities have put an increased focus on Syrians residing outside these reception centres, notably to address the immediate needs of the most vulnerable among them and to facilitate children’s access to schooling<sup>84</sup>.

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<sup>71</sup> UNHCR, Syrian Refugees in Turkey, Frequently Asked Questions, January 2015.

<sup>72</sup> [...].

<sup>73</sup> [...].

<sup>74</sup> BBC, IS rockets kill Syrian children in southern Turkey, 18 April 2016.

<sup>75</sup> Parliament Delegation, What Merkel, Tusk and Timmermans should have seen during their visit to Turkey, Report from GUE/NGL Delegation to Turkey, May 2-4, 2016, published on Statewatch

<sup>76</sup> Parliament Delegation, What Merkel, Tusk and Timmermans should have seen during their visit to Turkey, Report from GUE/NGL Delegation to Turkey, May 2-4, 2016, published on Statewatch

<sup>77</sup> AIDA, Country Report: Turkey, December 2015.

<sup>78</sup> [...].

<sup>79</sup> [...].

<sup>80</sup> EU Institute for Security Studies, Turkey’s Refugee Politics, Roderick Parkes, October 2015; Amnesty International, Amnesty International Report 2015/16 - Turkey, 24 February 2016.

<sup>81</sup> [...].

<sup>82</sup> European Commission, Turkey: Refugee Crisis, ECHO Factsheet, March 2016.

<sup>83</sup> Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

<sup>84</sup> EC, Commission Staff Working Document, Accompanying the document, Report from the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

[...]”<sup>85</sup>. [...]”<sup>86</sup>.

[...]”<sup>87</sup>. [...]”<sup>88</sup>.

#### 1.4.1.3 Removal/Detention centres

[...]”<sup>89</sup>. Amnesty International reported that “when researchers visited Düziçi camp on 2 December 2015, official statistics indicated that 377 Syrian refugees were at the facility that day, of a total of nearly 1,500 persons held there since it opened in September 2015”. The Turkish authorities reported to Amnesty International that the people who were currently “accommodated” in this camp “were those who were “homeless or engaged in begging. They also acknowledged that the camp was initially used in September 2015 to accommodate refugees and asylum-seekers who had “threatened public order” by attempting irregular crossings to Greece”<sup>90</sup>. AIDA also notes that the Düziçi camp is used as a de facto detention centre mainly to hold selected Syrian nationals intercepted in the Western border regions during attempts to cross to Greece. However, AIDA reported in December 2015 that “it does not appear that persons held in this facility have been excluded from “temporary protection””, nor that “they are subject to a deportation decision but rather that DGMM continues to treat them as “temporary protection” beneficiaries, but chooses to detain them on the basis of administrative discretion”<sup>91</sup>.

The Council of Europe (2016) noted the existence of “pre-removal detention centres” in which refugees, including unaccompanied minors, are detained<sup>92</sup>. The UN Committee on the elimination of racial discrimination, in December 2015, expressed concerns at reports of detention of migrants in an irregular situation and asylum seekers, and of inadequate conditions in removal centres<sup>93</sup>. Amnesty International reported (2015) on the unlawful detention and ill-treatment of refugees in detention centres. The organisation gathered numerous testimonies of asylum seekers/refugees being physically ill-treated, confined, isolated and deprived of information in detention<sup>94</sup>.

The EU Commission noted in May 2016 that “the Turkish authorities have been intensively working to establish adequate removal centres for irregular migrants to be returned or just readmitted” with specialised staff, including psychologists and sociologists. It stated that a protocol was signed between the DGMM and the Turkish Red Crescent in order to monitor, identify and supply services to the migrants under detention in a removal centre that may have particular needs<sup>95</sup>.

#### 1.4.2 Health services

Since the end of 2014 all Syrians under TP (including those located outside of the 26 reception centres) are given free access to public health care, with the costs covered by the Turkish authorities<sup>96</sup>.

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<sup>85</sup> [...].

<sup>86</sup> [...].

<sup>87</sup> [...].

<sup>88</sup> [...].

<sup>89</sup> [...].

<sup>90</sup> Amnesty International, Europe’s Gatekeeper, Unlawful Detention and Deportation of Refugees from Turkey, 16 December 2015, EUR 44/3022/2015.

<sup>91</sup> AIDA, Country Report: Turkey, December 2015.

<sup>92</sup> Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016.

<sup>93</sup> United Nations, Committee on the Elimination of Racial Discrimination, Concluding observations on the fourth to sixth periodic reports of Turkey, CERD/C/TUR/CO/4-6, 11 December 2015.

<sup>94</sup> Amnesty International, Europe’s Gatekeeper, Unlawful Detention and Deportation of Refugees from Turkey, 16 December 2015, EUR 44/3022/2015.

<sup>95</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>96</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016; EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, 4 May 2016, SWD (2016) 161 final.

[...] <sup>97</sup>. [...] <sup>98</sup>.

[...] <sup>99</sup>.

[...] (see section 1.1.3) <sup>100</sup>.

The US Department of State (2015 report) noted that, in 2014, some provincial authorities demanded that NGOs stop providing medical care to Syrian refugees unless the refugees were officially registered, while in 2015 authorities released guidelines officially restricting the provision of medical care to Syrians who were registered, and only in the province in which they were registered <sup>101</sup>.

### 1.4.3 Work

In January 2016, conditions for access to legal employment were effectively established for Syrians (living in and outside camps) under the 'Regulation on Work Permits of Foreigners under Temporary Protection'. Syrians were thus given unrestricted access to seasonal work and job opportunities in rural areas, as well as to jobs for which Turkish applicants may not be qualified. According to Amnesty International Syrian TP beneficiaries must have been in Turkey for six months before being eligible to apply for work permits in the province where they registered for TP. The proportion of TP cannot exceed 10% of a company's workforce and each individual work permit is tied to a particular place of employment. The prospective employer is responsible for submitting applications for work permits to the Ministry of Labour and Social Security <sup>102</sup> which makes the final decision to grant or deny a work permit <sup>103</sup>. An official work permit requires an employer to provide a minimum wage and social security benefits (registration and payment of premiums) to the employee <sup>104</sup>.

[...] <sup>105</sup>. [...] <sup>106</sup>.

Regarding the implementation of the new Regulation on Work Permits for Syrians, the organisation Refugees International notes that "...the work permit application and decision process is very much in its infancy right now", with many practical details to be clarified <sup>107</sup>. [...] <sup>108</sup>. [...] <sup>109</sup> [...] <sup>110</sup>.

The Guardian (April 2016) notes that since the law was enacted, Turkish employers have allowed 0.074 % of Turkey's 2.7 million Syrians to apply for work permits <sup>111</sup>. [...] <sup>112</sup>.

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<sup>97</sup> [...].

<sup>98</sup> [...].

<sup>99</sup> [...].

<sup>100</sup> [...].

<sup>101</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

<sup>102</sup> Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

<sup>103</sup> Refugees International, Planting the Seeds of Success? Turkey's new Refugee Work Permits, 14 April 2016.

<sup>104</sup> Refugees International, Planting the Seeds of Success? Turkey's new Refugee Work Permits, 14 April 2016.

<sup>105</sup> [...].

<sup>106</sup> [...].

<sup>107</sup> Refugees International, Planting the Seeds of Success? Turkey's new Refugee Work Permits, 14 April 2016.

<sup>108</sup> [...].

<sup>109</sup> In 2015, Human Rights Watch estimated that thousands of Syrian refugees were working illegally in the Turkish garment industry. See: Human Rights Watch, "When I Picture My Future, I See Nothing" - Barriers to Education for Syrian Refugee Children in Turkey, 8 November 2015.

<sup>110</sup> [...].

<sup>111</sup> Guardian (The), Fewer than 0.1% of Syrians in Turkey in line for work permits », 11 April 2016.

