

**RESPOND**

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### **Global Migration: Consequences and Responses**

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## **Refugee Protection Turkey Report**

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## List of Abbreviations

<b>AFAD</b>	Disaster and Emergency Management Authority
<b>AIDA</b>	Asylum Information Database
<b>ASAM</b>	Association for Solidarity with Migrants
<b>CBP</b>	Community-Based Protection
<b>CCTE</b>	Conditional Educational Assistance to Foreigners
<b>DGMM</b>	Directorate-General for Migration Management
<b>EC</b>	European Commission
<b>ECHO</b>	European Civil Protection and Humanitarian Aid Operations
<b>ECRE</b>	European Council on Refugees and Exiles
<b>ECtHR</b>	European court of Human Rights
<b>EFTA</b>	European Free Trade Association
<b>EU</b>	European Union
<b>ESSN</b>	The Emergency Social Safety Net
<b>FIN</b>	Foreigner's Identification Number
<b>IASC</b>	Inter-Agency Standing Committee
<b>IDP</b>	Internally Displaced Person
<b>IGOs</b>	Intergovernmental Organizations
<b>IOM</b>	International Organization for Migration
<b>INGOs</b>	International Non-governmental Organizations
<b>IOs</b>	International Organizations
<b>IPEC</b>	International Protection Evaluation Commissions
<b>IR</b>	Regulation on Foreigners and International Protection ( <i>Yabancılar ve Uluslararası Koruma Kanunu'nun Uygulanmasına Dair Yönetmelik</i> )
<b>IBA</b>	Izmir Bar Association
<b>LFIP</b>	Law on Foreigners and International Protection
<b>MfA</b>	Ministry of Foreign Affairs
<b>MoI</b>	Ministry of Interior
<b>MoFLSS</b>	Ministry of Family, Labour and Social Services
<b>MSs</b>	Member States
<b>NFI</b>	Non-food Item
<b>NGOs</b>	Non-governmental organization
<b>NMS</b>	Non-member States
<b>NOAS</b>	Norwegian Organisation for Asylum Seekers
<b>PD</b>	Presidential Decree
<b>PDMM</b>	Provincial Directorate of Migration Management
<b>PDofLSS</b>	Provincial Directorate of Ministry of Family, Labour and Social Services
<b>RA</b>	Readmission Agreement
<b>RESPOND</b>	Multilevel Governance of Migration in Europe and Beyond
<b>RSD</b>	Refugee Status Determination
<b>SASF</b>	Social Assistance and Solidarity Foundation
<b>Statement</b>	EU-Turkey Statement
<b>TPR</b>	Temporary Protection Regulation
<b>TRC</b>	Turkish Red Crescent
<b>UNHCR</b>	United Nations High Commissioner for Refugees

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## About the Project

RESPOND is a Horizon 2020 project which aims at studying the multilevel governance of migration in Europe and beyond. The consortium is formed of 14 partners from 11 source, transit and destination countries and is coordinated by Uppsala University in Sweden. The main aim of this Europe-wide project is to provide an in-depth understanding of the governance of recent mass migration at macro, meso and micro levels through cross-country comparative research and to critically analyse governance practices with the aim of enhancing the migration governance capacity and policy coherence of the EU, its member states and third countries.

RESPOND analyses migration governance through a narrative which is constructed along five thematic fields: (1) Border management and security, (2) Refugee protection regimes, (3) Reception policies, (4) Integration policies, and (5) Conflicting Europeanization. Each thematic field is reflecting a juncture in the migration journey of refugees and designed to provide a holistic view of policies, their impacts and responses given by affected actors within.

In order to better focus on these themes, we divided our research question into work packages (WPs). The present report is concerned with the findings related to WP3, which focuses specifically on asylum procedures and refugee protection.



## Executive Summary

This report investigates how Turkey interprets, narrates and implements its obligations towards international protection for refugees, with an emphasis on the recent migration movements. This report examines the international protection, in particular refugee protection including temporary protection, focusing on the main legal and policy framework as well as the organisations and actors involved in policy implementation. It explores how Turkey applies international protection instruments, particularly the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. The report highlights the gaps between policy and practice in the asylum regime. Furthermore, it examines the perceptions, experiences and strategies of meso level actors, involved in international protection, while also identifying the coping strategies and perceptions of individuals who go through the asylum system at the micro level. An emphasis on both meso and micro level actors is of the utmost important for unpacking how different actors within the asylum system navigate, internalise and/or resist the asylum system's rationalisations. The report links political narratives to surrounding experiences and practices.

Drawing from the empirical material, the report provides a comprehensive perspective on international protection starting from the borders and the first application of regulations, then tracing developments until the final decision, including the appeal process. The report aims to understand 1) to what extent and how has Turkey's refugee protection changed from 2011 to 2018? 2) how have the changes influenced policy implementations? 3) what are the main gaps between the legal frameworks and actual practices? The report also focuses on how relevant (state, non-state and national, local, international and supranational) actors interact in implementing measures and the patterns of cooperation or tension that are prevalent among them.

The analysis shows that, in the given period:

- Regarding the legal framework, there have been significant developments in both primary law and secondary law since 2011. However, inconsistencies between primary and secondary law are observable at some points. Also, despite significant developments regarding international and temporary protection, the secondary law in general<sup>1</sup> appears to have a more restrictive and narrow understanding rights compared to the primary law.
- In terms of institutional structure, prominent developments include the establishment of a civilian migration agency, the Directorate General of Migration Management (DGMM), its provincial branches, called Provincial Directorate of Migration Management (PDMMs), as well as an increasing number of non-governmental organizations (NGOs, both national and international) working in the field. There are some problems regarding coordination and communication not only between state and non-state actors, but also among the state agencies. It should also be mentioned that the post-July 2016 period following the failed coup d'état brought about a restrictive environment for NGOs that work in the field of asylum and migration, similar to that faced by NGOs serving in other fields. Restrictions on NGOs range from the revoking their permissions, limiting some of their services, and shutting down of them. Also, the monitoring and controlling of their assistance services has increased.
- Differences are observable between the legal framework on international and temporary protection and practices on the ground.
- The dual structure of protection can be seen as a significant main characteristics of the national protection regime. Dual structure refers different treatment or access of rights by asylum seekers from European countries and non-European countries legitimized

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<sup>1</sup> Some of the secondary law documents are not accessible to non-state actors including researchers and general public.

by Turkey's geographical limitation regarding the 1951 Refugee Convention as well as different treatment of Syrian and non-Syrians with respect to temporary protection status. It causes differences regarding access to rights for the beneficiaries who are Syrians and those who are non-Syrians.

- Non-standardised practices are also observable across provinces such as in Istanbul, Izmir and Sanliurfa. Not only access to rights but also in some cities even the access to asylum is challenging, since authorities do not take the first registration and refer displaced people to other cities for registration. Some provinces, such as Istanbul have reportedly stopped their registration of Syrians entirely.
- Following the institutional and procedural change as of 10 September 2018, beneficiaries of international protection face important obstacles for first registration, as well as identification of vulnerabilities. The DGMMs, and in particular PDMMs, seem to be unable to meet the demand in the field.
- There is an increasing emphasis on the "return" dimension, which is linked to Turkey's cross border security concerns in Northern Syria. This creates concerns about pushes for involuntary returns of Syrians under temporary protection.
- Individual cases of administrative detention and deportation were reported by human rights organizations, lawyers, media and some observers, which raise concerns about access to asylum. In February 2018, the derogation from the principle of non-refoulement was introduced for reasons, such as public order, security and terrorism and it have been widely used.

# 1. Introduction

This report is prepared as a part of RESPOND Work Package (WP3), which explores the impact of recent migration movements on the system of international protection for refugees, tracking changes in the EU, its MSs, and third countries significantly affected by recent migration movements, such as Turkey, Lebanon and Iraq. In this framework, the main aim of this report is to analyse international protection, in particular asylum procedures and refugee protection policies and practices in Turkey. The report does not only focus on the refugee protection that is provided by the state, but also by Non-Governmental Organizations (NGOs) and Inter-Governmental Organizations (IGOs).

In referring to the legal and institutional framework, we partially build on the Country Reports “Legal and Policy Framework in Turkey” (Cetin et al., 2018) and “Border Management and Migration Controls” (Gokalp Aras and Sahin Mencutek, 2019). We have updated our data with information on developments between mid-2018 and mid-2019. The main focus in this current report is on the analysis of the implementation and the implications regarding refugee protection, starting from the first application to appeal. The empirical evidence on existing practices and responses at the grassroots was gathered through the semi-structured interviews, focus groups, and roundtable discussions with experts, key-informants and gatekeepers (national/local authorities, NGO representatives) as well as by collecting the reflections on experiences and perceptions of policy beneficiaries, asylum seekers, refugees including the ones not only under international protection but also temporary protection. It should be noted that due the nexus between forced and irregular migration, also some migrants, who does not have any protection status (due to the lack of information of problematic access to the asylum system) have also been interviewed, thus they were addressed as “migrants” within the report.

Dimensions of protection here include access to the asylum system, time-limits for the duration of the application, access to legal assistance, support for vulnerable groups, and the accessibility of the appeals procedure. In this research, a particular focus is placed on the gap between official policies and their implementation in practice by a variety of local, national, and supranational actors. In this regard, the report briefly provides the macro level analysis (the legal and institutional framework of refugee protection), the meso level analysis (all the policy implementers and the related NGOs, IGOs, service providers), and at the micro level, the international and temporary protection beneficiaries.

In this framework, the aims of the report can be summarized as

- to analyse the international protection (asylum procedure and refugee protection) dimension according to its implementation and implications in Turkey. The report discusses the legal and institutional framework with the most recent updates regarding international protection, in particular refugee protection. In this framework, drawing from the empirical evidences, the report aims to analyse meso level actors and refugees’ perceptions, actions and reactions to asylum procedures and refugee protection policies and practices.
- to provide recommendations for further policy development.

According to the above-given framework, the report is structured as follows: First, the report starts with a general overview of the legal and policy framework, regarding international protection, as well as outlining the role of the main actors. Secondly, it provides a brief overview of basic statistics concerning the Turkish protection regime. Moreover, the report will identify the key themes and narratives associated with international protection. The result of the meso-level analysis of interviews allow the potential gap between laws and policies and their effective implementation to be “measured”. At the micro level, the perceptions and evaluations of migrants regarding international protection programmes are analysed. Finally, the conclusions highlight the main issues at stake and formulate policy recommendations.

## 2. Conceptual Framework of Refugee Protection

The concept of protection is blurry and hotly contested. Broader definition of protection is defined as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law” (UNHCR, 2011, p. 7). The modern approach to protection emerged with the 1951 Refugee Convention and the 1967 Protocol, but the scope has broadened in recent decades as many of those fleeing serious harm in a post-colonial context do not fit the official Convention definition of refugee status (Chimni, 2009; Feller, 2001).

Beside its general definition, protection is approached as an objective and as an activity. As an objective, protection requires full and equal respect for the rights of all individuals, without discrimination, as provided in national and international law and legal responsibility (principally the responsibility of the state, its agents, as well as other agents, such as the United Nations High Commissioner for Refugees (UNHCR), NGOs etc.). With regards to being an activity, there are four relevant aspects: to be responsive (to prevent or stop violations of rights), to be remedial (to ensure a remedy to violations, including through access to justice and reparations), to be environmental building (to promote respect for rights and the rule of law) and to be empowering (European Commission, 2016). Therefore, protection is not to be approached as only limited to survival and physical security. It means to the provision of the full range of rights, including civil and political rights, such as the right to freedom of movement and the right to political participation, and economic, social and cultural rights.

When states are unable or unwilling to fulfil their protection obligations, humanitarian and development actors carry out the role in protection provision, called as humanitarian protection. It is provided under the conditions of “violence, coercion, deliberate deprivation and abuse for persons, groups and communities in the context of humanitarian crises, in compliance with the humanitarian principles of humanity, neutrality, impartiality and independence and within the framework of international law and in particular International Human Rights Law (IHRL), International Humanitarian Law (IHL) and Refugee Law” (Ibid.)

By acknowledging the variations in protection provisions and its broad coverage, this report focuses on the “international protection”, in particular “asylum procedures and refugee protection” in the specific case of Turkey. The country’s main asylum legislation, the Law on Foreigners and International Protection (LFIP), defines international protection as “the status granted for refugees, conditional refugees, and subsidiary protection beneficiaries” [Article 3(r)].

It should be noted that this report focuses on the international protection aspect from the moment that individuals apply for asylum until the final decision. The report avoids touching issues that are addressed in the RESPOND Project’s country report on reception (WP4) and integration (WP5).

## 3. Methodology

### 3.1. Sampling and Data Gathering

The first part of the report focuses on the legal and institutional framework on international protection (including the temporary protection category in Turkey), that meant to address refugee protection. This part briefly overviews the post-2011 legal and institutional framework, covering the most recent developments and updates up until the time of the writing of this report. This part is based on data found in the RESPOND Turkey country reports of WP1 “Legal and Policy Framework” (Cetin et. al., 2018) and WP2 “Border Management and Migration Control” (Gokalp Aras and Sahin Mencutek, 2019). In addition, legal documents, reports and other documents build a central basis for the analysis of the legal framework. They are complemented with assessments by lawyers and researchers– drawing on the findings of the Asylum Information Data Base (AIDA), maintained by the European Council on Refugees and Exiles (ECRE) and complemented by scientific cases studies on implementation.

The second part of the report focuses on implementation drawing from both meso and micro level analyses. It is based on a multi-sited fieldwork, including semi-structured interviews, participant observation, and focus group studies (roundtables) that were conducted in four cities, namely: Istanbul, Izmir, Sanliurfa, and Ankara. The meso level analysis is based on total 84 interviews conducted in Istanbul (17), Izmir (29), Sanliurfa (34), and Ankara (4) while total 103 micro level interviews were conducted with the beneficiaries and the applicants<sup>2</sup> of both international and temporary protection in Izmir (43), Istanbul (40) and Sanliurfa (20) between July and November 2018.<sup>3</sup>

All of these interviews were carried out by respecting the ethical principles agreed upon by the RESPOND consortium (RESPOND, 2018) and approved by the institutions of the Turkey RESPOND research team (Swedish Research Institute in Istanbul, Istanbul Bilgi University and Ozyegin University). Interviews were conducted in Turkish, English and Arabic with the assistance of translators if needed. Data was collected after taking voluntary, explicit and well-informed consents of interviewees. Only data that we essential for specific research aims was collected personal data was avoided. Principles of anonymity, confidentiality and privacy were fully respected during data gathering, analysing and reporting results. Finally, the authors have observed several policy-oriented workshops in Turkey and have had a dozen informal conversations during those workshops with the policy-makers and practitioners on the one hand, and the representatives of IGOs, international non-governmental organisation (INGOs) and NGOs as well as scholars on the other.

Regarding the selection of our interview partners on the meso level, we considered two dimensions: type of institution and spatial scope of the activity.

#### **Type of institutions/key actors:**

- National [Directorate General of Migration Management (DGMM)]
- Provincial public administration (PDMMs, branches of ministries, civil servants),
- Representatives of local governments (e.g. municipalities, city councils, mukhtars)

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<sup>2</sup> Not all the respondents had their legal status. For example, the Syrians were given “temporary protection status”, but some of the non-Syrians respondents were under “international protection”, but due to their “non-European status, they have only “conditional refugee status”. Due to the complexity of Turkey’s international protection system, in some cases, we have to use which protection type is provided for them rather than addressing their legal statuses. In fact, in some cases that mentioned at meso or micro level, the respondents are the mentioned cases were not provided international protection at all as addressing the problems regarding the system.

<sup>3</sup> The interviews were conducted by Prof. Dr. Ayhan Kaya, Dr. Susan Rottmann, Asli Kaya and Ahmed Fahmy in Istanbul (meso and micro); by Dr. N. Ela Gokalp Aras in Izmir (meso and micro), Ankara (meso) and Canakkale (meso), by Dr. Zeynep Sahin Mencutek in Sanliurfa (meso and micro) and Izmir (micro).

- IO representatives (e.g. IOM, UNHCR)
- INGOs, NGOs, refugee organizations
- Scholars, experts
- Lawyers-bar associations

#### **Spatial scope of professional activity and differences between provinces:**

- National-central level: Ankara
- Urban: Istanbul, Izmir, and Sanliurfa
- Rural-non-urban areas: Border-crossing points in Izmir such as Dikili and border-crossing points in Sanliurfa such as Ceylanpinar and town centre Siverek.

As a site of interviews, Istanbul was chosen because it has the largest Syrian population in Turkey with a population of 552,080 Syrians as of 7 November 2019. Sanliurfa hosts the third largest Syrian population in Turkey, with 429,888 as of 7 November 2019, which means 24 % of the total population of the province (1,985,753) lives there (DGMM, 2019). Izmir is selected to reflect better on Syrian and non-Syrian differentiation (the dual asylum regime of Turkey). The province is the third most populous city in Turkey.<sup>4</sup> Since the 1990s, Izmir has been impacted by an increasing number of irregular migrants who move to and through the city, and who have come with the intention of settling and/or working, seeking asylum or transiting to a third country (Biehl 2014, p.56). As the main transit hub of the Aegean Sea, Izmir became a place of intense migratory movement in the summer of 2015. Numbers were also impacted by the fact that readmissions from the Greek Islands as a part of the EU-Turkey Statement (2016) were accepted by Turkey through this city (Dikili). As of 7 November 2019, there are 146,889 registered Syrian refugees, who are under temporary protection in Izmir (DGMM, 2019). The selection of Ankara is guided by a desire to understand the centralist governance of the protection, as it does not have a high migrant and/or refugee<sup>5</sup> population. Only meso level interviews were carried out there as it hosts international, European and national policy making and implementing institutions and their main headquarters or centres, such as the EU Delegation to Turkey as well as high-level of national institutions, such as the related ministries and the DGMM. In addition, Ankara hosts not only IGOs, but also important international as well as national NGOs. None of the selected cities mentioned above is a “satellite city”<sup>6</sup> where the beneficiaries of international protection are allowed to reside, except those having specific conditions such as health conditions.

The micro level analysis is based on the 103 micro level interviews. Interviewee sampling was guided by consideration of the representativeness in terms of spatial dimensions (districts), time span of arrivals, gender, age, vulnerabilities, ethnicity and variations in legal status (mainly Syrian and non-Syrian criteria).