<sup>112</sup> [...].

#### 1.4.4 Education

[...] <sup>113</sup>. [...] <sup>114</sup>.

Outside camps, children have access to the Turkish regular public schools or to ‘temporary education centres’ where courses are provided in Arabic, according to the Syrian curriculum. However, the language barrier limits attendance to the State-run schools [...] <sup>115</sup>. [...] <sup>116</sup>. An alternative to public schools are private schools run by Syrian charities. Yet these are not free and are limited in number and capacity <sup>117</sup>.

Despite the existence of these centres and private schools, sources report a low proportion of Syrian children attending schools. The UN Economic and Social Council, in a July 2015 report on Turkey, mentioned that “Syrian children under temporary protection are a risk of becoming a lost generation” because of the low percentage of school-age children attending school <sup>118</sup>. The Council of Europe (2016) estimates that “only 25 % of school-age Syrian refugee children living outside the camps attended school” <sup>119</sup>. This low percentage is linked both to a limited access to education, in particular in the children’s native language <sup>120</sup>, [...] (see 3.1 on children) <sup>121</sup>. The UN Economic and Social Council considers that “key bottlenecks” for the education of Syrian children include “lack of physical space, infrastructure and teachers, while structural barriers are language, child marriage and child labour” <sup>122</sup>.

In order to address these challenges, the EU Commission announced, in June 2016, four new projects, under the non-humanitarian assistance envelope, to provide additional educational infrastructure for 24,000 refugee children, skills training for 24,000 young Syrians, social support for more than 74,000 of the most vulnerable Syrians, as well as increased access for young Syrians to Turkish universities in the coming academic year <sup>123</sup>.

#### 1.5 Refoulement/ “Voluntary” returns

Article 4 of LFIP states that:

“No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of...[missing text]” <sup>124</sup>.

In the year 2015, the US Department of State, referring to UNHCR, noted a “limited number of cases of *refoulement*” <sup>125</sup>. Also a 2015 report from the European Commission reported incidents where Turkey did not respect the principle of *non-refoulement* <sup>126</sup>. Amnesty International reported that, since January 2016, Turkish authorities had been expelling hundreds Syrians (men, women and children) to Syria, more

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<sup>113</sup> [...].

<sup>114</sup> [...].

<sup>115</sup> [...]; United Nations Economic and Social Council (ECOSOC), Country programme document: Turkey, 9 July 2016, E/ICEF/2015/P/L.19

<sup>116</sup> [...].

<sup>117</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>118</sup> United Nations Economic and Social Council (ECOSOC), Country programme document: Turkey, 9 July 2016, E/ICEF/2015/P/L.19

<sup>119</sup> Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016.

<sup>120</sup> United Nations, Committee on the Elimination of Racial Discrimination, Concluding observations on the fourth to sixth periodic reports of Turkey, CERD/C/TUR/CO/4-6, 11 December 2015.

<sup>121</sup> [...].

<sup>122</sup> United Nations Economic and Social Council (ECOSOC), Country programme document: Turkey, 9 July 2016, E/ICEF/2015/P/L.19

<sup>123</sup> EC, Communication from the Commission to the European Parliament, the European Council and the Council, Second Report on the progress made in the implementation of the EU-Turkey Statement, COM(2016) 349 final, 15 June 2016.

<sup>124</sup> Republic of Turkey, Ministry of Interior, Directorate General of Migration Management, Law on Foreigners and International Protection (English translation), May 2014.

<sup>125</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

<sup>126</sup> EC, Turkey 2015 Report, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, SWD(2015) 216 final, 10 November 2015. See also: Amnesty International, Europe’s Gatekeeper, Unlawful Detention and Deportation of Refugees from Turkey, 16 December 2015, EUR 44/3022/2015; Amnesty International, Turkey: Refugees at risk of forcible return to Syria, 24 September 2015; Human Rights Watch, Turkey: Syrians pushed back at the border, 23 November 2015.



specifically from Hatay province because they were unregistered or not carrying their documents when apprehended<sup>127</sup>. Both Amnesty International and the NGO Mülteci-Der provided recent accounts of Syrians (and other nationals) who had been pressured into signing voluntary return documents<sup>128</sup>. In some of those cases, the refugees were allegedly handed over to the *Ahrar al Sham* armed group (Islamist insurgent group)<sup>129</sup>.

[...] <sup>130</sup>. [...] <sup>131</sup>. Similarly, the EU Commission (May 2016) reports that, in some cases, the entry of persons seeking protection from Iraq and Syria has been delayed, obliging persons to wait at the border. According to the EU Commission, these cases were “normally followed by the authorisation to cross the border once it became apparent that the safety or the medical conditions of the waiting persons imposed it”<sup>132</sup>. [...] <sup>133</sup>.

## 1.6 Readmission

### 1.6.1 Turkish authorities formal assurances

The Turkish authorities have provided formal assurances regarding access to TP and IP for Syrian and non-Syrian nationals returned to Turkey as of 4 April 2016.

In a formal letter dated 12 April 2016, the Turkish government clarified the situation of Syrian nationals being taken back by Turkey as of 4 April 2016:

“Turkey assures that due to the Syrian crisis, citizens of Syrian Arab Republic who irregularly crossed into the Aegean Islands via Turkey as of 20 March 2016 and being taken back by Turkey as of 4 April 2016, will be granted temporary protection status in line with the Temporary Protection Regulation no 2014/6883 and the Regulation no 2016/8722 Amending the Temporary Protection Regulation.

“Each Syrian national returned to Turkey who previously enjoyed the temporary protection status or who transited the country and did not previously enjoy the temporary protection status and who do not have a profile that could bring them under the scope of the exclusion clauses, as set out in the above mentioned Regulation [Regulation no 2014/6883] and relevant Turkish national or international law and legislation will be granted such status in accordance with the above mentioned Regulation [Regulation no 2014/6883] and other relevant legislations”<sup>134</sup>.

[...] <sup>135</sup>.

As of 29 April 2016, UNHCR has also been guaranteed access to the removal centres and can speak with detained migrants, allowing the organisation to fulfil its protection mandate<sup>136</sup>. Turkey has also agreed to

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<sup>127</sup> Amnesty International, Turkey: Illegal Mass Returns of Syrian Refugees expose Fatal Flaws in EU-Turkey Deal, 1 April 2016,.

<sup>128</sup> Mülteci-Der/Pro-Asyl, Mülteci-Der's observations on refugee situation in Turkey, 22 April 2016. Amnesty International, Europe's Gatekeeper, Unlawful Detention and Deportation of Refugees from Turkey, 16 December 2015. Amnesty International, Amnesty International Report 2015/16 - Turkey, 24 February 2016

<sup>129</sup> Amnesty International, Turkey: Illegal Mass Returns of Syrian Refugees expose Fatal Flaws in EU-Turkey Deal, 1 April 2016.

<sup>130</sup> [...].

<sup>131</sup> [...].

<sup>132</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>133</sup> [...].

<sup>134</sup> Permanent Delegation of Turkey to the European Union Ambassador, Letter to the European Commission Directorate General (DG) Migration and Home Affairs, 12 April 2016.

<sup>135</sup> [...].

<sup>136</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

allow the EU to monitor regularly the situation of Syrians and non-Syrians returned to Turkey, including access to refugee camps and removal centres<sup>137</sup>.

### 1.6.2 Preliminary observations

According to various sources, there is a lack of independent oversight in removal centres since the implementation of the EU-Turkey deal. Access to international organisations and local NGOs has been very limited, which in turn has undermined the capacity to monitor the situation of returnees from Greece since April 2016<sup>138</sup>. [...] <sup>139</sup>.

[...] <sup>140</sup>. [...] <sup>141</sup>.

[...] <sup>142</sup>.