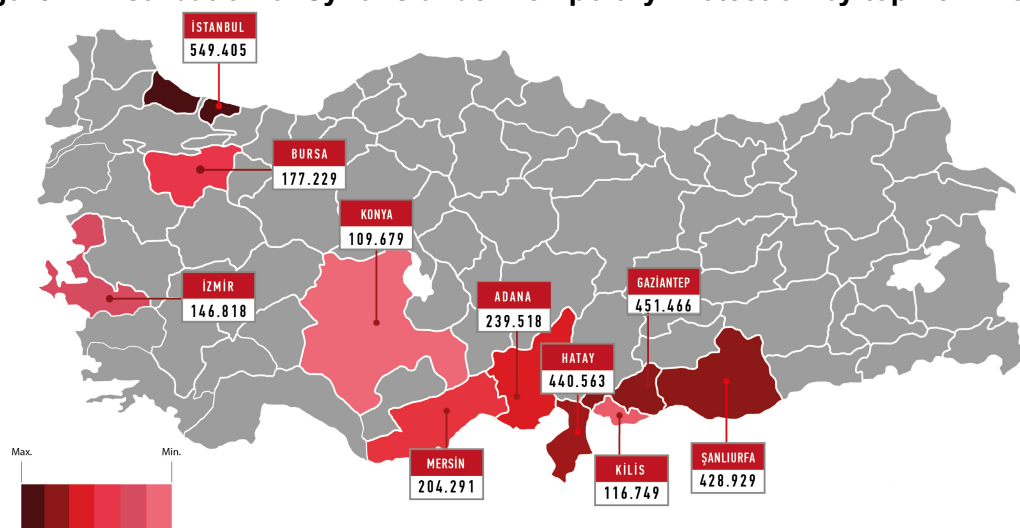
As observable in the below figure, the selected three provinces -Izmir, Istanbul, Sanliurfa- are among the top ten provinces that host the largest numbers of Syrians under temporary protection. In these provinces, interviews were conducted in local municipalities/districts where there is a high number of Syrians.

<sup>4</sup> 4,279,677 in 2017 according to Turkish Statistical Institute, Available at: <<http://www.tuik.gov.tr/UstMenu.do?metod=temelist>> [Accessed 16 May 2018].

<sup>5</sup> Ankara has 88,373 refugees as of 27 December 2018 (Gocgov, 2018).

<sup>6</sup> Provinces assigned by the Ministry of Interior for foreigners who seek asylum for political reasons to temporarily reside. The “satellite city” system is valid for non-European asylum-seekers, upon the completion of registration of their applications, at which time they are assigned to reside in certain cities by the MoI, which are currently 51 provinces. Accordingly, they are required to check in regularly with local authorities and restricted from movement outside of the city without special permission.

**Figure 1: Distribution of Syrians under Temporary Protection by top Ten Provinces**



**Source:** Directorate General of Migration Management, “Migration Statistics: Temporary Protection”, Available at: <<https://en.goc.gov.tr/temporary-protection27>> [Accessed 29 October 2019].

Finally, the report’s section on narratives aims to reflect the key themes/narratives associated with “international protection,” in particular asylum procedures and refugee protection. This section examines the key conceptualisations of “international protection” (as a responsibility, as a right, as a burden, as an obstacle, as a duty and as an aid-humanitarianism-generosity and of international (human rights) and humanitarian laws. Within this framework, the section on political narratives emerged from a qualitative content analysis of speeches and statements of main national narrative constructors: The President, former Prime Ministers or pertinent ministries, as well as press releases issued by the government. We focus on themes pertinent to international protection for the period of 2011-2019.

### 3.2. Data Analysis and Limitations

We use the common-coding scheme of the WP3 (Refugee Protection Regimes) of the RESPOND Project, which was used by all of the other consortium members of the Project, making some country specific revisions and additions. Interview data was analysed by using qualitative content analysis and the Nvivo12 Plus Programme that allowed us to systematically categorize, describe and interpret the collected material. We used both a deductive and inductive approach in creating our coding frame for meso level analysis. We started with the developed categories indicated in the WP3 guidelines and then focused on Turkey-specific aspects which are critical to understanding international protection and, in particular, refugee protection. The original data itself required us to add new main categories, such as context related developments, and sub-codes under the original codes.

The major limitation to our findings can be seen in terms of our limited access to non-Syrians refugees.. The first category of the dual structure of Turkey’s refugee protection regime refers to “international protection”, which is provided for non-Syrians<sup>7</sup>; however, the majority of those who have international protection, in particular temporary protection, in Turkey are Syrians. Although, in particular, in Izmir, the interviews were conducted with non-Syrian respondents (from Iraq, Palestine, Senegal, Sudan, Morocco and Sierra Leone), the majority of micro-level interviews were conducted with Syrians. In this regard, in particular for the international protection types, the report mainly reveals problems regarding temporary protection and is not quite representative regarding international protection. Therefore, there are some limitations

<sup>7</sup> As it will be explained in details, Syrians have also opportunity to benefit from different types of permits and protection.

in terms of ability to compare international and temporary protection; however, it should also be stated that the report has qualitative approach and this problem could be overcome by examining the meso level interviews, which provided significant insights regarding both types of protection. Also, the absence of minorities in our interview dataset, disabled and LGBTQ+<sup>8</sup> individuals should be mentioned. For example, we reached three of the main ethnic groups among Syrians (Arabs, Kurds, Turkmans), but could not reach to one of the sub-groups, “Dom”, although we had hoped to do so within our sampling strategy.

One of the most recent developments regarding the procedural and institutional change for international protection started as of 10<sup>th</sup> September 2018. This change could not be evaluated in depth because the fieldwork in all cities was completed by the end of November 2018. Thus, this period was not extended enough to be able to see the implications and evaluate the practices of this change. However, some of our meso level respondents provided important views regarding preliminary impacts of this change.

Finally, although we approached “international protection” from a broad perspective, to prevent overlap with the other WPs of RESPOND, in particular with WP2 (border management and migration control), WP4 (reception) and WP5 (integration), the report narrows its focus and covers the process from the moment that individuals apply for asylum until the final decision including refugee protection, temporary protection.. Thus, many important aspects were reserved for the WP4 and WP5 Turkey country reports.

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<sup>8</sup> People often use LGBTQ+ to mean all of the communities included in the “LGBTQQIAA”, which refers to lesbian, gay, bisexual, transgender, transsexual, queer, questioning, intersex, asexual, ally, where “+” stands for pansexual, agender, gender Queer, bigender, gender variant, pangender, more details available at: <https://ok2bme.ca/resources/kids-teens/what-does-lgbtq-mean/> [Accessed 4 September 2019].



## 4. Significant Changes since 2011

At the time when the mass migratory movements originating from Syria towards Turkey emerged in 2011, Turkey was in the process of drafting the LFIP, which to be promised a major reform regarding international protection and the asylum system. LFIP was enacted in 2013 and partially entered into force as a new legal and institutional framework. Although the relevant provision regarding temporary protection in the LFIP was not enforceable at the time, Turkey *de facto* provided this protection without an explicit and comprehensive legal basis in terms of the scope of admission to the country, protection from *refoulement* and access to basic needs.

In 2014, all relevant provisions of the LFIP came into force, including the first legislative designation about temporary protection. Temporary protection is regulated under Article 91 of the LFIP, as an emergency response to mass-influx situations. Although this provision refers to “temporary protection” for the first time in Turkish law, it does not provide a comprehensive context relating to the procedures to be taken during the implementation of temporary protection. Turkey’s most significant legal response to forced migratory movements originating from Syria, the Temporary Protection Regulation (TPR) was issued by the Council of Ministers in October 2014. Under TPR, access to certain services for temporary protection beneficiaries are designated, such as health, education, access to the labour market, social assistance and interpretation services (TPR, Articles 26-31 respectively). Since then, in addition to the TPR, Turkey issued several secondary administrative regulations for both international protection and temporary protection (see Appendix 11.1 and 11.2. for the full list of primary and secondary legislations), which are analysed in detailed in the WP1 Turkey Country Report (Cetin et.al., 2018).

The most significant recent change is in terms of access to the international protection procedure, mainly Refugee Status Determination (RSD). As of 10 September 2018, the parallel RSD procedure conducted by UNHCR and DGMM came to an end, and the entire procedure of RSD moved under the authority of DGMM announced the termination of its registration activities in Turkey on 10 October 2019 (AIDA, 2019, p. 14). In the transition period, the UNHCR “has supported DGMM during its formation process, including the registration of international protection applicants and referral processes” (UNHCR, 2018). According to the new procedure, the UNHCR will not be taking any pre-registrations and the RSD procedure will be conducted solely by the DGMM. This change was envisioned for some time, as stated in the LFIP. Currently, UNHCR’s actions are limited to the delivery of counselling services to refugees and asylum-seekers. UNHCR states that it “*will continue to have access to international protection applicants and, subject to the consent of the applicant, to the information concerning the international protection application lodged by the individual with PDMM*” (UNHCR, 2018). Also, similar to the previous procedures, resettlements will be carried out by UNHCR.

Registration of asylum seekers is the first critical step for status determination. Before 10 September 2018, the registration procedure was mainly conducted by the UNHCR and its national implementing partner, the Association for Solidarity with Asylum and Migrants (ASAM). It was a “joint registration” arrangement previously put in place between PDMM and UNHCR, whereby UNHCR and its implementing partner, SGDD-ASAM, registered applications in Ankara and then directed applicants to “satellite cities”<sup>9</sup> to lodge their applications with the PDMM.

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<sup>9</sup> According to LFIP Article 71(1), the competent PDMM has the authority to impose on applicants the obligation to reside in a specific address, as well as reporting duties, which appears as mainly signature. To be able to travel outside the assigned province by the competent PDMM requires a written permission the that PDMM, which can be maximum 30 days and can be extend only 30 days more [Article 91(1)-(2) and IR. Failure to stay in assigned

After the procedural change on 10 October 2019, DGMM's PDMM offices appears to be the agency responsible for the registering and further processing of all applications for international protection lodged by individuals. According to the LFIP, foreigners must apply for international protection to PDMM offices in any of the 81 provinces upon their entry to Turkey.

During the registration, presenting of correct identification documents by applicants is a requirement according to LFIP. In the case of a lack of identification documents, "information obtained from the comparison of personal data and from investigation shall be used for the identity determination. In case no information is obtained as a result of the identity determination investigation as well, the statement of the applicant shall be referred to" [LFIP, Art.69 (1-3)].

Provision of a legal proof (identity document) at the end of registration is an important aspect of protection as it will show the legality of applicants stay as a foreigner in the country. Before October 2018, after the completion of the first registration and interview with UNHCR and ASAM in Ankara, the applicant and her/his family were issued an International Protection Applicant Identity Document along with a Foreigner's Identification Number (FIN) that enabled access to basic rights and services (AIDA, 2018a, p.59). If the application for international protection could not be finalised, the registration document was be extended for a validity period of six months [(LFIP, Art.76 (1))] without the giving of a FIN. Those whose procedures were finalized had to travel to their assigned "satellite city" to inform the relevant PDMM. The final identity documents for the applicants, however, were only issued after the interview. This situation resulted in a lack of access to rights and services for applicants for the duration between their registration and interview, given that it was only the identity document (for applicants) not the registration document that included a FIN, , which enabled such access. Hence, following an amendment to the LFIP in October 2018<sup>10</sup>, 'upon completion of the registration, the applicant and, if any, accompanying members of his/her family, shall be issued an International Protection Applicant Identity Document valid for six months indicating the international protection application and bearing foreigner identification number' [LFIP, Art.76 (1)]. Since 10 September 2018, there are no official figures regarding the number of applicants and the results of decisions on asylum applications.

Beside these particular changes in asylum legislation regarding RSD, another important change in the international protection system was observed as an impact of Turkey's transition from a parliamentary system to a presidential system in 2018. The presidential system, officially called the "Presidential Government System" grants "executive power and functions to the President of the Republic in conformity with the Constitution and laws." (TCBB, 2019). The new system has reshaped the public administration structure, as well as the division of labour between ministries and directorates (Akinci, 2017). According to the newly introduced administrative structure, the role and responsibilities of DGMM and the Disaster and Emergency Management Authority (AFAD) are more specified in the new bylaws. AFAD is taken under the authority of Ministry of Interior (MoI) such as DGMM had been. The Ministry of Family, Labour and Social Services (MoFLSS) is assigned to being an organization responsible for employment and social security issues, and thus has started to be involved in the protection of refugees with reference to their "vulnerability" and the necessity of launching social policies. Also, all references to the "Council of Ministers" are replaced with the term

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province may create serious consequences, for example in case of not reporting to their assigned province in time or not being present for three consecutive checks by the authorities, their international protection application can be withdrawn [LFIP, Article 77(1)(ç)]. It is only possible to assign another city through the evaluation and permission of DGMM based on special conditions such as health, family reasons [LFIP, 110(5)]. Although the beneficiaries of temporary protection are not under strict rule for travel permission, to be able to reception rights and benefits provided by the LFIP, they need to be in their residence province. As starting from July, in particular for Istanbul including temporary protection beneficiaries, the travel permit issue became an important issue.

<sup>10</sup> The relevant articles [LFIP Art. 69 (7) and 76 (1)] were amended by Law No. 7148 (Art. 35), dated 18.10.2018.

“Presidency” that grant President more power in shaping policies, such as deciding on temporary protection for a mass arrival.

Another recent development concerns the process of removal (deportation) of asylum seekers. In February 2018, the derogation from the principle of non-refoulement for reasons such as public order, security and terrorism, was introduced. These reasons have increasingly been used for legitimizing removal decisions (AIDA, 2018, p. 14). Following the attempted coup d'état on 15 July 2016, and due to the increased securitisation in the aftermath, we came across many statements of respondents referring to the unlawful deportation of asylum seekers, beneficiaries of international protection and beneficiaries of temporary protection (Gokalp Aras and Sahin Mencutek, 2019). The deportation provisions in the LFIP (Articles 53 and 54) had been amended with the Emergency Decree of October 2016.<sup>11</sup> In the previous regulation, applicants for international protection had the right to remain on the territory of Turkey throughout the procedure [(LFIP, Article 80(1)e)]. However, an exception to this rule was introduced by way of the above-mentioned emergency decree, which was consolidated by Law No 7070 on 1 February 2018<sup>12</sup>, and this has had serious implications, which is discussed later in this report.

Removal mechanisms work as follows: Article 53 states that a foreigner in respect of whom a deportation decision has been issued has 15 days to appeal that decision with the local administrative court, following which the court has 15 days to make a decision. The decision of that court is final and cannot be appealed again. Importantly, the provision states that a foreigner subject to a deportation decision may not be deported during the 15-day period for filing an appeal or during the court's review of the appeal (automatic suspensive effect). Yet, a further addition to Article 54 provides that these three categories of people (threatening public order, security and linked to terrorism) may be issued deportation decisions at any point, including pending review of an international protection application, as well as after having been granted international protection. Moreover, the amended version of Article 53(3) designates an exception for these three categories of individuals regarding the automatic suspensive effect. In other words, if the deportation decision is given on the basis of either constituting a threat to public order or security or being linked to terrorism, the individual who is subject to a deportation decision may be removed even before the Court renders a final decision on the appeal. The most effective way to stay the execution of such deportation orders is to file an individual complaint with the Turkish Constitutional Court and to ask for an interim measure. In common practice, few have the possibility to file complaints. Thus, as the Norwegian Organisation for Asylum Seekers (NOAS) report states, “it is not a judge/court but the administration that makes the assessment that a person falls into one of these three categories and can therefore be deported immediately without any chance to ask for judicial review” (NOAS, 2018, p. 24). The report further highlights that “while referencing public order, ‘public security and public health’ is a common and accepted formulation in law-making, such provisions are prone to misuse in Turkey and can lead to arbitrary decisions in general, and more so in the post-coup-attempt Turkey” (Ibid., pp.24-25). It should also be added that the Constitutional Court have found violations of Article 40 of the Turkish Constitution (right to effective remedy) in various individual application decisions regarding the lack of automatic suspensive effect for appeals against deportation decisions based on the aforementioned three categories. The Court later announced that it adopts the ‘pilot decision procedure’ for such applications. The Court stated that there are currently 1545 applications pending on similar grounds and that these applications indicate a structural problem based on the amendment of the relevant provision in the LFIP [Art. 53(3)]. Hence, the Court decided to adopt the pilot decision procedure for the purpose of enabling the administration to find a permanent

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<sup>11</sup> Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676.

<sup>12</sup> Amended by: Law No 7070, 1 February 2018 on the regulation of emergency provisions, available at: <http://bit.ly/2S5DZzL> (TR)

and structural solution to similar cases where the right to effective remedy is violated due to the aforementioned amendment in the law. The Court also provided that a copy of the pilot decision is conveyed to the legislative branch so that a legislative regulation could permanently solve this problem. Moreover, the Court indicated that unless a permanent solution is reached by the relevant authorities before the stipulated date, all pending cases will be decided by the Court<sup>13</sup>.

Another development influencing international protection concerns internal controls in some provinces, notably in Istanbul since the summer of 2019. Despite a long time, flexible approach of provincial authorities towards the internal mobility of Syrians, the approach changed with the statement of the Governorship of Istanbul. The Ministry of Interior gave Syrians until 20 August 2019 to return to the cities in which they were first registered. Although the time period was extended, the internal controls for both international and temporary protection beneficiaries became stricter. In addition, as of 9 October 2019, Turkey started the Peace Spring (*Baris Pinari*) Operation and, similar to the previous operations<sup>14</sup>, the return emphasis for Syrians in Turkey got more visible and emphasized. Regarding the return dimension, it should also be emphasized that as of 22 July 2019, Turkey officially suspended the EU-Turkey Readmission Agreement; however, the EU-Turkey Statement (2016) appears to still be functional, which has also significant implications on international protection.

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<sup>13</sup> See, the official press declaration of the Turkish Constitutional Court dated 09.07.2019, available at <https://www.anayasa.gov.tr/tr/haberler/bireysel-basvuru-basin-duyurulari/sinir-disi-edilme-kararina-karsi-basvurulabilecek-etkili-bir-yargi-yolu-bulunmamasini-nedeniyle-etkili-basvuru-hakkinin-ihlal-edilmesi-ve-ihlalin-yapisal-sorundan-kaynaklanmasi-nedeniyle-pilot-karar-usulunun-benimsenmesi/>

<sup>14</sup> In 2016 Turkey launched Operation Euphrates Shield (*Firat Kalkan Harekati*), which was followed by Operation Olive Branch (*Zeytin Dalı Harekati*) in 2018, in the Kurdish controlled Afrin in Northern Syria.

## 5. Background on the Legal, Institutional and Policy Framework

### 5.1. An Overview of the International Protection in Turkey and Statistics

Turkey is one of the signatories of the 1951 Refugee Convention, however maintains a geographical limitation and grants refugee status only to people originating from Europe. Despite this limitation, it provides non-European refugees with protection and temporary asylum. It has had a comprehensive law regulating the international protection, the LFIP, since 2013. It has also had more specific regulations addressing mass refugee movement, called the Temporary Protection Regulation since 2014. The DGMM is the main responsible agency regarding asylum and migration, including responsibility for the temporary protection regime. As of 10 September 2018, DGMM also took over all responsibility relating to RSD from the UNHCR.

Turkey's asylum legislation referred to above created a dual structure regarding protection that has two main pillars: "international protection" and "temporary protection" (AIDA, 2019, p. 17; NOAS 2018). The notable characteristics of the dual structure is summarized in the below Figure 2.

**Table 1: Turkey's Dual Structure of Protection**

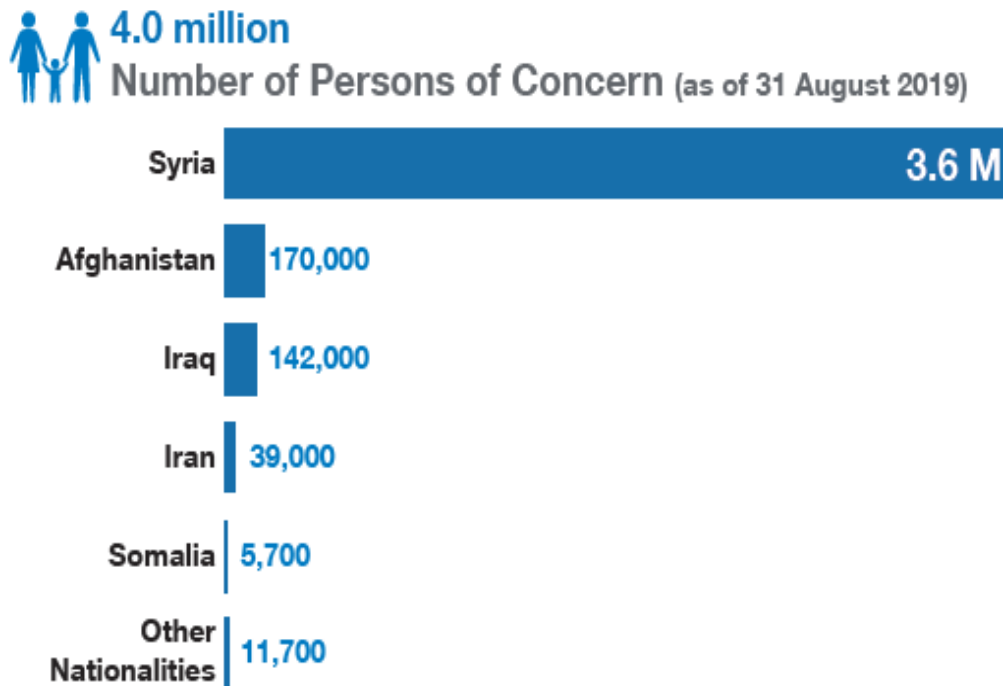
International Protection			Temporary Protection
Available upon individual assessment of asylum seekers			Provided on a group basis in mass-arrival situations where high numbers make individual assessment unfeasible
Terms set out in the Law on Foreigners and International Protection (in force since April 2014)			Terms set out in Temporary Protection Regulation (in force since October 2014)
Refugee	Conditional Refugee	Subsidiary protection beneficiary	Temporary protection beneficiary
Less than 100 people	c. 370,000 people	Less than 100 people	c. 3.6 million Syrians

Source: NOAS. 2018., p. 11. Seeking Asylum in Turkey, Available at: <[https://www.noas.no/wp-content/uploads/2019/02/Tyrkia-2018-Update\\_Web.pdf](https://www.noas.no/wp-content/uploads/2019/02/Tyrkia-2018-Update_Web.pdf)> [Accessed 14 October 2019].

According to the recent figures provided by UNHCR, as of 31 August 2019, there are 4 million persons of concern, including both international and temporary protection in Turkey (Figure 3). The DGMM has an updated version (as of 7 November 2019), noting that Turkey currently hosts 3,682,434 refugees from Syria under temporary protection and 114,537 non-Syrian asylum seekers and beneficiaries. Both statistics are consistent about the main origin countries: Iraq (68,685), Afghanistan (31,148), and Iran (9,619), among others<sup>15</sup> (DGMM, 2019). However, this number is higher for 2018 according to UNHCR. Some 368,400 individuals were registered with UNHCR, mainly Afghans and Iraqis (Figure 2 and 3).

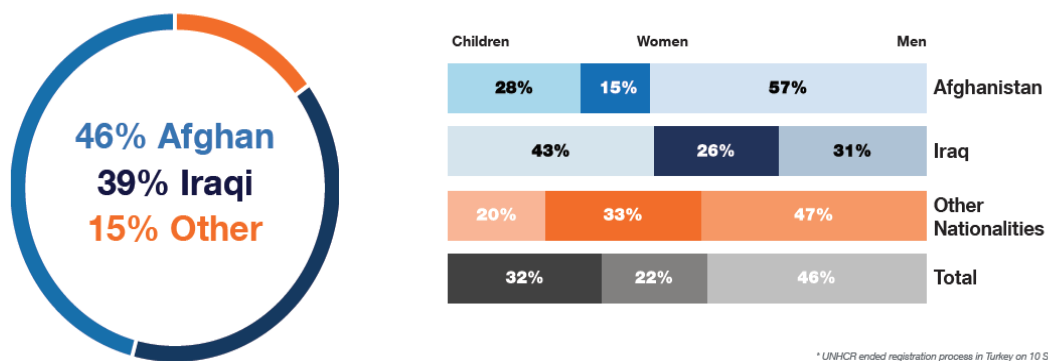
<sup>15</sup> Those countries are followed with Somali (1,082), Pakistan (350), Yemen (200), Turkmenistan (181), Palestine (167), Uzbekistan (111).

Figure 2: Key Figures (as of 31 August 2019)



**Source:** UNHCR (2019). “Turkey: Key Facts and Figures” August 2019, Available at <<https://data2.unhcr.org/en/documents/download/7151>> [Accessed 1 October 2019].

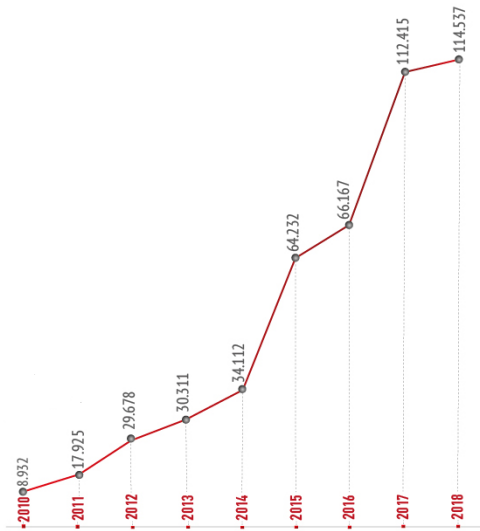
Figure 3: 2019 Registration Statistics according to UNHCR



**Source:** UNHCR (2019). “Turkey: Key Facts and Figures” August 2019, Available at <<https://data2.unhcr.org/en/documents/download/7151>> [Accessed 1 October 2019].

With these ever-increasing numbers of asylum seekers, Turkey appears to be the third country -following Germany (184,180) and France (119,190)- with the largest numbers of (114,537) international protection applications in the European Union (EU) and the European Free Trade Association (EFTA) countries (DGMM, 2019a).

**Figure 4: International Protection Applications by Year**

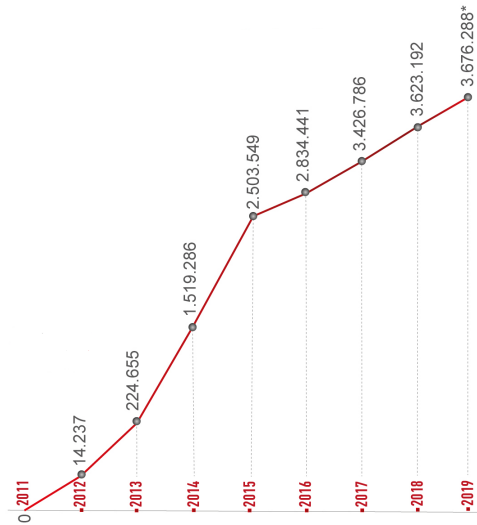


**Source:** DGMM. 2019. "International Protection", available at: <https://en.goc.gov.tr/international-protection17> [Accessed 16 October 2019]

Departing from DGMM figures, the UNHCR states that, until 10 September 2018, the number of international protection applications reached 368,230 (UNHCR, 2019). After this date, the registrations and the RSD role were taken over by DGMM. It should be stated that along with the previously mentioned dual structure, there are also inconsistencies and fluctuations in procedures addressing refugees fleeing from the same origin country.

The majority of refugees in Turkey originate from Syria and are the beneficiaries of temporary protection. Their numbers steadily increase with first mass arrivals from 2011 to 2015, then gradually increased with individual arrivals and births until 2019 as seen in Figure 6. Due to the dual structure, refugees that arrive from Syria are subject to a "prima facie-type temporary protection" that covers Syrian nationals and stateless Palestinians originating from Syria; but not Syrian nationals who may arrive through another country even if their family members in Turkey already benefit from temporary protection" (AIDA, 2018, p. 55).

**Figure 5: Distribution of Syrian Refugees in the Scope of Temporary Protection by Year**



**Source:** DGMM. 2019a. "International Protection", <https://en.goc.gov.tr/temporary-protection27> [Accessed 16 October 2019].

The majority of the temporary protection beneficiary Syrians are living in cities rather than temporary shelters. When the first Turkey country report was published in 2018 as a part of the RESPOND Project, the population living in temporary shelters was 224,334 (Cetin et. al., 2018, p. 746). This fact was also confirmed during an interview with a DGMM international protection representative who justified their “temporary” character and the needs for integration.<sup>16</sup> As of 16 October 2019, there are only 7 centres in 5 cities (Adana, Kilis, Kahramanmaras, Hatay, and Osmaniye) and again, during the fieldwork of RESPOND in Sanliurfa (2018), there were three open temporary shelter centres.

**Figure 6: Sheltered and Unsheltered Syrian Refugees by Temporary Shelter Centres**



**Source:** DGMM. 2019a. “International Protection”, available at: <https://en.goc.gov.tr/temporary-protection27> [Accessed 16 October 2019].

## 5.2. The Relevant Legislative Framework

The existing legal framework on international protection has been developed through primary and secondary law. Primary law refers to international conventions duly put into effect, laws (acts of the Parliament), by-laws<sup>17</sup>, directives, circulars, communiques and the Council of Minister decisions. Pursuant to Turkish law, secondary sources consist of by-laws, directives, circulars or any kind of sources, which are regulated by the administration, and which are required to be consistent with the primary sources (Constitution, Article 124). Secondary sources, in principle should serve as guidelines for the administration to comprehensively designate the procedures of certain duties and obligations assigned to the administration by the primary sources.

### Primary law

The Turkish Constitution refers to the principle of equality between foreigners and citizens in terms of fundamental rights by stating that ‘[e]veryone possesses inherent fundamental rights and freedoms, which are inviolable and inalienable’ (Constitution, Article 12) and ‘[e]veryone is equal before the law (...)’. The right to life and prohibition of torture is guaranteed for ‘everyone’ (Constitution, Article 17) enabling a constitutional protection from refoulement for foreigners. International agreements, to which Turkey is a signatory party, duly put into effect have the force of law (Constitution, Article 90). In this regard, Turkey ratified the 1951 Geneva Convention Relating the Status of Refugees on 30 March 1962 and accessed its Additional Protocol (1967) on 31 July 1968 (UNHCR, 2015). Both are the sources of primary law. However, ‘Turkey expressly maintained its declaration of geographical limitation upon acceding to the 1967 Protocol’ (Ibid.). This means that Turkey recognizes the Convention’s refugee status only for those who meet the Convention criteria due to events happening in Europe.

<sup>16</sup> Interview conducted by N. Ela Gokalp Aras with the DGMM high-level officer, 12 November 2018, Ankara, Turkey.  
<sup>17</sup> The terms by-law and regulation may be interchangeable used.



The most recent and detailed legal framework about “international protection” was created with the LFIP (Law No.6458) effective as of 11 April, 2013. It is the first national law, which covers both international protection and the statuses and rights of foreigners in the country. The LFIP also marks the end of a period in which laws relating to foreigners, particularly asylum law, was regulated by secondary legislation (see Appendix 11.1 for the detailed list of the related primary law).

**Secondary law**

Although the 1951 Convention provides the main guidelines for ‘international protection’, due to the geographical limitation, there was a gap in asylum law in relation to individuals who do not fall within the scope of the Convention. This gap was filled with a secondary administrative regulation (a by-law) in 1994, the Council of Ministers Regulation.<sup>18</sup> This Regulation was abrogated by the entry into force of the Temporary Protection Regulation (TPR) on 22 October 2014, which was issued on the basis of Article 91 of the LFIP. Prior to the TPR, temporary protection was not defined in domestic law. In fact, the LFIP does not provide the principles and procedures for such a regime and does not specify the framework of reception, stay, rights and obligations (see Appendix 11.2 for the detailed list of the related secondary laws). Apart from temporary protection, there are also effective sources in relation to international protection and/or migration in general, which are of the nature of secondary law. One significant source of this kind is the Implementation Regulation (IR) of the LFIP.<sup>19</sup> The IR is sourced from LFIP and provides comprehensive guidelines for the provisions under the LFIP, both for international protection and for migration-related issues.

**5.2.1. International Protection**

LFIP provides the criteria for international protection in Turkey and DGMM conducts a detailed assessment to decide whether a person seeking asylum fulfils the eligibility criteria listed in Turkish law for benefitting from international protection. If the decision is positive, depending on the applicants’ country of origin and the reasons why they are in need of international protection, DGMM will grant them one of three forms of “international protection status” defined in the LFIP in accordance with Turkey’s “geographical limitation” policy with regards to the 1951 Refugee Convention as follows:

**Table 2: Types of International Protection Categories in Turkey’s Asylum System**

Status	Details	Source
<b>Refugee Protection</b>	A person who as a result of <i>events occurring in European countries</i> and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, shall be granted refugee status upon completion of the refugee status determination process.	LFIP, Article 61(1)
<b>Conditional Refugee Status</b>	A person who as a result of <i>events occurring outside European countries</i> and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such	LFIP, Article 62(1)

<sup>18</sup> By-law of 14/09/1994 on the Principles and Procedures concerning Possible Population Movements and Foreigners Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum from another Country, No: 94/6169, the Official Gazette, No. 22127, 30 November, 1994, Available at <http://www.goc.gov.tr/files/files/temptemp.pdf> [Accessed on 18 October 2019]

<sup>19</sup> Available at <https://www.resmigazete.gov.tr/eskiler/2016/03/20160317-11.htm> [Accessed 26 April 2018].

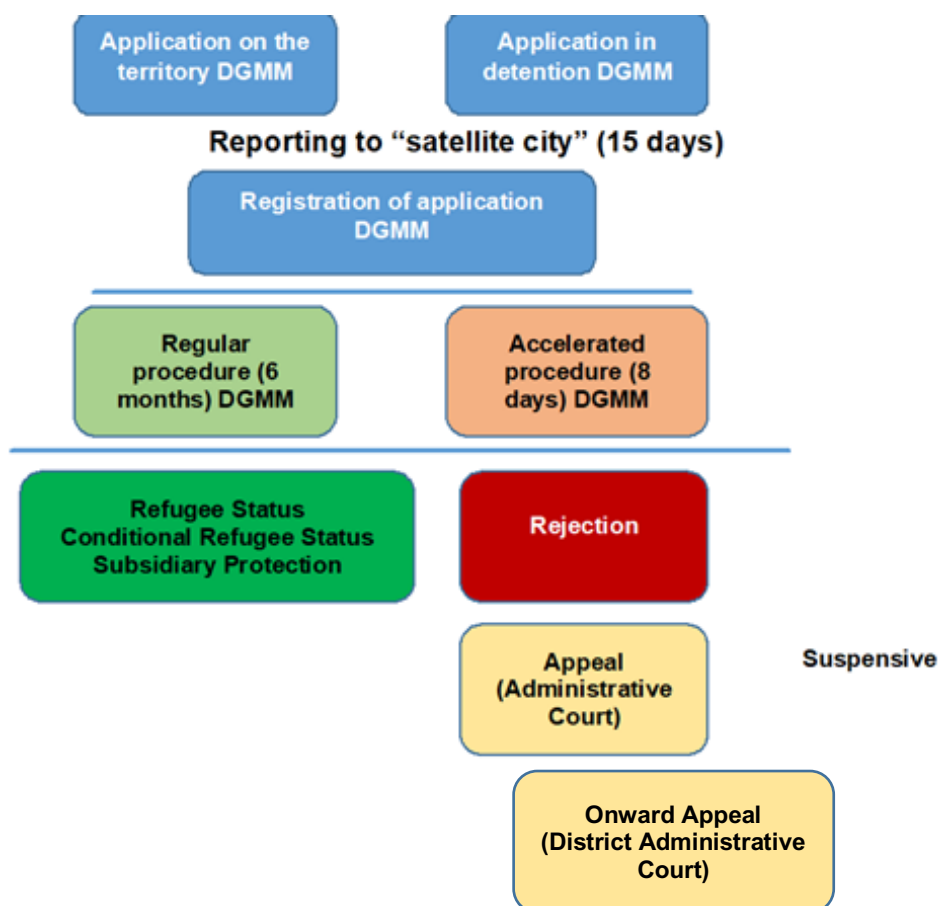
	fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. <i>Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country.</i>	
<b>Subsidiary Protection</b>	<i>A foreigner or a stateless person, who neither could be qualified as a refugee nor as a conditional refugee, shall nevertheless be granted subsidiary protection upon the status determination because if returned to the country of origin or country of [former] habitual residence would:</i> a) be sentenced to death or face the execution of the death penalty; b) face torture or inhuman or degrading treatment or punishment; c) face serious threat to himself or herself by reason of indiscriminate violence in situations of international or nationwide armed conflict and therefore is unable or for the reason of such threat is unwilling, to avail himself or herself of the protection of his country of origin or country of [former] habitual residence.	LFIP, Article 63(1)

The “refugee status” is based on Turkey’s obligations under the 1951 Convention; however due to Turkey’s geographical limitation to the Convention, only persons who come from European countries can be given this status. According to a Turkish National Assembly Report, only 70 persons have been given refugee status in the history of Turkey (TBMM, 2018, p. 11). It should be noted that this is an ‘estimated’ number. On the other hand, persons who fall within the refugee definition specified in Article 1A (2) of the 1951 Convention, but come from a so-called ‘non-European country of origin’, are instead offered “conditional refugee” status under LFIP. This is a status that was created “by the LFIP for the purpose of differentiating treatment between 1951 Convention-type refugees originating from ‘non-European’ states and those originating from ‘European’ states” (AIDA, 2018, p. 99). This designation provides a legal status with a set of rights and entitlements lesser to that granted to refugee status holders and to conditional protection holders for its beneficiaries. The most important difference between “refugee” and “conditional refugee” status is that the later one does not offer the prospect of long-term legal integration in Turkey and the beneficiaries of this status are excluded from family reunification rights. Finally, persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status but who would however be subjected to the death penalty or torture in their country of origin if returned, or who would be at “individualised risk of indiscriminate violence” due to situations of war or internal armed conflict, qualify for subsidiary protection status under the LFIP. Unlike conditional refugees, subsidiary protection beneficiaries are granted family reunification rights in Turkey (Ibid.). The second pillar of the refugee protection regime is “temporary protection”, which affects the highest number of beneficiaries (Syrians). Thus, this protection type will be explained under a separate heading.