[...] <sup>143</sup> (see section 2.5.1).

[...] <sup>144</sup>.

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<sup>137</sup> EC, Communication from the Commission to the European Parliament, the European Council and the Council, Second Report on the progress made in the implementation of the EU-Turkey Statement, COM (2016) 349 final, 15 June 2016.

<sup>138</sup> [...]; Amnesty International, EU leaders must not close their eyes to human rights abuses against refugees, 22 April 2016; Human Rights Watch, EU/Greece: First Deportations Riddled with Abuse, 19 April 2016.

<sup>139</sup> [...].

<sup>140</sup> [...].

<sup>141</sup> [...].

<sup>142</sup> [...].

<sup>143</sup> [...].

<sup>144</sup> [...].



## 2. International Protection (IP)<sup>145</sup> for non-Syrians<sup>146</sup>

### 2.1 Legal basis

- Law on Foreigners and International Protection (LFIP) adopted in April 2013; Entered into force in April 2014).

The LFIP provides three types of individual international protection statuses:

- a. **Refugee status:** Persons who fall within the refugee definition (1951 Convention) and come from a European country of origin.
- b. **Conditional refugee status:** Persons who fall within the refugee definition (1951 Convention) and come from a non-European country of origin.
- c. **Subsidiary protection status:** Persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status, but who would be executed or tortured in their country of origin if returned, or would be at “personalised” risk of indiscriminate violence due to situations or war (situation of war or internal armed conflict).

Iraqi nationals have three options since February 2015: Lodge an application for international protection; request and obtain a residence permit on humanitarian grounds (Art. 46/LFIP) and in that case be treated like other nationalities of legally residing foreign nationals; or voluntarily return to Iraq<sup>147</sup>.

Since February 2015 some Iraqi protection seekers in Turkey have been registered by the DGMM as “humanitarian residence permit” holders – outside the “international protection” system. Rights linked to residence permit on humanitarian grounds include right to legal stay and a level of free healthcare, excluding medication costs<sup>148</sup>.

### 2.2 Information provision

[...] <sup>149</sup>.

[...] <sup>150</sup>.

[...] <sup>151</sup>. [...] <sup>152</sup>. [...] <sup>153</sup>. [...] <sup>154</sup>.

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<sup>145</sup> For ease of use, ‘International Protection’ will be referred as « IP » throughout the document.

<sup>146</sup> Information under this specific chapter is based on the following sources: UNHCR, Syrian Refugees in Turkey, Frequently Asked Questions, January 2015; AIDA, Country Report: Turkey, December 2015; Refugee Rights Turkey, Types of accommodation published on AIDA’s website, n.d.; Refugee Rights Turkey, Introduction to the asylum context in Turkey, published on AIDA’s website, n.d.; NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>147</sup> AIDA, Country Report: Turkey, December 2015.

<sup>148</sup> AIDA, Country Report: Turkey, December 2015.

<sup>149</sup> [...].

<sup>150</sup> [...].

<sup>151</sup> [...].

<sup>152</sup> [...].

<sup>153</sup> [...].

<sup>154</sup> [...].

[...] <sup>155</sup>. [...] <sup>156</sup>.

## 2.3 Access to procedures

An asylum claim may be made in any of the 81 Turkish provinces, as well as at any border-crossing point<sup>157</sup>.

Although, according to the LFIP, the DGMM is the “sole decision making authority”, in practice UNHCR has continued to take an active role in the RSD procedure, both in the initial registration phase (as described in section 2.3), and in the UNHCR RSD interview for a limited number of cases identified as particularly vulnerable (see section 2.4)<sup>158</sup>.

### 2.3.1 Access to procedures at the borders and removal/detention centres

In principle, application for IP/TP is possible at any border-crossing points/transit zones and in removal/detention centres<sup>159</sup>. [...] <sup>160</sup>.

[...] <sup>161</sup>.

[...] <sup>162</sup>.

[...] <sup>163</sup>.

[...] <sup>164</sup> [...] <sup>165</sup>. [...] <sup>166</sup>. [...] <sup>167</sup>.

[...] <sup>168</sup> [...] <sup>169</sup> [...] <sup>170</sup>.

While noting some improvement in access to IP from detention facilities insofar as applicants manage to contact UNHCR, lawyers and NGOs, AIDA states that “protection seekers intercepted and apprehended by security forces within mixed flows at land and sea border locations or at airport transit zones continue to encounter difficulties in having their asylum claim processed and registered”<sup>171</sup>. In a June 2016 report, Amnesty International noted serious violations of the procedural fairness rights of asylum seekers and refugees detained at a centre in Erzurum<sup>172</sup>.

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<sup>155</sup> [...].

<sup>156</sup> [...].

<sup>157</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>158</sup> AIDA, Country Report: Turkey, December 2015; Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016,

<sup>159</sup> AIDA, Country Report: Turkey, December 2015.

<sup>160</sup> [...].

<sup>161</sup> [...].

<sup>162</sup> [...].

<sup>163</sup> [...].

<sup>164</sup> [...].

<sup>165</sup> [...].

<sup>166</sup> [...].

<sup>167</sup> [...].

<sup>168</sup> The ‘Jendarma’ or Gendarmerie is the leading law enforcement agency in all rural areas of the country, complementing the role played by the Turkish National Police in urban areas. See: EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>169</sup> [...].

<sup>170</sup> [...].

<sup>171</sup> AIDA, Country Report: Turkey, December 2015.

<sup>172</sup> Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

### 2.3.2 Pre-registration (Ankara)

Non-Syrian applicants for IP continue to register both with UNHCR/ASAM and PDMM offices (unlike the TP beneficiaries), as described below.<sup>173</sup> [...] <sup>174</sup>. [...] <sup>175</sup>. Registration with UNHCR/ASAM does not mean that the person will be interviewed by UNHCR since the organisation prioritises persons with particular vulnerabilities due to an important backlog of resettlement referrals<sup>176</sup>. For instance, currently, UNHCR does not provide any interview date for Afghan applicants (see section 2.4.3) [...] <sup>177</sup>. [...] <sup>178</sup>. The person has to report to this city within 15 days and visit the PDMM office which will be responsible for registering and processing his/her IP<sup>179</sup>.

[...] <sup>180</sup>.

### 2.3.3 Registration/Satellite cities

[...] <sup>181</sup>.

AIDA reports that due to lack of staff and interpreters, “the waiting period between the application instance and the registration interview may become as long as several months in certain locations” <sup>182</sup>. The organisation further notes that “in current practice, it appears that the Registration Document is not issued at all...”<sup>183</sup>.

[...] <sup>184</sup>. They must also report weekly or bi-weekly in their satellite city. In case the person absconds and fails to report more than three times to the authorities, his/her IP application will be considered implicitly withdrawn. In case the person reappears, [...]. The person may reintroduce an asylum application (accelerated procedure)<sup>185</sup>. [...] <sup>186</sup>. [...] <sup>187</sup>.

## 2.4 Procedure

All non-Syrian nationalities can become beneficiaries of IP in Turkey as a result of an individual application, followed by a screening and a positive decision. The DGMM is in charge of the implementation of the asylum procedures (see below)<sup>188</sup>.

Although, according to the LFIP, the DGMM is the “sole decision making authority”, in practice UNHCR has continued to take an active role in the RSD procedure, in the initial registration phase (as described in section 2.3), and then in the UNHCR RSD interview for cases where: UNHCR considers that Mandate RSD can generate added-value in addressing specific protection needs; or persons present a particular vulnerability indicating that he/she should be prioritised for resettlement<sup>189</sup>.

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<sup>173</sup> Refugee Rights Turkey, International Protection Procedure in Turkey – Rights and Obligations, Questions & Answers, February 2016.

<sup>174</sup> [...].

<sup>175</sup> [...].