### **Procedures for International Protection Applications**

Turkey is not an EU member; and thus, the Dublin system is not applicable. Rather, there are different types of procedures regarding international protection, which are: the “regular procedure” (with both “prioritised examination” and “fast-track processing”), “admissibility procedure”, “border procedure” and “accelerated procedure” (AIDA, 2019, p. 20). Here, the regular procedure will be discussed in detail, while the other types will be briefly mentioned.

**Figure 7: Flow Chart of Asylum Process in Turkey<sup>20</sup>**



**Source:** Updated/Corrected version by the authors of AIDA, 2019, Country Report Turkey: 2018 Update, p.19. available at: [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_tr\\_2018update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf) [Accessed 12 October 2019].

As a part of the regular procedure, international protection applications should be on the territory in person, which means applicants need to appear physically, and they should personally present their request at the assigned PDMM [Article 65(1)]. Applications can also be done during administrative detention<sup>21</sup> and at the border to law enforcement agencies on the territory or at border gates. However, in those cases the competent PDMM should be notified to process the application [LFIP, Article 65(2) and (5)]. However, as shown later in this report, and as deduced from fieldwork and interviews, there are many cases in which people are refused entry at the border and returned without examination of their protection needs. We were repeatedly informed that detainees face obstacles, such as lack of information on their rights and the inability to contact UNHCR or NGOs. In addition, interviews with members of

<sup>20</sup> Although onward appeal is addressed as “Council of State” by AIDA 2019 Turkey Report, which updates 2018 Report, according to the Law on Administrative Jurisdiction Procedure (*Idari Yargilama Usulu Kanunu, IYUK*) Article 45, the onward appeal is possible through the Regional Administrative Court. In other words, against the decisions of the Administrative Court (if the decision is not given as final decision) as a supreme court, the Regional Administrative Court takes role not the Council of State. Only for some of the certain cases, it is possible to go to the Council of State and RSD is not one of those cases. We would like to specially thank to Dr. Neva Ozturk- the external reviewer of this report- for this correction.

<sup>21</sup> The LFIP defines immigrant detention under the “Administrative detention and duration of detention for removal purposes” in Article 57 (2) which states the following: “Those for whom a removal decision have been issued, the governorate shall issue an administrative detention decision for those who; bear the risk of absconding or disappearing; breached the rules of entry into and exit from Turkey; have used false or fabricated documents; have not left Turkey after the expiry of the period granted to them to leave, without an acceptable excuse; or, pose a threat to public order, public security or public health.”.

the bar associations in Istanbul, Izmir and Sanliurfa showed that there are barriers to granting power of attorney.

Within the framework of the regular procedure, the international protection application starts with the registration at PDMMs and potential applicants should approach the competent PDMM. According to the LFIP, applications for international protection should be registered by the PDMM, and they are expected to register in the PDMM of the assigned “satellite city” within 15 days. As mentioned above, UNHCR and ASAM no longer accept the first registrations. If the PDMM cannot register the application itself, it instructs the applicant to report to a different province, which should be another “satellite city” within 15 days. However, while in the past, the applicants were obliged to travel to Ankara, recently, they might have to go another PDMM which means travelling to another province. Also, there are cases in which there is no standard process and persons are refused registration by the PDMM without being referred to another PDMM (AIDA, 2019, p. 21). The interviews at the meso and micro levels provided important insights regarding the implementation and the problems regarding this change. These is discussed Section 7 of this report.

As a part of the **regular procedure**, there is a special type of procedure applying to a person with special needs who shall be “given priority with respect to all rights and proceedings” regarding their application for international protection. Special needs may include pregnancy, severe health problems or being an unaccompanied minor (LFIP, Article 67). Thus, those cases can be seen as needing “**prioritised examination**”. The **admissibility procedure** should also be mentioned, which is arranged by the LFIP [Article 72(1)], whereby four grounds<sup>22</sup> are mentioned and also “first country of asylum”<sup>23</sup> and “safe third country”<sup>24</sup> are mentioned.

For the **border procedure**, according to the IR, PDMM shall be promptly notified of applications made at the border, although the LFIP does not provide any specification in this regard. Applications made after the border crossing are subject to the regular procedure and the general rules laid down by the LFIP. In relation to applications made before the border crossing, for example, such as in the transit area of an airport or in some cases if a person is refused at the border, the competent PDMM will be notified by the border authorities and brought in to handle the application (AIDA, 2018, p. 43).

Finally, Article 79(1) of the LFIP lays down the grounds for referring an application to the **accelerated procedure**. The examination of accelerated procedure and its criteria determination must be carried out by the PDMM during the registration stage (LFIP, Article 73). For the accelerated procedure, the personal interview should take place within 3 days of the application, and the decision should be issued within 5 days of the personal interview [LFIP, Article 79(2)]. In cases in which it is impossible to comply with this time limit, the applicant may

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<sup>22</sup> LFIP Article 72(1): (a) A Subsequent Application where “the applicant submitted the same claim without presenting any new elements”; (b) An application submitted by a person, who was previously processed as a family member and signed a waiver to give up on his or her right to make a personal application, where the person submits a personal application; (c) An application by a person who arrived in Turkey from a First Country of Asylum; (c) An application by a person who arrived in Turkey from a Safe Third Country.

<sup>23</sup> LFIP, Article 73 defines is as a country “in which the applicant was previously recognised as a refugee and that he or she can still avail himself or herself of that protection” or (b) “or where he or she can still enjoy sufficient and effective protection including protection against refoulement.”

<sup>24</sup> LFIP Article 74 states the conditions for to be considered a “safe third country” as “(a) The lives and freedoms of persons are not in danger on the basis of race, religion, nationality, membership to a particular social group or political opinion; (b) The principle of non-refoulement of persons to countries, in which they will be subject to torture, inhuman or degrading treatment or punishment, is implemented; (c) The applicant has an opportunity to apply for refugee status in the country, and in case he or she is granted refugee status by the country authorities, he or she has the possibility of obtaining protection in compliance with the 1951 Refugee Convention; (c) The applicant does not incur any risk of being subjected to serious harm.”

be taken off of accelerated procedure and referred to the regular procedure [LFIP, Articles 79(3) and Article 80(3)].

As a part of the regular procedure, the competent PDMM is required to carry out a personal interview with applicants within 30 days from registration [LFIP, 75(1)]. Decisions must be communicated in writing [LFIP, Article 78(6)] and in a language that can be understood by the individual, but in most cases, decisions are given in Turkish. In case of a negative decision, the related notification should lay down the objective reasons and legal grounds of the decision. However, many non-Syrian respondents having had their applications rejected, realised the reason for rejection after administrative detention. Some assumed that rejection documents in Turkish were a kind of Turkish ID card that would protect them from being detained or apprehended by law enforcement forces.

In terms of **appeals**, the LFIP provides two separate remedies against negative decisions issued in the regular procedure: “administrative appeal remedy” and “judicial appeal remedy”. Applicants who are issued negative decisions may benefit from the administrative appeal through the International Protection Evaluation Commissions (IPEC) within 10 days or they may directly apply to a judicial appeal within 30 days, again through the competent Administrative Court [LFIP Article 80(1) (a)-(ç)]. Applicants have also the opportunity to continue appealing through the District Administrative Court within 30 days [LFIP, Article 80(1)(e)]. In the case of an accelerated procedure and admissibility decision, judicial appeals have to be filed within 15 days. The decisions of administrative courts on these matters are final; they cannot be appealed before the District Administrative Courts [LFIP, Article 80 (1)(d)]. During this process, applicants may access legal assistance. Lawyers and legal representatives can accompany applicants during the personal interview [LFIP, Article 75(3)], and the lawyers and legal representatives are guaranteed access to all documents in the file. However, documents relating to the protection of national security and public order and prevention of crime cannot be examined and handed over [LFIP, Article 94(2)]. International protection applicants and status holders are also free to seek counselling services provided by NGOs [LFIP, Article 81(3)]. In addition, in case of financial problems and inability to pay a lawyer for judicial appeals, the state-funded Legal Aid Scheme (*Adli Yardim*) is also available for judicial appeals with regards to the international protection procedure [LFIP, Article 81(2)].

During all types of appeals to negative decisions, applicants have the right to remain on the territory of Turkey throughout the procedure [LFIP, Article 80(1)e], except in some cases related with public safety or health, and membership in a terrorist or criminal organisation. However, since 2016, these exceptions have become quite visible and the fieldwork conducted for this report also confirms it. Due to the increased securitisation, we came across many statements by the respondents, regarding the unlawful deportation of asylum seekers, beneficiaries of international protection and beneficiaries of temporary protection (Gokalp Aras and Sahin Mencutek, 2019), and they mainly relied on the Emergency Decree of October 2016<sup>25</sup>. The Decree justifies the deportation decision as one that “may be taken at any time during the international protection proceedings” against an applicant for reasons of: (i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations. There are also other sources that support these claims about unlawful deportations (Izmir Bar Association, 2017; Amnesty International, 2017; HarekAct, 2017; AIDA, 2018).

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<sup>25</sup> Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016. The provision cites Article 54(1)(b), (d) and (k) LFIP, the latter inserted by Emergency Decree 676.

Within this system, removal decisions may be appealed before the Administrative Court within 15 days of notification.<sup>26</sup> Courts have clarified that the decision must be properly notified to the individual, either in writing or orally and must include information on appeal possibilities (AIDA, 2018, p. 23). An individual complaint procedure is available before the Constitutional Court within 30 days of the exhaustion of all existing administrative and judicial remedies.<sup>27</sup>

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

Deportation on public order, public security and public health grounds is linked to the security restriction codes issued by DGMM as “foreign terrorist fighters”. The procedure regarding this code is stated as different according to our respondents and it will be discussed as part of our meso-level analysis. It is not possible to find publicly available information, but there are inaccessible internal circulars and instructions within the administration. Security codes can be appealed through the Administrative Court (*Idari Mahkeme*) of Ankara, since they are issued by DGMM Headquarters (AIDA, 2018, p. 24).

### 5.2.2. Temporary Protection

Persons who have fled to Turkey from Syria are subject to a separate asylum procedure referred to as “temporary protection”. The LFIP defines temporary protection under Article 91(1-2) as the situation concerning these foreigners who arrived to Turkey as a result of forced migration who will be regulated later on by a “directive (regulation) to be issued by the Council of Ministers”<sup>28</sup>. Accordingly, the Temporary Protection Regulation (TPR) was issued on 22 October 2014. TPR provides also a form of international protection, but it is a complementary measure used in situations where individual international protection eligibility processing is deemed impractical (AIDA, 2018, p. 111).

#### **Foreigners who shall be granted temporary protection**

TPR ARTICLE 7 (1) Temporary protection shall be granted to foreigners who were forced to leave their countries and are unable to return to the countries they left and who arrived at or crossed our borders in masses to seek urgent and temporary protection and whose international protection requests cannot be taken under individual assessment.

(2) Temporary protection shall not cover persons who arrived our country from the country or region, where events constituting a basis for the temporary protection announcement take place, prior to the effective date of temporary protection announcement, unless the Council of Ministers decides otherwise.

(3) Persons benefiting from temporary protection shall not be deemed as having been directly acquired one of the international protection statuses as defined in the Law.

DGMM is the competent agency authorised to decide on the eligibility of persons for temporary protection in Turkey. After the presidential system change in Turkey, with the Presidential Decree No 4 of 15 July 2018, some of the roles of AFAD were also taken up by DGMM. Again, as a part of this change in 2018, the declaration of temporary protection was taken from the Council of Ministers and given to the Presidency (TPR, Article 9), which has also the power to order limitations or to suspend it in the event of a risk to national security, public order or health (TPR, Article 15).

<sup>26</sup> Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016.

<sup>27</sup> Articles 45-51 Law No 6216 on the Formation and Procedures of the Constitutional Court.

<sup>28</sup> As following the new presidential system of 2018, all references to the “Council of Ministers” have been replaced with “Presidency”, but it has not been done for the TPR yet.

In accordance with temporary protection, persons arriving from Syria are granted the right to legally stay in Turkey and have access to some rights and services; however, they are required to approach PDMM and register to benefit from these rights. The PDMM are formally in charge of registering temporary protection beneficiaries; however, as the fieldwork has displayed (and which is confirmed by some official statements), some PDMMs in large provinces, such as Istanbul and Hatay, are no longer accepting new registrations. Thus, they have “de facto stopped registering and granting documents to newly arriving Syrian refugees, with the exception of vulnerable cases” (AIDA, 2018, p. 118). After pre-registration, the applicant should appear before the PDMM in 30 days to obtain their Temporary Protection Identification Card. The applicant is given 15 days extra time, then his or her code turns into “unknown location” with a V71 code, which can be only lifted by the PDMM. Since they have the legal right to stay in Turkey and enjoy rights and services as beneficiaries of ‘temporary protection’ status, the Turkish Government does not consider it necessary for them to make an additional application for ‘international protection’. Therefore, persons arriving from Syria are not given the option of making an ‘international protection’ application in Turkey (Refugee Rights Turkey, 2016, p.3). Access to international protection status is hindered during the application of temporary protection as Article 16 of the TPR explicitly states that: ‘[i]ndividual international protection applications filed by foreigners under this regulation shall not be processed in order to ensure the effective implementation of temporary protection measures during the period of the implementation of temporary protection’.

That being said, persons from Syria who arrive in Turkey not directly from Syria but from another country<sup>29</sup> which they previously fled to, may not be extended the opportunity to benefit from Turkey’s ‘temporary protection’ policy. In that case, these persons nevertheless ‘have the right to apply for ‘international protection’ in Turkey if they fear being persecuted or otherwise coming in harm’s way if returned to the country from which they arrived to Turkey or if they fear being deported all the way back to Syria if they return to that country’ (Ibid.). Therefore briefly, temporary protection is for “Syrian nationals, stateless persons and refugees” (TPR, 1) who arrive directly from Syria. Thus, the ones who arrive through a third country cannot benefit from the temporary regime, but they are allowed apply for international protection under the LFIP even if their family members in Turkey already benefit from temporary protection (AIDA, 2018, 112). Despite legal impediments, few interviewees with temporary protection holders in Istanbul and Sanliurfa reported that they first fled to from Syria to Egypt, Sudan, Lebanon or Gulf countries, after spending a time there they migrated to Turkey (before 2015-16) either for family unification reasons or economic hardships there.

It should also be noted that along with the geographical limitation, the TPR’s Article 1 also states that persons who have arrived on or after 28 April 2011 can benefit from temporary protection. However, those who filed their international protection applications prior to 28 April 2011, are only covered under temporary protection upon their request. Those who have obtained residence permits after 28 April 2011, but whose residence permits were not extended or were cancelled and those who have requested protection at the end of the duration of their visas or who arrived during the visa exemption period are also covered under temporary protection without prejudice to provisions that designate the exclusion (TPR Article 8) from the protection [TPR, Provisional Article (Interim Provision) 1].

The conditions for cessation of temporary protection is arranged via TPR Article 12(1). Accordingly, the cessation happens if the beneficiary “leaves Turkey voluntarily”, “avails him/herself of the protection of a third country” or “is admitted to a third country on humanitarian grounds or for resettlement”. Although the TPR does not provide any details about the criterion of voluntary return, in practice it should be according to returnee’s own will, and there is also a need for an interview to be conducted by the representatives from DGMM, UNHCR and civil

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<sup>29</sup> In case of arriving from third country, it should be noted that since 8 January 2016, Turkey no longer operates a visa-free regime for Syrians who enter by sea or air.

society. In particular, if the return is from the temporary accommodation centres, UNHCR will take part in the process. This occurrence is discussed during the meso level analysis part of the report.

Although an open-door policy was in effect at the beginning of the mass migration from Syria, this is not valid anymore. Thus, although Article 6 of the TPR provides that all persons within the scope of the Regulation shall be protected from refoulement, it fails to explicitly guarantee the right of access to Turkish territory for prospective beneficiaries. Thus, as being mentioned in the Section 7 of this report, at the time of the writing of this report, persons approaching Turkey's borders without a valid travel document may be admitted to the territory only according to the discretion of the provincial Governorate [TPR Article 17(2)]. Since the open-door policy is not valid in practice as observed during the fieldwork for this report, there are many cases of limitation of entrance directly at the Turkey-Syria border and, thus, an inability to benefit temporary protection.

Since the TPR itself does not have a dedicated provision listing specific remedies for persons facing negative decisions, all acts and actions of competent authorities within the scope of the TPR are subject to general rules of accountability derived from Turkish administrative law, unless there is a dedicated specific remedy provided in the LFIP itself. During the application, the applicant has right to be represented by a lawyer in relation to law matters and to benefit from state-funded legal aid, like international protection applicants (TPR, Article 53).

Differently from international protection beneficiaries, a person under temporary protection cannot be the subject of administrative detention, but in some cases, they can be temporarily or permanently prevented from residing outside a Temporary Accommodation Centre (TPR, 35). When this provision is applied, beneficiaries are forbidden from leaving the camp, which can be seen as form of state detention. In particular following the 24 May 2018 regulation, our fieldwork revealed that although they are not officially detained, they are taken to the temporary shelter centres, and in some cases, it was stated by our meso-level respondents that they are taken to cross-border camps inside Syria, which also is a clear violation of the non-refoulement principle.

Briefly, it should be stated that temporary protection in Turkey can last indefinitely or be terminated based on a governmental decision, thus it brings significant uncertainty for Syrians under this type of protection. On the other hand, non-European nationalities are given only conditional refugee status or subsidiary protection in Turkey. Thus, in the case of conditional refugee status, they can stay in Turkey until their resettlement by the UHNCR, which can take years. Therefore, international and temporary protection in Turkey provides a lesser degree of protection in comparison with actual refugee status, which is the situation for four million refugees and asylum seekers in Turkey. Thus, "they both fail to provide a sufficient degree of predictability or long-term prospects in Turkey" (NOAS, 2018).

### **5.2.3. Vulnerabilities in the Legal Framework of International and Temporary Protection**

As s part of the international and temporary protection regulations, there are no a specific identification mechanism in place to systematically identify vulnerabilities, at least for some categories. However, there are related articles within both the LFIP and TPR, which display how the protection regime in Turkey defines vulnerabilities. The LFIP and the TPR both contain definitions of "unaccompanied children" and "person with special needs" and provide for additional guarantees for these individuals.

**LFIP Article 3(l): Person with special need:**

out of those applicants and international protection beneficiaries, an unaccompanied minor; a disabled person; an elderly person; a pregnant woman; a single mother or a single father with an accompanying



child; or a person who has been subjected to torture, rape or other serious psychological, physical or sexual violence.

**LFIP Article 66 (Unaccompanied children)**

(1) The following provisions shall apply to international protection claims lodged by unaccompanied children:

- a) The best interest of the child shall be the primary consideration in all actions related to unaccompanied children. The provisions of the Child Protection Law № 5395 of 03/07/2005 shall apply as of the date the application is received.
- b) The Ministry for Family and Social Policies shall place unaccompanied children in suitable accommodation facilities, in the care of their adult relatives or, a foster family, taking the opinion of the unaccompanied child into account.
- c) Children over 16 years of age may be placed in reception and accommodation centres, provided that suitable conditions are available.
- d) Siblings shall be accommodated together to the extent possible, taking into account the interest of the children, their age and level of maturity. They shall not be transferred to a different accommodation facility unless compelling [reasons exist].

**LFIP Article 67 (Persons with special needs)**

(1) Persons with special needs shall be given priority with respect to the rights and actions referred to in this Part.

(2) Adequate treatment shall be provided to victims of torture, sexual assault or, other serious psychological, physical or sexual violence, in order to eliminate the damage caused by such actions.

**TPR Article 3**, additional categories were added “unaccompanied minors, persons with disability, elderly, pregnant women, single parents with accompanying children, victims of torture, sexual assault or other forms of psychological, physical or sexual violence” are to be categorised as “persons with special needs”.

As mentioned above, only the specifically mentioned categories of people are determined to be vulnerable. Temporary protection regime puts an emphasis on unaccompanied children by defining it and by specifying which state agencies are responsible for protection.

**Unaccompanied children**

- Article 3 TPR defines an “unaccompanied minor” as “a child who arrives in Turkey without being accompanied by an adult who by law or custom is responsible for him or her, or, a child left unaccompanied after entry into Turkey, provided that he or she did not subsequently come under the active care of a responsible adult”. Turkey is also a party to the Convention on the Rights of the Child.<sup>30</sup> According to Turkish Law, unaccompanied children, once identified, should be taken under state protection with due diligence under the authority of the MoFLSS.
- Article 48 TPR provides that unaccompanied children shall be treated in accordance with relevant child protection legislation and in consideration of the “best interests” principle.
- PDMMs are the responsible the state institutions for the identification, registration and documentation of the unaccompanied children. PDMM are also entrusted the responsibility of providing shelter to unaccompanied children until the completion of the age assessment, health checks and registration/ documentation procedures upon which the child is referred to the Ministry of Family, Labour and Social Services.
- Once the PDMM refers the child to the relevant Provincial MoFLSS Child Protection Directorate, temporary protection beneficiary unaccompanied children aged 0-12 are to be transferred to a child protection institution under the authority of the Ministry of Family, Labour and Social Services.

Regarding age assessment of unaccompanied children, the LFIP does not contain any provisions; but IR Article 123(2)(b) provides guidance regarding the role of age assessment in the identification of unaccompanied children applicants and states that when the applicant claims to be of minor age, but does not possess any identity documents indicating his or her age, the governorates shall conduct a “comprehensive age determination” consisting of a

<sup>30</sup> The Convention on the Rights of the Child For the Convention, Available at: <<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>> [Accessed 1 June 2019].

physical and psychological assessment. However, neither the LFIP nor the IR suggests any provisions regarding the methods to be used in age assessment examinations for international protection applicants. However, a report regarding this assessment is needed for the MoFLSS to accept the minor into the competent centres, and the competent PDMM should provide this report. Problems surrounding this procedure were one of the most significant findings from our fieldwork.

### Women and Girls

For women and girls, LFIP and TPR refers national law and international conventions with a focus on prevention of violence against women. It does not address possible specific needs of refugee women.

- As regards the protection of women, in particular from domestic violence, Article 48 TPR refers to Turkey's Law No 6284 on Protection of the Family and Prevention of Violence, and the Implementing Regulation of this law, which provides a series of preventive and protection measures for women who are either victim or at risk of violence.
- Regarding the violence against women, it should also be stated that *Istanbul Sozlesmesi* (Council of Europe Convention on preventing and combating violence against women and domestic violence)<sup>31</sup> and the UN Convention on the Elimination of All Forms of Discrimination against Women<sup>32</sup> should also be mentioned due to the LFIP Article 2(2): This Law shall be implemented without prejudice to provisions of international agreements to which Turkey is party to and specific laws'.

### LGBTI+

Persons belonging to lesbian, gay, bisexual, transgender and intersex populations are not defined by the LFIP nor by the TPR as a category of "persons with special needs". Thus, it can be said that the problem of determining their status starts from the very beginning.

The LFIP states that vulnerabilities should be determined and applicants should be checked to determine whether or not they are a person with special needs [IR, Article 113(1)]. The competent PDMM is required to make an assessment during registration and to make a note in the applicant's registration form if he or she has been identified as such. An applicant may also be identified as a "person with special needs" later on in the procedure [IR, Article 113(2)]. In case of need, DGMM may cooperate with relevant public institutions, IOs and NGOs [IR, Article 113(3)], which is usually the case in practice in Turkey according to our fieldwork findings.

The TPR and other related secondary legislation providing the legal framework and procedures for the provision of services to temporary protection beneficiaries identify the MoFLSS<sup>33</sup> as the responsible authority for "persons with special needs". In practice, we also see the Turkish Red Crescent (*Kizilay*) and AFAD as important actors. Along with them, our fieldwork showed that national and international NGOs and also intergovernmental organizations (IGOs) undertake an intensive role both in the determination of vulnerabilities and also in providing services. Further, they support the state actors in terms of both financial and also capacity building activities.

If a person is identified and registered as a "person with special needs", they are entitled to additional safeguards and prioritised access to rights and services, such as "health care

<sup>31</sup> Available at: <[http://kadincinayetlerinidurduracagiz.net/uploads/file/istanbul\\_sozlesmesi.pdf](http://kadincinayetlerinidurduracagiz.net/uploads/file/istanbul_sozlesmesi.pdf)> [Accessed 17 October 2019].

<sup>32</sup> Available at: <<https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>> [Accessed 17 October 2019].

<sup>33</sup> As provided by the Disaster and Emergency Management Authority (AFAD) Circular 2014/4 on "Administration of Services to Foreigners under the Temporary Protection Regime", "services such as accommodation, care and oversight of unaccompanied minors, persons with disabilities and other persons with special needs are the responsibility of the Ministry of Family, Labour and Social Services. The Ministry is responsible for the referral of vulnerable persons to children centres, women shelters or other appropriate places."

services, psycho-social assistance, rehabilitation and other support and services free of charge and on a priority basis, subject to the limitations of capacity” (Article 48 TPR). However again the fieldwork showed that being identified as a person with special needs is quite complicated, and there is no standardization regarding access to the provided services. It should be noted that following the procedural and institutional change on 10 September 2018, neither UNHCR and nor ASAM are able to determine vulnerabilities during first registrations, bringing challenges for the recognition of vulnerability by relevant PDMM. It is not clear how the PDMM assesses special needs in practice (AIDA, 2018, p. 47). Challenges encountered in practice about the identification of vulnerabilities within the asylum procedure will be elaborated drawing from the meso-level interviewees later on this report.

Lastly, both LFIP and TPR identify “torture survivors” among persons with special needs. Torture survivors, like all other temporary protection beneficiaries, have access to a range of healthcare services in public hospitals, including psychiatric assistance. There are also a small number of NGOs that specialise in providing treatment and rehabilitation services to torture survivors. However, during our fieldwork, we did not come across any refugees who were survivors and this dimension was not raised during the interviews with meso level actors.

### 5.3. The Relevant Institutional Framework

The MoI serves as the main ministry dealing with international and temporary protection and has extensive responsibilities through the Directorate General for Migration Management (DGMM), which was established by the LFIP under the MoI. However, as explained earlier as a part of the procedures, in terms of appeals, the International Protection Evaluation Commission (IPEC), Administrative Court as well as the District Administrative Court each take a part. Since this report mainly focuses on international and temporary protection, which starts from the first application and continues through to the final decision, the directly related institutions and actors are addressed below, while the others will be discussed in other RESPOND country reports, in particular on “reception” and as a part of durable solutions on “integration”.

**Table 3: List of authorities that intervene in each stage of the procedure**

Stage of the procedure	Competent authority (EN)	Competent authority (TR)
<b>Application</b>	Directorate General for Migration Management (DGMM)	<i>Goc Idaresi Genel Mudurlugu (GIGM)</i>
<b>Refugee status determination</b>	Directorate General for Migration Management (DGMM)	<i>Goc Idaresi Genel Mudurlugu (GIGM)</i>
<b>Appeal</b>	International Protection Evaluation Commission (IPEC) Administrative Court	<i>Uluslararası Koruma Değerlendirme İdare Mahkemesi</i>
<b>Onward appeal<sup>34</sup></b>	District Administrative Court	<i>Bölge İdare Mahkemesi</i>
<b>Subsequent application</b>	Directorate General for Migration Management (DGMM)	<i>Goc Idaresi Genel Mudurlugu (GIGM)</i>

**Source:** Corrected/Updated version by the authors of AIDA (2019,p.11). Country Report Turkey: 2018 Update. Available at: <[https://www.asylumineurope.org/sites/default/files/report-download/aida\\_tr\\_2018update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf)> [Accessed 12 October 2019]

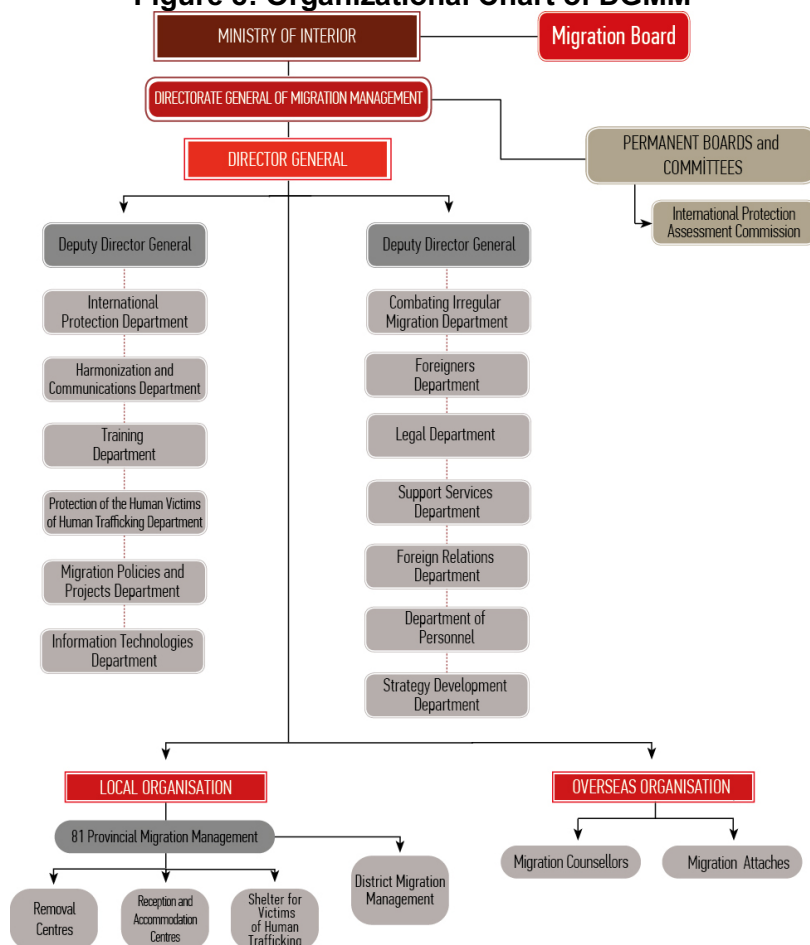
In particular, as seen above, the DGMM undertakes the main duties and mandate, as specified by Article 104 of LFIP, which involves:

<sup>34</sup> Although onward appeal is addressed as “Council of State” by AIDA 2019 Turkey Report, which updates 2018 Report, according to the Law on Administrative Jurisdiction Procedure (*İdari Yargılama Usulu Kanunu*, İYUK) Article 45, the onward appeal is possible through the Regional Administrative Court. In other words, against the decisions of the Administrative Court (if the decision is not given as final decision) as a supreme court, the Regional Administrative Court takes role not the Council of State. Only for some of the certain cases, it is possible to go to the Council of State and RSD is not one of those cases. We would like to specially thank to Dr. Neva Ozturk- the external reviewer of this report- for this correction.

- **Role of the Directorate General of Migration Management**
- develop legislation and administrative capacity and carry-out work developing policies and strategies in the field of migration as well as monitor and coordinate the implementation of policies and strategies determined by the Council of Ministers;
- provide secretariat services for the Migration Policies Board and follow up on the implementation of the decisions of the Board;
- carry-out activities and actions related to migration;
- carry-out activities and actions for the protection of victims of human trafficking;
- determine stateless persons in Turkey and carry-out activities and actions related to such persons;
- carry-out activities and actions related to harmonization;
- carry-out activities and actions related to temporary protection;
- ensure coordination among law enforcement units and relevant public institutions and agencies, develop measures, and follow up on the implementation of such measures to combat irregular migration. As regards the protection of women, in particular from domestic violence, Article 48 TPR refers to Turkey's Law No 6284 on Protection of the Family and Prevention of Violence, and the Implementing Regulation of this law, which provides a series of preventive and protection measures for women who are either victim or at risk of violence.

The DGMM has a department focused on International Protection, which is under the duty domain of the Deputy Director General and the International Protection Assessment Committee, which are under the Permanent Boards and Committees. In addition, the registration process for both international and temporary protection applicants are undertaken by the PDMMs, which refers to the “local organization” of DGMM in 81 provinces as given by Figure 9.

**Figure 8: Organizational Chart of DGMM**



**Source:** DGMM, 2019d. "Organization Chart", Available at: <<https://en.goc.gov.tr/organisation-chart17>> [Accessed 25 October 2019].

DGMM created two new units for processing RSDs. One RSD unit is the "International Protection Decision Centres", where the procedures on status determination are carried out for persons who apply for international protection. One centre was established as the Ankara International Protection Bureau (Decision Centre) in March 2018 with the technical support of UNHCR, while another centre is the Istanbul Decision Centre (UNHCR, 2018)<sup>35</sup>. The other RSD unit is the international protection decision mobile teams which aim to access international protection status applicants in the reception and accommodation centres in small provinces (satellite cities) across the country and to access people with special needs. Mobile teams have volunteers, migration experts from different provinces, migrant Expert/Decision Centre Coordinators from DGMM and representatives of UNHCR as observer participants.<sup>36</sup>

AFAD, in particular, was intensively active during the mass migration from Syria, playing a huge role. AFAD was under the rule of the Prime Ministry from 1999 to 2018, it is recently reformed as an agency under the rule of MoI. It was first established to single-handedly coordinate and exercise legal authority in cases of disaster, emergencies and the coordination of humanitarian assistance abroad.<sup>37</sup> Its role in responding to the mass refugee flow became apparent in 2011 with the start of Syrian refugee arrivals. AFAD played an important role in providing access to temporary protection at that time. It was authorized to provide temporary sheltering and to meet the basic needs of Syrians. However, AFAD's role became limited to managing international humanitarian assistance distributed to foreigners with the amendment to the TPR by Regulation 2018/11208 of 16 March 2018. Now, responsibility for the management of Temporary Accommodation Centres and the provision of services, such as health care, lies with the DGMM (AIDA, 2018, p.16). Thus, the DGMM is also the competent authority for 'temporary protection' (Ibid.).

In terms of protection, although the Ministry of Family, Labour and Social Services (MoFLSS) does not have a direct authorization for dealing with refugee protection, changes in the TPR on 16 March 2018 introduced four new responsibilities and control duties to this Ministry (formerly titled the Family and Social Policies Ministry). These include

- 1- Responsibility and control of social service, aids, and psychosocial support activities addressing foreigners with special needs who stay in and outside of temporary accommodation centres. The ministry determines regulations and procedures for all activities to these ends.
- 2- Unaccompanied children are provided shelters under the coordination of the Ministry. If necessary, conditions are met, unaccompanied children can reside in a separate section of the temporary accommodation centres under the control and responsibility of the Ministry cooperating with the DGMM.
- 3- House-visits that aim to assess psychosocial needs of people with special needs who live in and outside of temporary accommodation centres have to be processes in line with the principles and procedures determined by the Ministry.
- 4- The following and monitoring of psychosocial support services provided by national and international civil society organizations have to be regulated in line with the principles and procedures determined by the Ministry (TPR, Amendments 2018/11208 of 16 March 2018).

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<sup>35</sup> Working in Partnership with the Directorate General of Migration Management, August 2018, Available at: <<https://data2.unhcr.org/ar/documents/download/65577>> [Accessed 25 October 2019].

<sup>36</sup> International Protection Mobile Decision Team Has Begun Their Duty, 28 March 2019, Available at: <<https://en.goc.gov.tr/international-protection-mobile-decision-team-has-begun-their-duty>>. [Accessed 25 October 2019].

<sup>37</sup> AFAD website, Available at: <<https://www.afad.gov.tr/en/2572/About-Us>> [Accessed 3 March 2018].

These responsibilities and authorizations made MoFLSS intensively involved in the protection field, particularly in terms of regulating and the monitoring the activities of national and international organizations. Within the Ministry, the branch that is directly involved in refugee protection is the “General Directorate of Social Assistance” (*Sosyal Yardimlar Genel Mudurlugu*). The Directorate runs several types of social assistance programs designed for meeting the needs of vulnerable Turkish citizens (poor people, widows, orphans, elderly people, children, pregnant people, disabled people and people who have chronic diseases) in the fields of education, health, housing, cash assistance and winterization. The same directorate took responsibility for the usage of EU financial funding by administrating two social assistance programmes specific to foreigners or those people who have identity cards having the code of 99 (as the code refers to Syrians and all other foreigners meeting demographic criteria)<sup>38</sup>. These are The Emergency Social Safety Net (ESSN, *Yabancilara Yonelik Sosyal Uyum Yardimi/ SUY*)<sup>39</sup> and Conditional Educational Assistance to Foreigners (CCTE, *Yabancilara Yonelik Sartli Egitim Yardim Programi*)<sup>40</sup> programmes. However, since they are out of the scope of this report, but related with “reception”, details are not provided here.

Similar to the MoFLSS, the Turkish Red Crescent (*Kizilay*) also has legitimacy and a positive reputation in the national humanitarian field. It is one of the main implementing parties of ESSN and has an important authority for coordinating family unification with international humanitarian actors. However, again more information on the Turkish Red Crescent will be provided as a part of the RESPOND Turkey country report on “reception”.

Regarding IGOs, the UNHCR has been undertaking an important role and until 10 September 2018, was not only responsible for resettlement but, also the first registration (with ASAM). Since then, the registration process has continued with the procedures being carried out by the Turkish authorities, mainly the DGMM.

UNHCR has a country office in the capital city, Ankara, and has sub-offices in Gaziantep, a field office in Van and field units in Istanbul, Izmir, Hatay and Sanliurfa (UNHCR Turkey 2019). During the fieldwork Ankara, Istanbul, Izmir and Sanliurfa, UNHCR offices were contacted and semi-structured interviews were held with the representatives.