<sup>176</sup> Refugee Rights Turkey, International Protection Procedure in Turkey – Rights and Obligations, Questions & Answers, February 2016.

<sup>177</sup> [...] ; Refugee Rights Turkey, International Protection Procedure in Turkey – Rights and Obligations, Questions & Answers, February 2016.

<sup>178</sup> [...].

<sup>179</sup> Refugee Rights Turkey, International Protection Procedure in Turkey – Rights and Obligations, Questions & Answers, February 2016.

<sup>180</sup> [...].

<sup>181</sup> [...].

<sup>182</sup> AIDA, Country Report: Turkey, December 2015.

<sup>183</sup> AIDA, Country Report: Turkey, December 2015.

<sup>184</sup> [...].

<sup>185</sup> [...] ; EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>186</sup> [...].

<sup>187</sup> [...].

<sup>188</sup> EC, Commission Staff Working Document, Accompanying the document Report from the Commission to the European Parliament and the Council, Second Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>189</sup> AIDA, Country Report: Turkey, December 2015.

According to the EU Commission, Turkish authorities have said they received 34 112 and 64 232 international protection applications in 2014 and 2015 respectively. The main countries of origin of the applicants were Afghanistan (9 812 and 11 405 in 2014 and 2015 respectively), Iraq (16 147 and 42 162) and Iran (4 568 and 8 527)<sup>190</sup>. [...] <sup>191</sup>.

#### 2.4.1 DGMM/PDMM

Entitled to issue decisions on asylum procedures since 11 April 2014, the DGMM has grown quickly with approximately 3 000 specialised officers recruited and trained, and local branches (Provincial Directorates of Migration Management/PDMM) established, equipped and opened in all 81 provinces. A system of registration and monitoring of all foreigners in the country (Göcnet data system) was developed and introduced<sup>192</sup>. [...] <sup>193</sup>.

In May 2015, according to the EU Commission, the capacity-building process was completed so that the police could transfer “all its remaining competences” to the DGMM<sup>194</sup>. In its May 2016 Progress Report, the Commission noted that the “DGMM has large human, technical and financial resources, well-trained experts and offices in all the provinces of the country”<sup>195</sup>. [...] <sup>196</sup>.

Sources note, that the DGMM is still building institutional capacities, including expertise and implementation modalities, while trying to cope with a mass influx of refugees from Syria<sup>197</sup>. [...] <sup>198</sup>. [...] <sup>199</sup>. [...] <sup>200</sup>, [...] <sup>201</sup>.

Sources note that the DGMM only recently adopted the main Implementing Regulation of the new Law (17 March 2016), which is expected to guide PDMM on how to interpret and apply many of the new legal concepts introduced by the LFIP<sup>202</sup>. [...] <sup>203</sup>. [...] <sup>204</sup>.

#### 2.4.2 IP Decisions: Statistics

The European Commission (March 2016) reports that most of the asylum procedures initiated remained incomplete, with, in 2014, only 855 decisions on refugee status<sup>205</sup> and 31 920 applicants awaiting a decision<sup>206</sup>. Based on information provided by Turkish authorities to the Commission, on 31 January 2016, the number of international protection applications registered and for which the assessment was pending

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<sup>190</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016 .

<sup>191</sup> [...].

<sup>192</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016; EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016; [...].

<sup>193</sup> [...].

<sup>194</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>195</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>196</sup> [...]

<sup>197</sup> Refugee Rights Turkey, Introduction to the asylum context in Turkey, n.d.; AIDA, Country Report: Turkey, December 2015; [...].

<sup>198</sup> [...].

<sup>199</sup> [...].

<sup>200</sup> [...].

<sup>201</sup> [...].

<sup>202</sup> AIDA, Country Report: Turkey, December 2015; Refugee Rights Turkey, Introduction to the asylum context in Turkey, n.d.; NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>203</sup> [...].

<sup>204</sup> [...].

<sup>205</sup> Out of 855 decisions, 749 were rejected and 106 were granted refugee status, while 1 337 of the applications were considered withdrawn due to the disappearance of the asylum applicant. EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>206</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

in Turkey was 140 496<sup>207</sup>. In its May 2016 Progress Report, the Commission reported 14 1530 pending asylum requests at the beginning of April 2016. However, after mobilising additional human and technical resources, it indicated that the DGMM reduced this backlog by 31 000 by early May 2016, and was expecting to eliminate the remaining delays by the end of the year<sup>208</sup>. The EU Commission, in a more recent report (June 2016) reported that Turkey has started to implement a roadmap aimed at significantly reducing (12 000 to 13 000 per month) the backlog of pending IP applications, which will speed up processing of asylum applications by non-Syrians. With these increased efforts, the aim is that any new application for IP will be processed within six months<sup>209</sup>.

Various sources note the low number of asylum claims processed since the establishment of the DGMM. In a 2016 report, the Norwegian Organisation for Asylum Seekers (NOAS) referred to the “considerable lag in the implementation of the new laws”<sup>210</sup>.

[...].<sup>211</sup>. [...]<sup>212</sup>.

[...]<sup>213</sup>. [...]<sup>214</sup>.

As a result of the very low number of IP cases being processed, sources observed major delays in asylum procedures for non-Syrians<sup>215</sup>. [...]<sup>216</sup>. [...]<sup>217</sup>.

Although UNHCR has maintained a key role in RSD procedures (for non-Syrians) and resettlement, in tandem with the new international protection procedure<sup>218</sup>, as of 2013 it had to prioritise asylum claims from the most vulnerable, such as unaccompanied minors and people with chronic illnesses due to a significant backlog<sup>219</sup>. In 2015, UNHCR submitted 18,260 cases for resettlement, out of which 7 567 were resettled<sup>220</sup>.

## 2.4.3 IP Decisions: Types and quality

### 2.3.3.1 Types

In its March 2016 progress report, the EU Commission noted that, in 2015, 3,356 conditional refugee statuses were granted, 8 secondary protection statuses, while 751 requests were rejected and 16,059 were considered withdrawn<sup>221</sup>. The Commission emphasised that the DGMM tended to use the secondary

<sup>207</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>208</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>209</sup> EC, Communication from the Commission to the European Parliament, the European Council and the Council, Second Report on the progress made in the implementation of the EU-Turkey Statement, COM (2016) 349 final, 15 June 2016.

<sup>210</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>211</sup> [...].

<sup>212</sup> [...].

<sup>213</sup> [...].

<sup>214</sup> [...].

<sup>215</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.; [...].

<sup>216</sup> [...].

<sup>217</sup> [...].

<sup>218</sup> AIDA, Country Report: Turkey, December 2015.

<sup>219</sup> IRIN, Integrated Regional Information Network, What will happen to migrants returned to Turkey?, 12 April 2016 ; The Economist, Thousands of Afghan migrants have hit a dead end in Turkey, 5 April 2016; [...].

<sup>220</sup> UNHCR, Resettlement Fact Sheet, 2015; UNHCR, Stabilizing the situation of refugees and migrants in Europe - Proposals to the Meeting of EU Heads of State or Government and Turkey on 7 March 2016, 3 March 2016.

<sup>221</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

protection status in a very limited manner although many IP applicants originate from countries and situations that should make them eligible for this kind of protection<sup>222</sup>.

[...] <sup>223</sup>.

#### 2.3.3.2 Quality

[...] <sup>224</sup>.

[...] <sup>225</sup>. [...] <sup>226</sup>.

#### 2.4.4 Appeal and legal representation<sup>227</sup>

The LFIP foresees remedies allowing unsuccessful asylum seekers to appeal (administrative/judicial appeals) against its decisions. The appeal can be lodged with the International Protection Assessment Committee<sup>228</sup> (an administrative body, where an UNHCR representative sits as observer) or an administrative court<sup>229</sup>.