As the responsible UN agency in refugee protection, The UNHCR has had limited role in the field of temporary protection. The UN supports Turkey’s national response to the Syria crisis within the framework of annually published Regional Refugee and Resilience Plans (3RP) prepared by the Inter Agency Standing Committee (IASC). Overall strategic leadership of the inter-agency response is the responsibility of the Syria Response Group, with technical coordination taking place through the Syria Task Force (UNICEF Turkey Humanitarian Situation Report, 2019). The coordination mechanism within the humanitarian and emergency relief field is built upon a cluster system (education, food, health, shelter, washing, protection and others) and working groups (child protection, gender-based violence and case management). For the specific area of protection, the Global Protection Cluster (GPC) coordinates and provides global level inter-agency policy advice and guidance on implementation. UNHCR is the Global Cluster Lead Agency for Protection. In this capacity,

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<sup>38</sup> MoFLSS. 2019. “Sosyal Yardim Programlarimiz”, Available at: <<https://ailevecalisma.gov.tr/sygm/programlarimiz/sosyal-yardim-programlarimiz/>> [Accessed 24 October 2019].

<sup>39</sup> The Emergency Social Safety Net (ESSN) is a programme that provides cash to the most vulnerable refugee families living in Turkey. The program provides debits cards to Syrians that may spend the cash on whatever they decide is most important. The program is funded by EU, implemented by World Food Program and the Turkish Red Crescent.

<sup>40</sup> This is a programme that provides cash to the refugee students attending the primary and secondary schools in Turkey. The official name of the project is Conditional Cash Transfer for Education project (CCTE). The CCTE aims “at supporting the integration of refugee children into the national education system through a financial incentive when the children attend classes regularly. The project also includes a component of child protection.” The program is funded by EU through the Humanitarian Implementation Plan.

UNHCR has the responsibility to lead and coordinate other United Nations agencies, inter-governmental organizations and non-governmental organizations participating in the GPC (OCHA, 2019).<sup>41</sup> UNHCR Turkey supports Turkey's response to Syrian refugee migration and take role in coordinating activities of all INGOs working on protection at the individual level.

As a part of the UN system, the IOM is also quite involved in international protection as well as temporary protection. In particular, IOM occasionally deals with family unification. IOM is also active at the border crossing points with its outreach teams and is the first contact with immigrants following their apprehension by law enforcement actors. In this regard, IOM provides information regarding international protection. Based on fieldwork in Izmir and interviews with IOM representatives, it was determined that IOM provides interpretation and humanitarian aid support, such as water, food packages, blankets and clothes while law enforcement officers take the statements of immigrants. At the same time, they support the law enforcement officers in terms of identifying vulnerabilities and consultancy. In summary, IGOs mainly provide humanitarian aid, interpretation, consultancy for international protection, identification of vulnerabilities, vehicles and transportation, support, and in some cases infrastructural support at the borders (such as shelter, tents, mobile containers, mobile toilets, showers, changing rooms, etc.)

Although it does not take part within the first registration with the UNHCR anymore, ASAM<sup>42</sup> still plays an important role in terms of both international and temporary protection. It can be seen to be the most prominent NGO in Turkey in this field. ASAM provides significant services in Izmir and Sanliurfa, such as social and legal counselling, psychological support, assistance through UNHCR processes and identification of vulnerable cases. Moreover, in Izmir, it reports push-back cases and incidents, and is involved in distributing food and non-food items (NFI). It provides interpreters, social workers and humanitarian aid kits to security forces and the gendarmerie. In addition, ASAM has a "Mobile Counselling Team (MCT)" based in Izmir. But, the role of NGOs is not limited to ASAM, there are many NGOs working in the field of protection and the meso level analysis in the report will share their voices. Since the focus of this report covers the first application to the final decision, many national and international NGOs, as well as bar associations, provide support for applicants and beneficiaries. However, due to the length of this report, it is not possible to mention them all.

The EU is also one of the important actors regarding international and temporary protection. As indicated in the fieldwork, rather than being an actor in the field like the special agencies such as UNHCR or IOM, the EU appears at the high-level of policy, financial aid and projects. The EU Delegation to Turkey has a Migration Policy Team and protection is supported financially by European Civil Protection and Humanitarian Aid Operations (ECHO). The EU provides funds for humanitarian protection related to vulnerable refugees. The EU supports the before mentioned ESSN as well as the CTE. The EU has supported humanitarian aid projects addressing protection issues, including legal counselling, psychosocial support, access to civil documentation, and specialised healthcare services. The EU provides significant financial support under the Facility for Refugees in Turkey Programme. In June 2018, EU member states agreed to allocate a second €3 billion tranche to the Facility for Refugees in Turkey. In November 2018, the European Court of Auditors published a special report regarding the usage of this funding, which briefly concluded that the first tranche was not used in the most efficient and effective manner, and it also stated that it is not possible to track the spending of the entire sum (European Court of Auditors, 2018).

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<sup>41</sup> In light of their thematic expertise, other agencies have been designated as focal point agencies for specific Areas of Responsibilities (AORs) within the GPC: Child Protection (UNICEF), Gender-Based Violence (UNFPVA), Land, Housing and Property (NRC), Mine Action (UNMAS). For details please see OCHA 2019.

<sup>42</sup> For further details, see ASAM (<http://en.sgdd.info/>); Multeci-Der (<http://www.multeci.org.tr/en/>).

## 6. Narratives Regarding International Protection

In referring to protection, Turkey adopted hegemonic narrative(s) with references to Islamic teachings on (*ensar* and *muhacir*) and an historical record of supporting migrants. These narratives function not only to construct the nation-state in particular ways in terms of “humanitarianism,” “generosity” and “being a great power”, but also to mobilize religious identities and resources to show “hospitality” in terms of reception and protection. This legitimizes the Turkish government’s open-door policy, which is novel for such as mass flow and mitigates potential societal tensions while also criticizing the actions of European countries. Although the initial main narrative centred on the notion of historical and social responsibility, it contained ambiguities much like those observed in other historical narratives on refugee hosting (Kirkwood, 2019). The ambiguity in the narratives is structural and inherent in its very dynamics. Ambiguities of narratives are intentional and give space for manoeuvring for the speakers, in terms of defining the audience, and the agenda of the event. The narratives mainly target Turkish host communities and the international community, mainly the European countries and the EU itself.

In the protection field, it is common for Turkish politicians and citizens to refer to their “proud history of welcoming immigrant and refugees” and to present Anatolia as the hosting place of several migrants, which can relate to the current “hosting” mission and “hospitality” of the country. The notion of a ‘rich’ history of immigration towards Turkey is often supported by providing numbers of immigrants arriving to Turkey in the course of the pre-republic (1492-1922) and republican historical periods (1922-present). The web page of the DGMM has a section on “Migration History” providing the impression of the Turkish state as proud to be “hosting” large numbers of immigrants. It identifies Turkey’s migration characteristics with the notions of being a “bridge between East and West”, a “transit point for migrants aiming at going to the EU, “an attractive place for regular and irregular migration” and “a final stop of migration movements” (Gocgov History, 2019).

The same history and notions are referred to in the speeches of politicians and bureaucrats. In his speech in 2018, the director of DGMM, Abdullah Ayaz, stated that “Anatolia became the host of numerous civilizations in the course of history, it created a rich history thanks to migration. Now, we host migrants from 190 different countries.” (Anatolian Agency 2018). Similarly, the official webpage of the Presidency gives a message about Turkey’s hosting mission by presenting figures showing the high numbers of refugees (indeed higher than the UNHCR and DGMM’s own statistics), Syrians and refugee children born in Turkey. The Presidency stats that there are “4,3 million refugees in total and 3,5 million Syrians and over 1 million children in Turkey” (Presidency, 2019). The politics of numbers are evident in the figures, strengthened by a video prepared in English that explains that Turkey has been dealing with the largest number of Syrians for years while showing great humanitarianism.

During its eight years of hosting massive numbers of Syrian refugees, Turkey has adopted a wide repertoire of political narratives about refugee protection. The narratives constitute to the core of policy responses and provide strong mechanisms for legitimizing them on the domestic level. They also serve as means of targeting the international community when framing Turkey’s demands. Within this framework, Umut Korkut argues that

Turkish political authorities have pursued selective policy responses resting on narratives. Via strategic discourses, these narratives have expressively imbedded the Syrian as an “acceptable refugee” in political responses to forced migration. The acceptable refugee in this instance is the one that implies historical and social responsibilities for Turkey, given its history (Korkut, 2017, p.144).



In general, regarding protection, a “humanitarian-civilized country narrative” and a “religious based guest-host narrative” go hand in hand. They are used in a complementary way. Unlike the general public, Turkish politicians rarely use the term of “refugee” or “migration crisis” when talking about Syrian mass migration. Instead, they refer to a “humanitarian crisis” (Anatolian Agency, 2018). The notions of religious-conscientious responsibility (*dini ve vicdani sorumluluk*) and the impossibility of staying indifferent to the humanitarian suffering in Syria are used to explain Turkey’s open-door policy.

The nature of Turkey’s response is identified as “hosting Syrians” rather than giving them rights accorded to being a refugee. In other words, “the outcome is the discursive construction of some as acceptable rather than extending institutionalized refugee rights for all” (Korkut, 2017, p. 44). This narrative presents the protection of Syrian refugees as a religious duty and as evidence of humanitarianism, generosity, and hospitality. All these notions are supported by strong religious and historical connotations. The narrative is enhanced by the broad political narrative surrounding Turkey’s rising power as a “great example of humanitarianism”. For instance, at a joint press conference with the High Representative of the EU for Foreign Affairs and Security Policy (Catherine Ashton), the Foreign Minister of the period, Ahmet Davutoglu<sup>43</sup> criticized countries for “keeping their silence at a time when a large number of Syrian refugees are crossing into Turkey. They should be ashamed of themselves,” and he added that “the ‘open door’ policy is a matter of honour for us” (World Bulletin, 2013). Similarly, in 2016, even when there were clear signs of restrictive border controls, President Erdogan said that “Ankara’s open-door policy for Syrian refugees will continue due to our responsibility towards our Islamic civilisation, contrary to Western hypocrisy” (Daily Sabah, 2016). Through these narratives, they sought to place themselves on a higher moral ground vis-à-vis reluctant Europe (Chemin and Gokalp Aras, 2017).

In the first years of hosting Syrians, until 2014, Turkey “rejected any international assistance for its humanitarian efforts, as it wanted to prove that it could deal with matters politically and economically on its own” (Ahmadoun, 2014; Kirisci, 2014). In international platforms, the cost of sheltering Syrians in Turkey was a constant reminder to the international community that Turkey was a strong and growing regional power and an exemplary model of a democratic, inclusive, and benevolent Muslim country in the Middle East (Gokalp Aras, 2019). The same narrative was also adopted to talk about the reception and protection of Syrians at the community level with reference to Turkish citizens’ hospitality. The narrative refers to Syrians “guests” and “brothers” who would return their country soon, while the Turkish community is referred to as the “ensar,” which is an Arabic term for those who provide solidarity and support to newcomers fleeing from persecution (Haber7, 2014; MFA, 2014). These notions were adopted to create Turkish public sympathy towards Syrian refugees. They were expected to mitigate potential tensions between host communities and Syrians, as well as to impede their marginalisation in the case of a permanent stay.

Davutoglu’s three speeches exemplify these aspects of local hospitalities.

During the last four years my saintly fellow citizens have embraced their brothers and sisters and opened their hearts and homes without any complaint and without any external financial support... (BBM, 2015).

Our Syrian brothers and sisters are living freely and in dignity as if they are in their own country. In spite of some problems, Turkish and Syrian people have established an eternal friendship and solidarity... Seventy thousand Syrian babies were born in camps and including the babies born outside the camps there are more than one hundred thousand Syrians babies born in Turkey. All the Syrian babies and kids are like our own kids as Syrian widows are our sisters. This is a reflection of Prophet Mohammed’s Ensar culture.

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<sup>43</sup> The Former PM of Turkey from August 2014 to May 2016. He previously served as the Minister of Foreign Affairs from 2009 to 2014 and as chief advisor to PM Erdogan from 2003 to 2009.

(Al-Jazeera, 2015)

In Turkey we have a saying that we cannot eat when our neighbours are hungry. If a baby shivers in cold, we cannot sleep in peace. In accordance with this moral principle Turkey has become the biggest refugee hosting country today. We cannot see the issue only as a matter of donorship (Summit, 2017).

The religious inspired guest-host narrative has been used for a long time when referring Syrians and when addressing Turkish citizens as an audience. It has also been adopted to refer all other migrants in the country. The speech of the director of the DGMM, Ayaz which was delivered in late 2018 when discrimination against Syrians was widespread is exemplary:

Migration is one of our riches. We should know this, and we should embrace each other referring to this approach. The migrants in Turkey are our guests. Opening our borders to such a mass immigrant population is the proof of our greatness. Because of that, we say "you are great Turkey". I thank all the migrants who prefer our country and our citizens who embrace migrants (Anatolian Agency, 2018).

It should also be noted that at the beginning of Syrian mass migration, Turkey adopted an "open door" approach. However, starting from mid-2012, Turkey changed tack and effectively closed its border. Syrians without passports can no longer cross except in cases of urgent humanitarian need (Al, 2014, p. 10). Despite the "de facto closed borders" approach since this time, however, the President declared that "Ankara's open-door policy for Syrian refugees will continue due to the responsibility coming from Islamic civilization, and contrary to Western hypocrisy" (Daily Sabah, 2016). He also stated that, "Refugees running away from death and tyranny face degrading treatment in European cities. . . This is a disgraceful picture that injures human dignity and shocks the conscience of humanity" (TCCB, 2016). Thus, the Syrian mass migration is also used by Turkey to emphasize the "the gap between democracy's commitment to liberal norms and its concrete actions to support them" (Greenhill, 2010, p. 4-5).

In a very recent speech on March 2019 about integration, Deputy Director General of Migration Management, Gokce Ok used to similar discourse of brotherhood and hospitality and referred to history.

Our brothers who are here with us today are the people who came from Aleppo, Idlib, Mosul and Kirkuk, which were our provinces 100 years ago. We are singing the songs of Kirkuk today; this song will never end. It continued for a thousand years. There were some boundaries between us. Those boundaries were destroyed by migration through a twist of fate, but with our respect for their territorial integrity, we are hosting these brothers today. Our tolerance and toleration should continue without stopping, we must struggle to maintain the traditional Turkish hospitality (DGMM, 2019c).

In terms of protection, rather than rights, politicians and bureaucrats mention Syrians accessing of the educational system and labour market in Turkey (Anatolian Agency, 2018). In recent years, it is more and more mentioned that Syrians contribute to the Turkish economy by creating jobs (Ibid. ).

## **7. Asylum Procedure and Refugee Protection: Practices, Experiences and Perceptions**

### **7.1. Reflections from the Meso Level Analysis**

As a part of the meso level of the report, there are 84 meso-level interviews were conducted in Istanbul, Izmir, Sanliurfa and Ankara. This section reflect the voice of meso-level actors regarding international and temporary protection in Turkey.

#### **7.1.1. Access to Asylum and Practices**

##### **Access to Asylum**

Access to asylum, in particular at the borders appears problematic for both international and temporary protection. For asylum seekers, it is difficult to reach an NGO or an IGO that provide legal assistance for access to asylum. The interviewed actors stated that often making asylum application through the law enforcement forces after the apprehensions of migrants are difficult. The below given two quotations from NGO representatives in Izmir and Istanbul summarize the situation in practice.

There are significant problems regarding access to asylum. People requests for legal aid, but these requests are not responded by public officers or transferred to the bar associations for legal aid. Although it is requested, it is not transmitted. There are examples of this. What do we do for those cases? How do we participate in? We have different methods to reach like some associations. For example, we have been working with ASAM or Multeci-Der, whenever our colleagues pass one case to us, we right away assign someone for legal aid (SR11\_Meso\_Izmir\_16\_EGA).<sup>1</sup>

Especially when people are put into the removal centre, and when the PDMM intervenes, there is a right to get legal aid from bar associations. In particular, in case of appeal to deportation decisions, the decision of administrative detention and individual application to the Constitutional Court. Our legal aid centre [bar association] assigns lawyers for refugees. Apart from this, there are cases that our lawyer colleagues intervene with a special attorney in some special cases that occur at the first stages of their [migrants] detention or when they are first kept at a police station. In general, if he/she is detained in somewhere, or at least if he/she is under the administrative detention at somewhere and she/he cannot reach to PDMM, it is possible to reach legal aid through non-governmental organizations or colleagues, but it is also difficult. We have the contact information of the UNHCR as well as all the NGOs working in the field of refugee and asylum. In that way, we can stay in touch. There is not much support for attorneys in removal centres (Bilgi\_Istanbul\_M10\_281118).<sup>2</sup>

Majority of the migrants, who are caught at the borders during irregular border-crossings, do not know their right to apply to an asylum due to lack of information or being misled by smugglers. Therefore, in many cases, even if they apply for asylum, due to the misleading information, their first motivation appears to leave Turkey as one of the IGOs representative at one of the border-crossing points in Izmir stated below.

Many deceived people say "I would like to stay in Turkey, what can I do?". After we explain their possibilities in Turkey, they say that "We didn't know these opportunities, nobody has told us that we could be registered and legal in Turkey. Nobody told us that we could benefit from the hospital, school, etc., we didn't know." I have never met anyone who applied for asylum after being caught. Because people are so scared after they are caught. They worry about what will happen next: whether they will be deported, or not? The situation which encountered in Turkey is a little bit like that. For example, in a city, law enforcement forces caught a person and kept under administrative detention/custody for two or three days. Then, she/he is told that "you will be deported". If you can stay here without going anywhere

or be involved with anything problematic, take your ID and let's forget all of this. Otherwise, we will deport you". They face these situations. After experiencing such a thing, people come to Izmir [after being caught during border-crossing, taken to the removal centre and then being released] and they try to cross to Greece. They are already scarred and to apply asylum does not come to their mind. The only thing that comes to their mind is when can I get out of here? (SR11\_Meso\_Izmir\_08\_EGA).<sup>3</sup>

The fieldwork in Izmir showed that both ASAM and also as the most active IGOs in the field- IOM and UNHCR (not directly being at the border but represented through ASAM)- provide significant information regarding access to asylum. They are sole actors, also they have been closely cooperated with the law-enforcement forces through official collaboration protocols. Due to the protocol between IOM and the Turkish Coast Guard and also the close collaboration between security forces as well as gendarmerie and ASAM, those actors are allowed to provide information regarding international protection at the border-crossing points.