According to the EU Commission (May 2016), the appeal system is running effectively. Since 2014, 28 cases have been ruled on by the administrative courts following appeals filed by foreigners. Nineteen of these cases were about the rejection of international protection application; only in 1 of the cases did the appellant win, in all other 27 cases the DGMM won<sup>230</sup>. [...] <sup>231</sup>.

[...] <sup>232</sup>. [...] <sup>233</sup>.

[...] <sup>234</sup>.

[...] <sup>235</sup>.

### 2.5 Rights attached to statuses

As a general rule, IP applicants and beneficiaries are entitled to healthcare, schooling and other services in the provinces where they are registered and required to reside. In April 2016, the Turkish government issued a regulation with comparable terms of access to the labour market for all applicants and beneficiaries of IP<sup>236</sup>.

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<sup>222</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>223</sup> [...].

<sup>224</sup> [...].

<sup>225</sup> [...].

<sup>226</sup> [...].

<sup>227</sup> For more detailed information on appeals, refer to: AIDA, Country Report: Turkey, December 2015.

<sup>228</sup> This administrative appeal remedy is available to applicants rejected within regular IP procedures. See: AIDA, Country Report: Turkey, December 2015.

<sup>229</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>230</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>231</sup> [...].

<sup>232</sup> [...].

<sup>233</sup> [...].

<sup>234</sup> [...].

<sup>235</sup> [...].

<sup>236</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

Access to services varies, according to provincial authorities, with governors having significant discretion in working with asylum seekers and NGOs<sup>237</sup>. Access to social and economic rights are often hindered by delays in registration, lack of awareness and knowledge, both on the part of refugees/asylum seekers and local actors, on the rights and entitlements available under the law, and language barriers<sup>238</sup>.

In its March 2016 Progress Report, the European Commission recommended that:

“Turkish authorities should continue working to facilitate the effective access of beneficiaries of international protection to social services (notably schooling for their children), to legal employment opportunities, decent housing, vocational and linguistic training and any initiative contributing to their social inclusion and economic self-reliance within the Turkish society”<sup>239</sup>.

Through mobilisation of various funds (notably the Instrument for Pre-Accession Assistance (IPA), the funds of the European Commission Humanitarian Office (ECHO), the Instrument contributing to Peace and Stability (IcPS) and the Facility for Refugees in Turkey (FRIT), the EU Commission indicated that it will provide increased support to refugees and their hosting communities to ensure effective access to social services, a priority target being an increase in the share of children with access to schooling<sup>240</sup>.

## 2.5.1 Accommodation

### 2.4.1.1 Sattelite cities

As explained previously, IP applicants are assigned to one of 62 (out of a total of 81 provinces) designated provinces under the so-called “satellite city system” whereby IP applicants are required to register, reside and periodically report to the authorities (see section 2.3).

IP applicants may be accommodated in state-funded “Reception and Accommodation Centres”<sup>241</sup>. Currently, there are three such centres, one in Yozgat (100 persons capacity), one in Erzurum (750 persons capacity) and one in Konya. One more is planned to be opened in Ankara. [...] <sup>242</sup>.

Various sources observe that some of the reception and accommodation centres, originally planned with EU funding, are being used as removal centres<sup>243</sup>. This seems to be the case of the Erzurum centre, according to Amnesty International<sup>244</sup>.

According to some sources, 11,319 Iraqi refugees are also accommodated in camps<sup>245</sup>, [...] <sup>246</sup>. [...] <sup>247</sup>.

<sup>237</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016; Human Rights Watch, World Report 2016 - Turkey, 27 January 2016; Statewatch, Analysis: Why Turkey is Not a “Safe Country”, Emanuela Roman, Theodore Baird, and Talia Radcliffe, February 2016; NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>238</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>239</sup> EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>240</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>241</sup> AIDA, Country Report: Turkey, December 2015.

<sup>242</sup> Refugee Solidarity Network, Afghans in Turkey, n.d.

<sup>243</sup> [...] EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>244</sup> [...] NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>245</sup> Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

<sup>246</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016. UNHCR, 2015 UNHCR country operations profile – Turkey, n.d.

<sup>247</sup> [...].

<sup>248</sup> [...].



#### 2.4.1.2 Removal/Detention centres

Amnesty International reported (2015) extensively on the unlawful detention and ill-treatment of refugees in detention centres. The organisation gathered numerous accounts of asylum seekers/refugees being physically ill-treated, confined, isolated and deprived of information in detention<sup>248</sup>. In December 2015, the UN Committee on the Elimination of Racial Discrimination expressed concerns about reports of the detention of irregular migrants and asylum seekers, and of inadequate conditions in removal centres<sup>249</sup>.

According to the Commission (May 2016), the total capacity of the 18 removal centres operated by DGMM is 4,460. As of June 2016, the DGMM will be operating 25 removal centres with a total capacity of 14,060 persons. The construction of several removal centres and a container centre, and the conversion of 5 accommodation centres into removal centres was expected to be finalised in April/May 2016<sup>250</sup>.

In May 2016, the Commission noted that “the Turkish authorities have been intensively working to establish adequate removal centres for irregular migrants to be returned or just readmitted” with specialised staff, including psychologists and sociologists, working in the removal centres. It specified that a protocol was signed between the DGMM and the Turkish Red Crescent in order to monitor, identify and supply services to the migrants under detention in a removal centre that may have particular needs<sup>251</sup>. The Council of Europe (2016) noted the existence of “pre-removal detention centres” in which refugees, including unaccompanied minors, were detained<sup>252</sup>.

For information provision and access to procedure from removal/detention centres, see section 3.2.

#### 2.5.2 Health services

Since the end of 2014, all applicants and beneficiaries of international protection are given free access to public health care and public schooling, similar to TP beneficiaries<sup>253</sup>.

However, in order to access such services asylum applicants must have a “Foreigners Identification Number (FIN)” number. This number appears in the “International Protection Applicant Identification Card” issued when registration is finalised. But in some locations several months may pass before registration is finalised, thereby limiting effective access to health care services during the waiting period, AIDA has noted<sup>254</sup>.

#### 2.5.3 Education

Non-Syrian IP applicants and beneficiaries are granted free access to schooling in public buildings<sup>255</sup>.

[...] <sup>256</sup>.

<sup>248</sup> Amnesty International, *Europe's Gatekeeper, Unlawful Detention and Deportation of Refugees from Turkey*, 16 December 2015, EUR 44/3022/2015.

<sup>249</sup> United Nations, Committee on the Elimination of Racial Discrimination, *Concluding observations on the fourth to sixth periodic reports of Turkey*, CERD/C/TUR/CO/4-6, 11 December 2015,

<sup>250</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>251</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>252</sup> Council of Europe, *A stronger European response to the Syrian refugee crisis*, 4 April 2016.

<sup>253</sup> EC, Commission Staff Working Document, *Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap*, SWD (2016) 97 final, 4 March 2016; EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>254</sup> AIDA, *Country Report: Turkey*, December 2015.

<sup>255</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>256</sup> [...].



#### 2.5.4 Work

On April 2016, the Turkish government introduced a regulation with comparable terms of access to the labour market for all applicants and beneficiaries of international protection<sup>257</sup>. NOAS notes, however, that IP applicants do not automatically acquire the right to work but can apply for a work permit six months after submitting their IP application. This puts them in the same category as foreigners seeking work in Turkey, and therefore requires sponsored permits (i.e., linked to a particular employee) which are not easily obtained<sup>258</sup>.

### 2.6 Refoulement/Push-Backs/“Voluntary” returns

Article 4 of LFIP states that:

“No one within the scope of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of...[missing text]”<sup>259</sup>.