We cannot be there at the same time, when they are caught [migrants] at the borders or during their rescue from the sea. But ASAM has a mobile counselling team for these, they are active at the border-crossing points. At ASAM offices, there are protection, mobile counselling, logistic and humanitarian aid facilities. The ASAM also provides translation services for many languages such as Persian and Arabic during when their [migrants] statement are taken. At that point, our colleagues from the ASAM provide the necessary information on international protection and how they can apply in case of their demands. They undertake this task on behalf of us [UNHCR Izmir]. They provide humanitarian aid, translation and, most importantly, they support international protection mechanism, they inform them how they can access these mechanisms. Most cases we do get notified through IOM. In some cases, that person at the removal centre mentions the request during the statement process at the coast guard. Or sometimes, we are notified directly by the persons themselves. Through their relatives or there is a UNHCR line, they can contact while they are in detention, in most centres. However, it is not an easy process, even they wish to do. We distribute many leaflets in DGMM, removal centres or in legal centres. To make sure they are aware of their rights and whom to call such as Bar associations within Turkey and their contact numbers (SR11\_Meso\_Izmir\_10\_EGA).<sup>4</sup>

### **Procedures Regarding Protection**

In practice, registration also reflects the dual structure in Turkey. In the provinces, PDMMs have different units for international and temporary protection, thus for Syrians and non-Syrians. According to the statement of a PDMM officer, the regular registration procedure for temporary protection in practice is as follows:

If a Syrian comes to PDMM for the first registration in Izmir, that person can make her/his temporary protection application at Konak-PDMM, in particular at a temporary protection unit. First, the appointment is given at the registration room and he/she is asked for any document such as ID card, birth certificate, family documents etc. Those documents need to be translated and the applicant should appear at this competent PDMM on the appointment date and time. Then she/he is registered to our existing list. The system has 30 days. But, before, a document is provided to show that the application was done. Then, the ID card can be obtained. But if that person has no document at all, then we rely on their statements. We have interpreters. According to the applicant's language knowledge, we evaluate the information that she/he provided. If she/he has an earlier registration but not informing us about it, the fingerprint system finds the match. Some people appear after 5-6 years later [living in Turkey but without registration], without having any record (SR11\_Meso\_Izmir\_13\_EGA).<sup>5</sup>

## **Procedural and Institutional Change and Its Preliminary Implications (10 September 2018)**

International protection applicants had to make the registration in Ankara through the UNHCR/ASAM first registration mechanism as well as due to the parallel procedure through DGMM. Travelling to there had been difficult. However, as of 10 September 2018, DGMM undertook all RSD process, which brought more difficulties as it is stated many of the respondents during the interviews in all the cities. The quotations taken from the interviews with the IGO and NGO representatives in Ankara and Izmir offer insights about the concerns and the preliminary obstacles in practice:

These people took refuge in Turkey. Authorities of Turkey should have the capacity to evaluate their asylum applications. Until now [10 September 2018], why the UNHCR has performed such a role in Turkey? Why does it not have such a role in other countries? For two reasons, first geographical limitation and second Turkey's lack of capacity and expertise for evaluating these applications. Turkey now says that we have a General Directorate, we also have the capacity to deal with those applications. From now on, Turkey will do it [RSD]. As long as there is a geographical limitation, it is hard to handle for Turkey. We will be sure, if we knew that DGMM has the capacity to assess these applications alone, or has expertise. Or Turkey's judiciary will make check and balances against the negative decisions or it will evaluate the reasoned decisions according to the international refugee law standards, after disabling UNHCR, it is ok. But... Of course, undertaking the asylum process as a sovereign country, it should be the case. But neither the administration nor the judiciary actors in Turkey do not have such a capacity (SR11\_Meso\_Izmir\_16\_EGA).<sup>6</sup>

Many questions have been raised, especially about non-Syrians, such as Iraqis. They ask "when will we be able to go?" "When" is an important question. We cannot answer these questions now. Because we don't know how the process will work. We are told that third-country resettlement will now be arranged entirely by the DGMM. We wonder if DGMM was really ready? When it was first announced, DGMM or PDMMs were not taking registration for international protection. I have heard that they were not taking registration in Istanbul. However, in Izmir, we see that they only provide the document registration number. It means that PDMM takes the person's application and as giving the document registration number, then it sends the people on their way. But when the application will be completed, and when they [applicants] will have their ID cards remain as big questions. Having ID card [*kimlik*] is very important! The ID cards have great functions to have access to services such as health, education etc. We don't know when their interviews will be held. Since then, honestly, I have never heard of anyone has gone to the interview (SR11\_Meso\_Izmir\_16\_EGA).<sup>7</sup>

Everyone knows that this is actually an untimely transition. There is now a chaotic situation in the field. When you ask this to DGMM, they may say, "No, everything is fine, we have no problems with this change." But situation have impact on refugees. For example, they send a person to Kayseri. However, PDMM in Kayseri does not take registration, then that person goes to Sivas. Sivas PDMM says that if Kayseri PDMM did not register, why should I register. In a sense, the state encourages irregularity by its own hand. It is not a planned or deliberate transition. There is no preparation (SR11\_Meso\_Ankara\_01\_EGA).<sup>8</sup>

In parallel to the above-given quotation, the high-level representative from the international protection unit of the DGMM explained the situation after 10th September in Ankara as it follows:

The UNHCR does not have the duty to take the registration and complete the RSD process alone in a sovereign country like it was the case in Turkey [before 10 September 2018]. Since the DGMM could brought its organizational process to a certain level, we do not any longer receive support from UNHCR regarding registration and RSD process. By stating that we can carry out these operations on our own, we have demanded that they could withdraw from the process. The UNHCR understood and it withdrew from the process as of 10th September [2018]. Since our establishment [DGMM], there have been many in-service trainings for the qualitative and quantitative development of the personnel. We have

filled the gap regarding the lack of knowledge during these processes. In addition, we have increased the number of personnel by adding additional personnel for being able to take the new registrations. Some of those newly recruited were have been transferred to the other cities to response the needs there. The existing and more experienced experts or assistant experts in PDMMs will undertake RSD process. Within the DGMM, there are 13 different units and one of them is the international protection unit. This department works only for the asylum applications and international protection requests including temporary protection. The administrative decisions for resettlement are also take from this unit. We have been also cooperating with UNHCR and IOM within this mechanism. However, we take the decision solely. We have been cooperating with them regarding the resettlement and this still continues. Such as buying air tickets, etc. We collaborated with IOM and UNHCR on these issues, and these still continue. Since the UN has withdrawn from the RSD process since September, we identify the people for resettlement as DGMM by ourselves. Other than that, we continue to cooperate on many issues including updating data, in-service trainings and in particular interpretation. The interpreter staff within the DGMM is significantly limited. There is the fact that interpretation support has been provided by the UNHCR as a part of the existing cooperation with UNHCR (SR11\_Meso\_Ankara\_02\_EGA).<sup>9</sup>

A respondent in Izmir provided information about the new situation regarding international protection applications, which also displays the different implementations in different cities/provinces.

The obligation of going to Ankara will be removed. People [international protection applicants, non-Syrians] can make their application wherever they are. This is the plan and actually this is what it is supposed to be and also what is prescribed by law [LFIP]. Accordingly, they can make their applications at the governorships that where they are. Because applications should be done at the nearest competent authority. If it is an airport there, or if it is a province then PDMM. This is something that should be done by law anyway. Turkey, especially since 2013 and 2014, has been saying that the only competent authority in the field of asylum and migration is the DGMM. What is now happening is the realisation of this fact. But, of course, this change was made without taking many aspects into consideration or without having the adequate capacity. For example, during meeting with the representatives from Izmir PDMM, it was told that “No, we accept applications, and then we send them to the DGMM for the decision of satellite city evaluation.” But that is not what we heard at first. Because at the beginning Izmir PDMM were not taking application but it was saying people to go to Balikesir or Usak. The cities which are not satellite cities should also take international protection applications, they should. When ASAM and the UNHCR were taking the first registration and the UNHCR was doing the RSD as a part of the parallel procedure, they were asking to the DGMM or the PDMMs which satellite city was closed or open for applications? According to the answer, they were providing directions to applicants. Now let's think about a person who went to Manisa to apply for asylum. Manisa says that I am closed not taking application here, go to the nearest place which is Denizli or Usak or Balikesir. Are they open? Will these people walk around from city to city? And while the travel permit was being implemented so tightly, I asked this again at a meeting to the Izmir PDMM representatives how it will be possible for these people, while the travel permit has been implemented that much strictly. As response, they explained to me what the travel permit is. How will people go from one city to the other one while the road permit is applied so strictly? Even it is [travel permit] not implemented strictly, is it an easy thing? Will people look for the open place for their registration as travelling door to door city? Another thing, for example, if they [migrants, asylum seekers] entered from the eastern borders. For example, Van or Agri. Will not be an accumulation in those cities? How will they deal with it? Will the capacity of the province be able to handle it? Or people will try to go from there to other cities but again, they will face with travel permit. During the first days of the procedural change of 10th September, Izmir PDMM was quite sure and they told us that governorship will take applications. Then, during the meeting I raised all these aspects and the answer was “if you want, please submit your questions as written”. It means that the problems will be solved as the process goes along. These situations need to be considered and how will the resettlement be when there is a geographical limitation? (SR11\_Meso\_Izmir\_09\_EGA).<sup>10</sup>

When you give the petition, you got a document registration number, please note that this does not mean application. As you know, Izmir is not a satellite city. These people are currently waiting at the provincial border, they are not even directed to any other province. The first two-three days, they said, let them find an open province. But the quota of some provinces was full. In the past the ASAM and the UNHCR office were directing people to somewhere with empty spaces or satellite city. For example, they say that there is a gap in Kutahya. But now we don't know that. This is not shared information. Will these people travel around the province and look for vacancies? In fact, you know by the law, the first place wherever they applied such as governor or police officers should take the record. As I said, they get an application, but they don't give an ID card. What happens when you do not give an ID card, the person cannot benefit from the health service and can't reach any service. And for example, he's staying here at the hotel, why? Because they say we will refer you to a city. And which city? When? It's not certain. There's a guy who's been waiting for three weeks, he can't rent a house, and he has to stay here at the hotel. So, this process increases uncertainty. Normally, there was little certainty, which reduced it (SR11\_Meso\_Izmir\_16\_EGA).<sup>11</sup>

Drawing from above-given expert interviewees, it is possible to claim that the main challenges in the international protection system, particularly in RSD are related to the lack of adequate capacity and unpreparedness of state agencies that are fully authorized to proceed applications as well as the training of staffs. The capacity and preparation issue concern both administrative and judicial decisions, thus have an impact on various stages including registration, identification, evaluation and appeal stages. As pertinent organizations experience a transition stage, the timing of further stages in RSD became more uncertain. Uncertainties accumulate at the provincial levels. This situation worsens by inconsistencies between the law and practice as well as among the different practices of PDMMs and incomplete proceedings in application. Nevertheless, centralization of all applications under the authority of one national authority and its provincial branches is considered as a positive development and often linked with "sovereign right of Turkey". It is commonly agreed that the continuation of UNHCR's and IOM's technical support to Turkey is not only necessary but also very useful for the transition.

### **No Standardised Implementation in Provinces**

The fieldwork also displayed the different implementations in different cities. As it was mentioned above, some cities do not accept registration even for refugees who will benefit from temporary protection, which was free from spatial limitations at the beginning. Thus, similar to international protection applications after 10<sup>th</sup> September, the situation for temporary protection appears as problematic in some cities.

It was said that there will be no new registration possibility in Istanbul, then they opened the registration again. We take registration, then we do not take registrations, up and down, closed and opened... Now, we are sending people [Syrians] to Yalova. Because Istanbul PDMM does not have sustainable policies or it changes its policy on the daily basis. Istanbul is full this month and it is closed, that is why let's go to Yalova. Since they have no ID cards [applicants, Syrians], then they cannot give us the power of attorney. Ok, Yalova is also problematic, let's go to Canakkale. We have faced this situation a lot. Because we cannot provide legal assistance without a power of attorney, or we cannot provide consultancy or we cannot represent them as a legal person. Since Kumkapi in Istanbul or the PDMM in Fatih do not even give appointment and show us the door; so, we are going to closest places such as Kocaeli, Gebze, Yalova, Canakkale or Tuzla. We try every possible way. There is no transparency at all, without going there, you cannot know if they will take the application or not, because they do not announce their situation. The instructions come from DGMM or there are daily policies that are decided by PDMMs by their own initiatives. As I said, solidarity among colleagues and civil society-lawyer solidarity are strong. This is such a field that we need strong cooperation and we have (Bilgi\_Istanbul\_M10\_281118).<sup>12</sup>

From time to time, we see divergent policies in some provinces or across the country. You know, even if this is not seen in the law, of course, it is seen in the implementation. For example, in Istanbul, you know that no new registration has been taken for a long time. This is the case for both temporary and international protection. To some extent, it can be understandable because the population is so large. It is done to be able to use the national sources effectively and prevent the crowdedness in some cities. On the other hand, these people come to bigger cities to be able to find job since there are more opportunities there. However, it is also the fact that there is a significant progress on protection in these years (SRII\_Meso\_Izmir\_16\_EGA).<sup>13</sup>

Once we had a case, it was also aired at the news channels. There was a family and their son has died because he was not accepted by any hospitals in Antalya. That family had their pre-registration two years ago, they are Syrians. After two years, with the pressure of one lawyer, one association as well as three different institutions, we could manage to make an application in Antalya which was impossible. Antalya PDMM does not give ID cards at all. Right now, they [above-mentioned Syrian family] are registered to Antalya, but it took two years with all those actors and pressure. It was temporary protection application, but still... They have children but they could not go to school, they could not apply and financial aid, health services, or work permit. Because they did not have their ID cards. All this procedure, and is not registered because of the non-functioning protection system push those people to the Aegean Sea, Mediterranean Sea... There are some returning ones or some of them stay here [Turkey]. But here registration is a big problem and after 10<sup>th</sup> September, these problems became even deeper, in particular for the international protection (SRII\_Meso\_Izmir\_16\_EGA).<sup>14</sup>

Not only the first registration but also verification and renewal of previous registrations have brought more challenges. In 2018, DGMM and UHNCR launched as new project for data verification, which also include the renewal of the ID cards that given to the beneficiaries of temporary protection. However, during the fieldwork, some obstacles and violation of rights were reported by the respondents. While the below given quotation from an IGO representative in Izmir summarizes the verification project and their collaboration with DGMM.

One of the goals of verification is to update the records which took before 1 January 2017. Because at that time, the records were taken in different places and in different provinces. For example, during the Kobane events, 200,000 people came at once. 25,000 people came to Akcakale. On the one hand, the existing data needed updates since then. Also, when they [Syrians] arrived, a child who was 3 years old that time now is 8 years old. In addition, there are new-borns or some of them have left Turkey. Thus, there is a need for updates. Our project has two points; first, to understand exactly how many people are in Turkey. There are three and a half million registered, but maybe there are 4 or 2 million, how many of them have tried to go to Europe, did they return to Syria or what they did? On the other hand, this is an updating, because professional qualification and details were not recorded in details for the previous records. We need to know, what are the qualification of those people. Are they tradesmen, farmers or teachers? That is why we have been updating and getting details regarding the existing records. The third important key objective is to identify the needs, to update the need assessment and determination as well as the updates of vulnerabilities. Then, those people can be referred to the related mechanisms (SRII\_Meso\_Izmir\_10\_EGA).<sup>15</sup>

In addition to the above-given three main goals, data verification also classifies the groups and statuses. The below-given quotation from a lawyer in Izmir displays the consequences of the verification project of DGMM.

Regarding data verification, there is one striking example. Some 6-7 Syrians had gone to PDMM to renew their IDs. However, there, their IDs were taken. Because one of them made a voluntary return four years ago and then came back. He was going to the hospital with that identity for four years and has been working with a work permit. This situation is noticed after four years during the verification process. It is obvious and clear that he has been living here since then. So, this is not acquired right maybe but in law, there is



something like this; as being a state, if you haven't noticed that for four years this is your fault [as state]. And they took the ID from him at that moment. Officers forced to open a person's bags and took the ID, and that person suddenly became illegal. And in some cases, they take these people to removal centres. For example, that person went to the centre with his family, his wife and child were given their ID cards [renewed] but that man was taken to the removal centre in Izmir. That much outlaw (SR11\_Meso\_Izmir\_16\_EGA).<sup>16</sup>

Although there is no verification project for the applicants/beneficiaries of international protection (non-Syrians) they have to give their signatures depending on the decision of the competent PDMs. This is also serious consequences as the below-given quotation from an NGO representative displays.

This is a data update for Syrians, means temporary protection but a data update for international protection has not been done yet. A person [under international protection as an applicant] goes to sign [as a part of their signature obligation in the residence, mostly in satellite cities], the officer says your application has been cancelled. Because you have not come to sign last time. But you cannot take his/her ID cards from this person by force. However, this is the case. Then what happens? Without this ID card, the person cannot benefit from legal aid, he/she cannot give authorization to an attorney. This is the legal dimension. But also, without ID card, this person cannot benefit from other services and rights such. If he/she gets sick, she/he cannot go to emergency services. There is a quite high number of people who cannot access judicial services without ID cards (SR11\_Meso\_Izmir\_16\_EGA).<sup>17</sup>

Errors, mistakes and simple sloppiness by officers have been observed during registrations and updates. These had consequences for people under protection, sometimes very costly implications such as turning the person irregular, the loss of previously acquired rights or being subject to deportations.