In 2015, the US Department of State, referring to UNHCR, noted a “limited number of cases of refoulement”<sup>260</sup>. While the European Commission (2015) reported incidents where Turkey did not respect the principle of non-refoulement<sup>261</sup> in its May 2016 report the Commission noted that no cases of push-backs have been reported along the borders with Iran. It reported that, in some cases, the entry of persons seeking protection from Iraq and Syria had been delayed, obliging persons to wait at the border. These cases were “normally followed by the authorisation to cross the border once it became apparent that the safety or the medical conditions of the waiting persons imposed it”<sup>262</sup>.

Although Amnesty International reported incidents of refugees and asylum seekers forcibly returned to their country, such as the case of 30 Afghan asylum seekers forcibly deported in March 2016, the DGMM acknowledged the return of 27 Afghans but insisted that all were returned voluntarily and that none had requested asylum<sup>263</sup>.

The US DOS report for 2015 specifies that in “August and September, 1,000 Iraqis involuntarily were returned from Hatay Province to Iraq”<sup>264</sup>.

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<sup>257</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016; Refugees International, Planting the Seeds of Success? Turkey's new Refugee Work Permits, 14 April 2016; UNHCR, High Commissioner welcomes Turkish work permits for Syrian refugees, 18 January 2016.

<sup>258</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey's asylum laws and practices, 2016 ; Amnesty International, No safe refuge: Asylum-Seekers and refugees denied effective protection in Turkey, June 2016.

<sup>259</sup> Republic of Turkey, Ministry of Interior, Directorate General of Migration Management, Law on Foreigners and International Protection (English translation), May 2014.

<sup>260</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

<sup>261</sup> EC, Turkey 2015 Report, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 10 November 2015, SWD(2015) 216 final; See also: Amnesty International, Europe's Gatekeeper, Unlawful Detention and Deportation of Refugees from Turkey, 16 December 2015, EUR 44/3022/2015; Amnesty International, Turkey: Refugees at risk of forcible return to Syria, 24 September 2015; Human Rights Watch, Turkey: Syrians pushed back at the border, 23 November 2015.

<sup>262</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>263</sup> Amnesty International, Turkey forcibly returns dozens of refugees to Afghanistan hours after EU deal, 23 March 2016.

<sup>264</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

## 2.7 Readmission

### 2.7.1 Turkish authorities formal assurances

In a formal letter dated 24 April 2016, the Turkish government clarified the situation of non-Syrian nationals being taken back by Turkey as of 4 April 2016:

“Turkey confirms that non-Syrians who seek international protection having irregularly crossed into the Aegean islands via Turkey as of 20 March 2016 and being taken back by Turkey as of 4 April 2016, will be able to lodge an application for international protection in accordance with the Law on Foreigners and International Protection and its secondary legislation.

“Each non-Syrian national in need of international protection returned to Turkey, who previously benefited from international protection will be able to apply for international protection in order to have the previous status regranted upon their return within a reasonable time”<sup>265</sup>.

As of 29 April 2016, UNHCR has also been guaranteed access to the removal centres to aid detained migrants, allowing the organisation to fulfil its protection mandate<sup>266</sup>. Turkey has also agreed to allow the EU to monitor regularly the situation of Syrians and non-Syrians returned to Turkey, including access to refugee camps and removal centres<sup>267</sup>.

### 2.7.2 Preliminary observations

[...] <sup>268</sup>. [...] <sup>269</sup>.

[...] <sup>270</sup>(see section 2.5.1).

Although various sources, claim that there is a lack of independent oversight in removal centres and access to international organisations and local NGOs has been very limited, thus hindering the capacity to monitor the situation of returnees from Greece since April 2016<sup>271</sup>, [...] <sup>272</sup>.

In May 2016, a delegation of three members of the EU Parliament visited Turkey to assess the situation of refugees after the EU-Turkey deal. The mission visited Edirne and Kırklareli removal Centres. According to this mission’s key findings, people deported from Greece did not, until then, have the opportunity to ask for asylum (access to interpretation and information in one’s own language were lacking; mobiles confiscated) and were detained in prison-style regime. This included children<sup>273</sup>.

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<sup>265</sup> Permanent Delegation of Turkey to the European Union Ambassador, Letter to the European Commission Directorate General (DG) Migration and Home Affairs, 24 April 2016.

<sup>266</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>267</sup> EC, Communication from the Commission to the European Parliament, the European Council and the Council, Second Report on the progress made in the implementation of the EU-Turkey Statement, COM (2016) 349 final, 15 June 2016.

<sup>268</sup> [...].

<sup>269</sup> [...].

<sup>270</sup> [...].

<sup>271</sup> [...]; Amnesty International, EU leaders must not close their eyes to human rights abuses against refugees, 22 April 2016; Human Rights Watch, EU/Greece: First Deportations Riddled with Abuse, 19 April 2016.

<sup>272</sup> [...].

<sup>273</sup> EU Parliament Delegation, What Merkel, Tusk and Timmermans should have seen during their visit to Turkey, Report from GUE/NGL Delegation to Turkey, May 2-4, 2016, published on Statewatch

### 3. Situation of vulnerable groups

According to Art. 3 of the LFIP, the “persons with special needs” category includes: unaccompanied minors, handicapped persons, elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence”<sup>274</sup>. AIDA notes that Art 67 of LFIP requires “priority” to be given to “persons with special needs” in all procedures, rights and benefits extended to international protection applicants. However, beyond this general notion of “prioritisation”, LFIP and the Circular on International Protection make “limited specific procedural provisions regarding the treatment of vulnerable applicants”<sup>275</sup>.

[...] <sup>276</sup>.

[...] <sup>277</sup>.

In June 2016, the EU Commission indicated that under its Humanitarian Implementation Plan, which will be rolled out from the end of July 2016, will include an emergency social safety net for refugees in Turkey. This will function through a resource transfer system using an electronic card to cover the basic needs of the most vulnerable refugees through monthly transfers at household level. It will also include a robust protection framework for the most vulnerable refugees, including non-formal education, health and information management projects<sup>278</sup>.

#### 3.1 Children

##### 3.1.1 Unaccompanied minors

A number of legislative requirements regulate the particular cases of unaccompanied minors<sup>279</sup>. Thus, for instance, “Unaccompanied minors in Turkey identified as such are taken under state care as per the procedures and provisions of the Child Protection Law. Turkish Civil Code makes provisions for the appointment of a legal guardian to all children under state care, regardless of whether they are citizens or non-citizens”<sup>280</sup>.

[...] <sup>281</sup>. [...] <sup>282</sup>. [...] <sup>283</sup>.

In practice, however, AIDA (2015) reported that unaccompanied minor IP applicants under state care are not appointed guardians. Refugee Rights Turkey maintains a limited Child Protection Program and extends legal counselling and representation to unaccompanied minor asylum seekers sheltered in Istanbul in relation to both the DGMM proceedings and UNHCR Mandate RSD determinations that they undergo<sup>284</sup>.

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<sup>274</sup> AIDA, Country Report: Turkey, December 2015.

<sup>275</sup> AIDA, Country Report: Turkey, December 2015.

<sup>276</sup> [...].

<sup>277</sup> [...].

<sup>278</sup> EC, Communication from the Commission to the European Parliament, the European Council and the Council, Second Report on the progress made in the implementation of the EU-Turkey Statement, COM (2016) 349 final, 15 June 2016.

<sup>279</sup> AIDA, Country Report: Turkey, December 2015.

<sup>280</sup> AIDA, Country Report: Turkey, December 2015.

<sup>281</sup> [...].

<sup>282</sup> [...].

<sup>283</sup> [...].

<sup>284</sup> AIDA, Country Report: Turkey, December 2015.

### 3.1.2 Stateless children

According to the DGMM, 64,540 babies were born to Syrian mothers in the country during the first nine months of 2015<sup>285</sup>. [...] <sup>286</sup>.

[...] <sup>287</sup>. For more details about stateless children, see Refugee International's report: Birth Registration in Turkey, Protecting the Future for Syrian Children<sup>288</sup>.

### 3.1.3 Syrian children in refugee camps

[...] <sup>289</sup>.

[...] <sup>290</sup>.

### 3.1.4 Child labour

Many sources report on the low proportion of Syrian children attending schools (only 25 % of school-age Syrian refugee children living outside the camps attended school)<sup>291</sup>. This is linked to limited access to education, in particular in the children's native language<sup>292</sup>, [...] <sup>293</sup>. As indicated in section 1.4.4, the EU Commission announced, in June 2016, a number of new projects to facilitate the access of refugee children to education.<sup>294</sup>

Many sources report on the significance of Syrian child labour in Turkey<sup>295</sup>. [...] (see section 2.5.3) <sup>296</sup>.

The Council of Europe observes that many Syrian children are in informal employment, notably in agriculture and garment-making, or resort to begging, and are at risk of exploitation and other forms of abuse<sup>297</sup>. [...] <sup>298</sup>.

[...] <sup>299</sup>.

[...] <sup>300</sup>.

[...] <sup>301</sup>.

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<sup>285</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

<sup>286</sup> [...].

<sup>287</sup> [...].

<sup>288</sup> Refugees International, Field Report, Birth Registration in Turkey, Protecting the Future for Syrian Children, 30 April 2015.

<sup>289</sup> [...].

<sup>290</sup> [...].

<sup>291</sup> Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016.

<sup>292</sup> United Nations, Committee on the Elimination of Racial Discrimination, Concluding observations on the fourth to sixth periodic reports of Turkey, CERD/C/TUR/CO/4-6, 11 December 2015.

<sup>293</sup> [...].

<sup>294</sup> EC, Communication from the Commission to the European Parliament, the European Council and the Council, Second Report on the progress made in the implementation of the EU-Turkey Statement, COM (2016) 349 final, 15 June 2016.

<sup>295</sup> [...]; Refugees International, Planting the Seeds of Success? Turkey's new Refugee Work Permits, 14 April 2016. Human Rights Watch, World Report 2016 - Turkey, 27 January 2016. NOAS, Seeking Asylum in Turkey – A critical review of Turkey's asylum laws and practices, 2016.

<sup>296</sup> [...].

<sup>297</sup> Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016.

<sup>298</sup> [...].

<sup>299</sup> [...].

<sup>300</sup> [...].

<sup>301</sup> [...].

### 3.1.5 Child marriage/Early marriage

Many sources report on the phenomenon of early/child marriages among Syrian refugees<sup>302</sup>, which is prohibited according to the Turkish Civil Code<sup>303</sup>.

In 2014, the Turkish authorities reported that 14 % of Syrian girls between 15 and 18 years of age were married (as most ceremonies would be religious rather than civil, it is likely that the true figure is higher)<sup>304</sup>. AIDA, in its 2015 report, expresses concerns about child marriages and unofficial and polygamous marriages of Syrian girls and women in Turkey<sup>305</sup>. [...].<sup>306</sup>

[...] <sup>307</sup>. The Council of Europe (2016) noted that child marriage is an increasingly common “negative coping mechanism” among Syrians in Turkey<sup>308</sup>.

[...] <sup>309</sup>.

### 3.2 Syrian women

Many sources highlight the particular vulnerability of Syrian women in Turkey<sup>310</sup>.

Many women have been reported as victims of “rapes, sexual harassment, sexual abuses and subject to early and unlawful ‘religious’ co-marriages” in Turkey, in many cases because such marriages provide financial stability and protection to the families<sup>311</sup> (see section 3.1).

[...] <sup>312</sup>. [...] <sup>313</sup>.

[...] <sup>314</sup>.

[...] <sup>315</sup>.

### 3.3 Persons victims of trafficking

Sources note that refugees, especially women from Syria and other conflict areas, are particularly vulnerable to exploitation, including trafficking<sup>316</sup>. The EU Commission noted that the number of victims of trafficking identified seemed far too limited if compared with the number of migrants and refugees in Turkey<sup>317</sup>.

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<sup>302</sup> UNFPA, Child Marriage in Turkey (Overview), June 2014; [...]; United Nations Economic and Social Council (ECOSOC), Country programme document: Turkey, 9 July 2016, E/ICEF/2015/P/L.19.

<sup>303</sup> In Turkey, the legal minimum age is 18 for both men and women; marriage at 17 is allowed with parental consent while marriage below the age of 16 is allowed by the court decision based on exceptional circumstances. See: UNFPA, Child Marriage in Turkey (Overview), June 2014.

<sup>304</sup> Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016.

<sup>305</sup> AIDA, Country Report: Turkey, December 2015.

<sup>306</sup> [...].

<sup>307</sup> [...].

<sup>308</sup> Council of Europe, A stronger European response to the Syrian refugee crisis, 4 April 2016.

<sup>309</sup> [...].

<sup>310</sup> [...]; Contributoria, Syrian refugees sold as ‘co-wives’ in Turkey, May 2014. Guardian, Syria's refugees: fears of abuse grow as Turkish men snap up wives, 8 September 2014.

<sup>311</sup> Contributoria, Syrian refugees sold as ‘co-wives’ in Turkey, May 2014. Guardian, Syria's refugees: fears of abuse grow as Turkish men snap up wives, 8 September 2014.

<sup>312</sup> [...].

<sup>313</sup> [...].

<sup>314</sup> [...].

<sup>315</sup> [...].

<sup>316</sup> Freedom House, Freedom in the World 2016 - Turkey, 27 January 2016; United Nations, Committee on the Elimination of Racial Discrimination, Concluding observations on the fourth to sixth periodic reports of Turkey, CERD/C/TUR/CO/4-6, 11 December 2015.

<sup>317</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

The Commission reported on a number of initiatives in the fight against trafficking in human beings, such as the creation of a hot-line<sup>318</sup>, the opening of four shelters to host and protect victims, the development of programmes for their social and psychological reintegration as well as the training of judges, public prosecutors, migration experts working in PDMM offices and law enforcement officers in the field of trafficking in human beings<sup>319</sup>. [...] <sup>320</sup>.

Higher penalties for migrant smugglers were proposed by the Government for Parliament's approval. The amendment to the Turkish Penal Code foresees a prison sentence of up to 10 years and a fine of up to 15.000 TRL<sup>321</sup>.

### 3.4 LGBT persons

Various sources report on the vulnerability of LGBT applicants/beneficiaries of IP or TP.

[...] <sup>322</sup>. [...] <sup>323</sup>. [...] <sup>324</sup>. [...] <sup>325</sup>.

According to figures made available by UNHCR, approximately 697 LGBTI asylum seekers and conditional refugees live in the country, 82 % of them from Iran<sup>326</sup>.

[...] <sup>327</sup>. [...] <sup>328</sup>. [...] <sup>329</sup>.

In February 2016, the organisation Erasing 76 Crimes reported that two Iranian LGBT refugee men were severely beaten by a police officer at a police station<sup>330</sup>.

### 3.5 Persons with disabilities/Persons with mental or psychological disorders

[...] <sup>331</sup>. [...] <sup>332</sup>.

[...] <sup>333</sup>.

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<sup>318</sup> The « 157 Emergency Help Line » was opened to international access as of April 2007 under the project titled "Helping Victims of Human Trafficking in Turkey"; operators provide services in Russian, Romanian, English and Turkish. See: Republic of Turkey, Ministry of Interior, DGMM, 157 Emergency Help Line, HELLO 157, 2 February 2015.

<sup>319</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>320</sup> [...].

<sup>321</sup> EC, Commission Staff Working Document Accompanying the document Report from the Commission to the European Parliament and the Council Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 161 final, 4 May 2016.

<sup>322</sup> [...].

<sup>323</sup> [...].

<sup>324</sup> [...].

<sup>325</sup> [...].

<sup>326</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Report on Human Rights Practices for 2015, Turkey, 13 April 2016.

<sup>327</sup> [...].

<sup>328</sup> [...].

<sup>329</sup> [...].

<sup>330</sup> Erasing 76 Crimes, Turkish police beat 2 gay Iranian refugees, 24 February 2016.

<sup>331</sup> [...].

<sup>332</sup> [...].

<sup>333</sup> [...].

## 4. Situation of specific nationalities, ethnic or religious groups

Various sources report that the situation for non-Syrians has been particularly acute due to the fact that a lot of attention and resources have focused on Syrians since the beginning of the Syrian conflict. This chapter provides some information on a non-exhaustive number of specific groups.

### 4.1 Afghans

Various sources report on the particular vulnerability of Afghan applicants/beneficiaries of IP in Turkey, in particular since the beginning of the Syrian refugee crisis<sup>334</sup>.

Since May 2013, UNHCR effectively stopped registering new applications, while existing applications and RSD work was suspended, except for the most vulnerable cases. In 2014, Afghans demonstrated against the delays in the processing of their claims<sup>335</sup>.

Resettlement opportunities are limited with about 500 Afghans per year resettled from Turkey, almost entirely to the US. This has left a sizeable population of Afghans recognised as refugees by UNHCR but with no solution available<sup>336</sup>. [...] <sup>337</sup>.

Since the Syrian refugee crisis, Afghan refugees say that “Turkey’s major aid agencies have stopped helping them because of the demand for help with Syrians”<sup>338</sup>, with only the most vulnerable (e.g., unaccompanied minors) expected to be offered help and no support system for the others<sup>339</sup>. [...] <sup>340</sup>.

### 4.2 Iraqis

NOAS points out that Iraqis benefiting from the humanitarian residence permit cannot enjoy the various rights and services that fall under Turkey’s international protection regime<sup>341</sup>. [...] <sup>342</sup>.

### 4.3 Yazidi (Iraq)

[...] <sup>343</sup>. [...] <sup>344</sup>.

[...] <sup>345</sup>.

### 4.4 Dom Refugees from Syria

In a report (2015) on the situation of Dom<sup>346</sup> refugees from Syria in Turkey, the European Roma Rights Centre (ERRC) notes that the challenges in accessing adequate shelter, food and employment for Syrian refugees are particularly acute for Dom refugees. In particular, discrimination and strict entry and exit controls in official camps often make it difficult for them to stay in the camps. The ERRC reports that they

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<sup>334</sup> The Economist, Thousands of Afghan migrants have hit a dead end in Turkey, 5 April 2016; [...].

<sup>335</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>336</sup> Refugee Solidarity Network, Afghans in Turkey, n.d.; EC, Commission Staff Working Document, Second report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap, SWD (2016) 97 final, 4 March 2016.

<sup>337</sup> [...].

<sup>338</sup> National (The), Afghan refugees in Turkey are homeless and hopeless, 12 February 2015.

<sup>339</sup> National (The), Afghan refugees in Turkey are homeless and hopeless, 12 February 2015.

<sup>340</sup> [...].

<sup>341</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey’s asylum laws and practices, 2016.

<sup>342</sup> [...].

<sup>343</sup> [...].

<sup>344</sup> [...].

<sup>345</sup> [...].

<sup>346</sup> The term ‘Dom’ is used to refer to an ethnic minority group in the Middle East who are linked to Roma (Romani) in Europe and Lom (Lomavren) in Eastern Anatolia, Armenia and the Caucasus. See: <http://www.errc.org/article/new-report-about-the-situation-of-syrian-dom-refugees/4420>

live in makeshift tents and informal camps, ruins or abandoned buildings or substandard rental accommodation, often on the outskirts of the cities<sup>347</sup>.

According to the ERRC, the police regularly raids and destroys informal Dom refugee camps. Doms are also forcibly relocated to other cities. The majority of Dom refugees do not have identity cards, which prevents them from accessing basic services, including healthcare. In some cases Dom refugees have been returned to Syria<sup>348</sup>.

#### 4.5 Palestinians refugees from Syria

On occasion, it has been reported that Palestinian refugees from Syria have been denied entry to Turkey<sup>349</sup> (despite the fact that they are covered by the TPR).

#### 4.6 Africans

[...] <sup>350</sup>. [...] <sup>351</sup>.

#### 4.7 Kurdish Syrian refugees

According to a UNHCR publication, some 25,000 mainly Kurdish Syrians are hosted in the Suruç Tent City Accommodation Centre ("Baking Camp", 35 000 persons capacity)<sup>352</sup>. Other Kurdish Syrians are found in urban centres<sup>353</sup>.

Some sources highlight that the renewed fighting between the government and the Kurdish PKK has negatively impacted on the fate of Syrian Kurds<sup>354</sup>. One source reports that in October 2014 approximately 265 Syrian Kurds were taken into custody after crossing into Turkey on suspicion of links to the Kurdistan Workers Party (PKK)<sup>355</sup>.

'Open Democracy' (2015) noted that the Turkish authorities have become much stricter in limiting movement in and out of predominantly Kurdish refugee camps after a suicide bombing in southern Turkey<sup>356</sup>. According to one source, Kurdish refugees from Syria have reported difficulties in accessing the protection regime<sup>357</sup>.

[...] <sup>358</sup>.

<sup>347</sup> İldiz, Yeşim Yaprak, Nowhere to turn; the situation of Dom refugees from Syria in Turkey, 29 September 2015 (published by ERRC).

<sup>348</sup> İldiz, Yeşim Yaprak, Nowhere to turn; the situation of Dom refugees from Syria in Turkey, 29 September 2015 (published by ERRC).

<sup>349</sup> Amnesty International, Turkey: Struggling to survive: Refugees from Syria in Turkey, 20 November 2014.

<sup>350</sup> [...].

<sup>351</sup> [...].

<sup>352</sup> UNHCR, Baking camp now home to some 25,000 mainly Kurdish refugees from Syria, 3 July 2015.

<sup>353</sup> Council of Europe, Humanitarian consequences of the actions of the terrorist group known as "Islamic State", 1 April 2015.

<sup>354</sup> Christian Aid Mission, Kurdish Refugees Suffer as War in Turkey Escalates, 15 October 2015; U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014, Turkey 2014 Human Rights Report, 25 June 2015.

<sup>355</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2014, Turkey 2014 Human Rights Report, 25 June 2015; Daily Telegraph, Kurds detained by Turkey go on hunger strike, 9 October 2014.

<sup>356</sup> Open Democracy, Why don't Syrians stay in Turkey?, 29 September 2015.

<sup>357</sup> Christian Aid Mission, Kurdish Refugees Suffer as War in Turkey Escalates, 15 October 2015.

<sup>358</sup> [...].



## 5. General attitude/perception towards refugees

[...] <sup>359</sup>.

In May 2015, Al Monitor observed an increasing number of demonstrations and attacks against Syrians refugees in Turkey, partly in reaction to Syrian beggars but also due to the perceived impact of Syrian refugees on the Turkish labour market (undercutting of wages) and rental sector (rent increase) <sup>360</sup>.

[...] <sup>361</sup>.

NOAS, while acknowledging that there are many examples of Syrians being made to feel welcome and supported, describes a climate of hostility towards Syrians who are perceived as unfairly benefiting from the country's limited resources. NOAS also notes a similar hostility towards non-Syrians <sup>362</sup>.

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<sup>359</sup> [...].

<sup>360</sup> Al Monitor, Attacks on Syrians in Turkey increasing, 20 May 2015.

<sup>361</sup> [...].

<sup>362</sup> NOAS, Seeking Asylum in Turkey – A critical review of Turkey's asylum laws and practices, 2016

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