### **Access to Legal Assistance**

According to the Article 81(2) of LFIP, legal assistance shall be provided pursuant to the provisions on legal assistance stipulated in the Attorney-ship Law (#1136). However, in practice, an access to legal assistance seems very limited. It is extensively noted that Syrians are not aware of their rights. A Syrian community centre led by a retired Syrian judge explained the issue:

Maybe only five percent of Syrians knows their rights and duties. There is a need for awareness raising like organizing courses about it. I personally read about refugee rights from Arabic sources which are translated from original, English sources. As an institution, we need to learn about these rights. Turkey did not demonstrate a successful performance about legal rights and right awareness. European NGOs are more active in this regard (SR11-Meso\_Urfa\_14\_ZSM).<sup>18</sup>

Few organizations mentioned about their specific programmes that provide trainings for Syrians about their legal status and their rights. A representative from an IOs explained their program that is developed as a response to need in the field. The program is organized as “awareness sessions about temporary protection” and offered by legal advisors and health teams. The main themes in the sessions cover a wide range of civil rights such as illegality of polygamy in Turkey, age criteria for legal marriage and social assistance (SR11-Meso\_Urfa\_07\_ZSM).<sup>19</sup>

### **Dual Structure for Protection and Its Implications**

Since the dual structure also refers to specific nationalities (temporary protection for Syrians and international protection for non-Syrians), the respondents highlighted nationality-based differences or discriminations in practice to access asylum. It can be said that although both Syrians and non-Syrians have been facing obstacles within the international and temporary

protection regime in Turkey, non-Syrian beneficiary or applicants of international protection appear as more disadvantaged. Moreover, there are more disadvantaged groups within both international and temporary protection beneficiaries/ applicants on the basis of ethnicity, class, gender etc. Here only nationality and protection type-based disadvantages is mentioned but further disadvantaged groups are discussed as a part of Vulnerabilities section (7.3). The below-given parts of the interviews with NGO representatives in the three cities pointed the differences between international and temporary protection:

International and temporary protection should be approached and need to be handled differently. The general perception is seeing all refugees as Syrians, which is wrong. At the moment, perhaps 350-360 thousand people are under international protection and they are non-Syrians. Even if there is only one person, it is important of course. It is wrong to ignore them, or to create such a hierarchy among refugees, to create categories such as acceptable or unacceptable refugees. It is an issue that we have been constantly trying to remind. A few hours ago, an Afghan counselee called. They have been in Turkey for 12 years as a family. She cannot even talk anymore, she was just yelling, screaming. Her psychology is down. You try to explain, but she does not listen. She just focuses on what she wants to hear. She wants a permanent solution. She said "Why aren't we seen as human? Don't we have human rights? Nobody pays attention or care for us. You do not care too. Why we cannot be resettled in a third country. If it is not possible, the UN should make Turkey give us citizenship. It says [UNHCR] you have to deal with them. Look, this is neither in our hands nor in the UNHCR (SR11\_Meso\_Izmir\_03\_EGA).<sup>20</sup>

Is temporary protection possible? I mean there is no such thing like temporary protection anywhere in the world, because after all protection is protection. When we think about international standards, people go from one country to another because they are looking for international protection, but protection is temporary in Turkey. This also shows the logic behind Turkey's approach for durable solutions or integration. In Turkey, it has been just realised that those people might be permanent. Thus, "temporality" is a problem itself accordingly the temporary protection is (Bilgi\_Istanbul\_M3\_091018).<sup>21</sup>

Everything centres on Syrians. None of the actors has done something properly for non-Syrians. The funds that came to Turkey were mainly for Syrians until last year. One of our hidden advocacies focuses on the advocacy for the rights of non-Syrians. Because not only for Syrians in Turkey, but also there is a need for the advocacy for Afghans. Now, ECHO has funds for them too, I mean for non-Syrians. That is what we have always said. Whenever UNHCR delegates visit us, we always mention this fact. We tell them that the only problem is not the protection of Syrians but all. Because, right now, we have over 400,000 non-Syrian population. This number is more than the Syrian population in Iraq and Egypt. Everybody is expert on Syrians, but if you ask to one of the NGOs that has been working in this field for the last 5-6 years about the RSD process or decision, they are not be able to answer. International protection is quite different and it needs to be paid attention and evaluated separately (SR11\_Meso\_Ankara\_01\_EGA).<sup>22</sup>

The respondents have highlighted that there are differences, disadvantages and advantages regarding international and temporary protection. In the light of their statements, it can be said that "temporary protection" is seen as problematic regarding access to the asylum system and international protection. Nevertheless, due to Turkey's geographical limitation for the 1951 Convention, international protection beneficiaries also face with temporality in practice. They stay in Turkey if they come from non-European countries with "conditional refugee status" until they are resettled in a third-safe country. The below given two quotations from interviews conducted in Izmir represent many of the other similar comments:

Those who are under temporary protection have no chance to apply for international protection. However, they can be resettled in a third safe country. Majority of those resettlement are based on family reunification or they are the members of vulnerable groups which are handled by NGOs. Especially for the ones who have kinship ties in different hosting countries, we try to get acceptance for resettlements. With the special invitation of those countries, resettlement is possible. One can only go to this country with

this special invitation. Or, from time to time, the UNHCR asks the NGOs working in that field as well as the DGMM for a list of vulnerable people. Of course, it is for limited numbers. For example, Canada says to the UNHCR that I am going to accept Syrian refugees in this number, send them to me. Thus, first, a country must accept. On the other side, there is not much difference between temporary and international protection. We have been always saying that temporary protection is preventing to apply for international protection and there is a need for finding a more sustainable and durable solution. Now the resettlement or acceptance by the third countries have been almost frozen for international protection, thus in a sense, there is no difference left between international and temporary protection. They all can benefit from general health insurance. They can enrol in schools. They benefit from general services. There is no change in access to the right to work either (SRII\_Meso\_Izmir\_05\_EGA).<sup>23</sup>

Even if temporary protection status is given, the provisional Article 1 of the TPR states that international protection application procedures will not be processed during the time that Syrians are granted with temporary protection status. None of the Syrian refugees here is aware of this lack of status. I think that this article is a violation of human rights, the right to asylum and the law. Because there is temporary protection that has been going on for 5 years and this can be revoked with a decision of the Council of Ministers [now this role belongs to the Presidency]. Informed consent is required by the DGMM and the UNHCR. So, I wonder what will happen when the Syrians are told that they can return. The UN still has not declared a single safe zone in Syria (SRII\_Meso\_Izmir\_17\_EGA).<sup>24</sup>

Regarding the dual structure and the temporary protection in Turkey, an NGO representative raised concerns about the problems in temporary protection and the lack of refugee status.

The main problem is that Syrians in Turkey is not under refugee status, this does not comply with international law. Syrians have only guest status, it is a moral, humanitarian status, but not a legal status. It is a non-sense empty status, they lack all refugee rights, only a moral concept without entitling rights. It does not have any social support, it does not have an economical basis, it does not ensure any rights. The most positive part is that it brings rights to health services (SRII-Meso\_Urfa\_14\_ZSM).<sup>25</sup>

A lawyer from Sanliurfa shared similar concerns by noting incoherencies:

Our system is absurd. Who will come from Europe to Turkey as a refugee? Refugee system should be reformed, refugee status should be provided. There are too many status confusions in Turkey. Even as a lawyer, it makes us confused, we do not able to differentiate categories. LFIP relatively improved the legal structure, but it is still complex, did not overcome confusions. We call it temporary protection but people here in seven years, how is it a temporary protection (SRII-Meso\_Urfa\_05\_ZSM).<sup>26</sup>

A director of Syrian NGO criticized the temporary protection status.

There should be a law protecting refugees, international refugee law should be adopted by a country like Turkey, a big country should adopt such law, prioritize human rights. Erdogan's discourse is fully humanitarian and moral, but it does not secure protection, implementation is more pragmatists, there is legal precarity. There is uncertainty in the law, it shows the lack of certain articles, thus institutions faced with uncertainty in implementing law (SRII-Meso\_Urfa\_14\_ZSM).<sup>27</sup>

Another NGO representative from Istanbul mentioned about the inadequacy of temporary protection by noting that

We defend that these people [Syrians] need refugee status, not temporary protection status that is more bounded status. It is true that they benefit from many services but they need to stay within the limits of same province, otherwise, they lose their right to get access to services. They need to register again, which is quite a bureaucratic process. It is their right

to be granted “refugee status” as they fled from war and Turkey is the first safe country where they arrived (OZU-Meso\_Istanbul\_01\_SR).<sup>28</sup>

State’s imperative command is strongly felt among the INGO representatives. One said that

We cannot discuss whether temporary protection is adequate or not, because it is under the authority of the state, but we can discuss its implications in the field, it has some weaknesses and also some advantages. Its advantages include: taking ID is very easy under temporary protection; access to services is easy. In fact, in theory, it is like that but in practice there have some problems (SR11-Meso\_Urfa\_08\_ZSM).<sup>29</sup>

One of the problematic dimensions also stated as “uncertainties” by the respondents, not only for temporary protection because of its temporality character by definition but also for international protection.

Those people [who are under international or temporary protection] are living in limbo, their future is left in doubt. Now, the second and third generation started to live in this reality. If the Council of Ministers will decide to stop temporary protection, Syrians will face the same reality. Ok, we accepted you but now, it is time to turn to Syria. What are they going to do if it will happen? There is no chance to change the temporary protection status for international protection. If they transfer [Syrians] to international protection, what will happen? It is the same. After 15 years, people who have been living in Turkey with international protection still face with work permit problem. In this case, people, in particular men face a serious shock. They ask themselves, what can I do if I will be sent to Afghanistan? They tell themselves that we do not know there, what can I do? I have never been there; I have never lived there. Then, we come across with revolt of those people. They ask us if they jump from the top of a building with their kids, will they get the attention of the UNHCR. They even try to burn themselves in front of the UNHCR Ankara Office. They cannot be sent back; they cannot be resettled. They ask us, “if I have to leave Turkey tomorrow? How can I feel secure in this situation?” The legal status is the beginning. The permanent and durable solutions (SR11\_Meso\_Izmir\_03\_EGA).<sup>30</sup>

The need for changing “temporality” based approach and gradually eliminate the uncertainties for the international and temporary protection have been repeatedly emphasized by the respondents. An NGO representative suggested change in policy, institutions, and perceptions that are all based on temporality of Syrians. She said:

As Turkey, we don’t have a master plan or a minister of migration. We need a master plan, first. And, we need to accept that we will live together in the future they will be permanent, here. For me, also I think it will be more than this. I think it will be around 85-90% so then we need to change our system because we need to accept that they are permanent here, it is a new issue for us. We need to find permanent solutions for them. We need to redefine our educational system; we need to refresh our law system. Then it will take time for sure, it won’t be easy. But first, we need to accept that these people are not going somewhere. They will stay. If you would like to solve a problem, first you need to accept it (OZU-Meso\_Istanbul\_07\_SR).<sup>31</sup>

### **Alternative Protection mechanisms**

In addition to international and temporary protection, in the field, we also came across with alternative mechanisms of protection provided by different channels, network but as informal type of protection nets mainly Individual-Community based protection and Faith-motivated protection. Individual-Community based protection is run by INGOs. In the individual based case management system, “INGOs has an outreach protection team, they go to field and find people-cases who needs help, INGOs refer them to the relevant institutions, case manager controls the process” (SR11-Meso\_Urfa\_08\_ZSM).<sup>32</sup> Similarly, as being IGOs both IOM and UNHCR and as a national NGO, ASAM have been working with their mobile or outreach teams, in particular at the border-crossing points as providing information regarding international

protection and determining vulnerabilities at the same time. Through the case-follow ups, they are able to follow the cases and direct the related other stake holders for specific needs.

However, as the number of refugees became very larger, individual level protection turned ineffective and INGOs sought alternative ways of providing protection such as adopting Community-Based Protection (CBP). UNHCR defines CBP as a way of:

Empowering communities to obtain their rights safely and with dignity. Using CBP, crisis-affected communities and the humanitarian actors who assist them can identify a community's most serious protection risks, explore their causes and effects, and jointly decide how to prevent and respond to them. It achieves better protection impact and improves the lives of people of concern (UNHCR, 2019)

An NGO representative provided an example of CBP initiated by Syrians. For example, in the cases of unaccompanied children when the Ministry did not find any solution for sheltering, this NGO was asking the help of neighbourhood committee which is composed by one or two representatives from 20-25 streets where Syrians live in large numbers. The committee might offer some solutions such as placing such children in a house rented by young Syrians. The committee also play the role of identify potential problems/tensions arising between Turkish and refugee groups (SR11-Meso\_Urfa\_02\_ZSM).<sup>33</sup> Although, this type of protection is not directly related with the first application-final decision scope of the report, it provides also access to protection.

### **Faith based/motivated protection**

Faith seems as driver of the protection offered by locals as it follows:

Due to the religious bonds, locals feel sympathy towards Syrians, if there are no religious considerations, we experience same incidences like in Europe. Our people think, "ok Syrians are also Muslims, Muslims are brothers, they fled from war, difficulties," as time passes, these ideas also lose their power (SR11-Meso\_Urfa\_09\_ZSM).<sup>34</sup>

This type of protection is also institutionalized by some mosques in Turkey. All mosques in Turkey is under the authority of Directorate General of Religious Affairs. A representative from the Directorate's provincial branch draw the attention to the faith-based protection. He said:

Invisible hand here is mosques, UN staff also acknowledge this, mosques prevent social tensions, every mosque has at least 10-15 refugee families which they take care, including those mosques in the villages. Imams are leading the *cemaat* [locals] to take care these families. For example, X platform organizes with imams, this prevent social explosions. In every mosque and every Quranic course, we have some Syrian participants (SR11-Meso\_Urfa\_01\_ZSM).<sup>35</sup>

### **Administrative Detention and Protection**

Access to international protection during the administrative detention appears as one of the most challenging issues. As it was reflected elsewhere (Gokalp Aras and Sahin Mencutek, 2019; Izmir Barosu, 2017), an access to asylum is challenging in Izmir which has a removal centre. The LFIP arranges "administrative detention" and "removal centres" under article 57, 58, and 59. However, this controversial limitation in terms of international protection is criticized by the representatives of IGOs and NGOs in Izmir. The first quotation gives information about how the system and division of labour works, while the following ones point out the major problems:

After they [irregular migrants] are taken to the removal centres, they are informed about international protection and their rights. This is one of the obligations for the removal centres and it should be done in the migrant's language. However, as long as there are

different languages, it becomes more difficult to provide this information in their native language. Including UNHCR, each of us has brochures there [Izmir removal centre and in general at removal centres]. We also receive phone calls from inside from apprehended migrants. They say that “I am about the deported, I have vulnerabilities. Can you give a support to me?” When we receive such a request, we direct it to the legal aid, meaning to the Izmir Bar Association. We provide interpretation support and follow-up the case. During the interview, the detained migrant should state that she/he requires international protection. Of course, the results are depending on the evaluation of PDMM and there are difficulties to reach the information about protection and the application process (SR11\_Meso\_Izmir\_04\_EGA).<sup>36</sup>

Everything is in our report [*Izmir Barosu*, 2017], in particular an access to asylum at Izmir removal centre. There have been some changes, which can be seen as the outcome of our common efforts with the colleagues working in this field. However, an access to asylum does not function in Izmir at all. Migrants’ request for legal aid is not transferred by the public officers there. Although they requested, it is not transmitted. What we do for these cases, what kind of role we take? There are some of the specific associations such as Multeci-Der and ASAM. They inform us about the needs and after the notice, we issue the assignment for one of our members as a part of the legal aid procedure (SR11\_Meso\_Izmir\_16\_EGA).<sup>37</sup>

For the ones who released from removal centres, there is no kind of registration system. It is not asked those people, why they had left their countries and came to Turkey. Or it is not explained what is international protection, how its process in Turkey. Or it is not said that if you need this protection, you can apply for this. Nobody says that during the application, you will face with these phases this is the procedure or there will be these results. They [officers at removal centres] say that take this document [invitation to leave the country]. Some people are not even given these documents. I ask my client, are you given any documents, but the answer is no. It means that we do not know also the signature responsibility, this is quite problematic. A person, who is released from removal centres actually waits for the deportation. For example, we receive legal aid demand and after assignment, we go there but access to our client has got more difficult every day. Recently, for my three assignment, I went there [Izmir removal centre] but I could not see my clients. After several attempts, one day I went there but my client had been already released. I ask them [removal centre officers], where did he go? No answer (SR11\_Meso\_Izmir\_16\_EGA).<sup>38</sup>

### **Appeal Process**

Regarding the appeal process, a limited information could be gathered. This is significantly technical area, and the main role is undertaken by the bar associations.

The major problem is to be able to reach the legal aid for appeal process. When they reach to bar associations or they can have access to these procedures through their own lawyers, according to law, yes appeal is possible. However, in 2016, there is another change by a decree and due to the securitisation within the system, adopting a motion for stay of execution is not possible, thus we have to go to the Constitutional Court to ask for cancellation of the deportation decision (Bilgi\_Istanbul\_M10\_281118).<sup>39</sup>

### **Deportation and Voluntary Return**

One of the most problematic aspect of protection can be seen as “voluntary return” and “deportation”. According to the respondents, there are many cases regarding the violation of non-refoulement principle for both international and temporary protection as well as instrumentalization of NGOs or IGOs regarding voluntary return process as it was analysed in details elsewhere (Gokalp Aras and Sahin Mencutek, 2019). In addition, the narratives regarding “return” in particular in relation with Turkey’s cross-border military operations, create negative impact over protection, durable solutions and integration (Sahin Mencutek, 2019).

These are also intertwined with the challenges during “appeal” process as reflected in the following quotation from Istanbul:

One of the biggest problems that we face is the decision of deportation. As a rule, when we hear about the decision of deportation, we are not able to see where that person will be deported. I have never seen as a decision of deportation, which mentions the country for deportation. You learn it at the very last moment. When you learn the time of the flight and the destination, you understand to which country that person will be deported. Therefore, this is the most problematic dimension in the ability to provide legal aid. If that person cannot be deported to his/her country of origin, that person is deported to the last country that she/he has been. However, this is based on the bilateral diplomatic relations between countries. For example, one person is from Iran, Iraq, or Syria. They check his/her passport and see Saudi Arabia’s stamp or Montenegro. They say that if she/he has been there and could manage to stay there ten days, means that it is safe. In this way, people are sent back like table-tennis balls. Actually, the LFIP, in particular the articles of 53,54,55 and 57 are good in being in line with the 1951 Convention, however, the real problem is implementation. We are in touch with DGMM, police headquarters, PDMM here. Thus, we are in contact with the centre, province level as well as the judiciary. We apply to the Administrative Courts for the cancellation of the deportation decisions and to the Magistrates and we observe that there are severe problems regarding judiciary part. The deadlines in administrative and judicial spheres are not respected as well as the legal procedures and guarantees. For example, we [lawyers] are blamed that we did not open a lawsuit in 15 days, but the Administrative Court should also decide in 15 days. However, it can take even 6 months, and we have to wait for this decision. The Constitutional Court should respond the request to stop the execution within 48 hours, which sometimes can be done in one or two-week time. Or within the given period, some of the evidence are denied because as the lawyers we cannot prove the statements in such a short time. Therefore, briefly, the problems are indeed related to the implementation not the legislation itself (Bilgi\_Istanbul\_M10\_281118).<sup>40</sup>

In addition, as a part of protection, “voluntary returns” are mentioned with serious critiques particularly questioning their “voluntary” character as it was reflected during the interviews in Istanbul as they follow:

In case of Syrians, deportation is in general through the voluntary return. In some cases, it can be linked with terror-related crimes. However, the majority of them are done through voluntary returns. The most of the cases that we face and people have come to us for consultancy, if someone was detained and then released. After, those people come with the voluntary return request. At this point, to what extent they can be attributes as voluntary returns, there is a need for discussion (Bilgi\_Istanbul\_M5\_011118).<sup>41</sup>

If we speak about Syrians, since the beginning of this year [2018], returns has been more visible. In particular, after Afrin Operation, we heard from the state that Syria is a safe country now. If the people [Syrians] want to turn back, they can. These narratives are a part of deportation or return policy because we see significant implications on behaviours, perceptions and attitudes. In Istanbul, there are many municipalities that have been presenting “voluntary returns” as campaigns. They said that we will cover the expenses of a family that wants to return. We carry them out to the borders by busses. It increases tension. Because the state says that there is a safe zone/region and you can turn back. Then, the other people ask that why Syrians turn back if there is a safe zone. Also, the removal centres face with lack of capacity, in particular in terms of intense irregular border-crossing periods. Thus, return appears as a remedy policy and deportations also get faster. Even if one person’s asylum application is rejected, there is an opportunity for appeal but there are rules for it. These are all in law and even though in general, the law is applied, there are some cases (Bilgi\_Istanbul\_M5\_011118).<sup>42</sup>

Now, it is difficult to talk about voluntary returns. After Turkish Armed Forces entered in Afrin, we received phone calls from our counselees. They were saying that “The PDMMs called us and told that Turkey had built hospitals, schools there. Start to pack your staff,

you will be going there". We share this information with PDMM in Istanbul and they told us there are some misunderstandings due to the translators' work (Bilgi\_Istanbul\_M4\_161018).<sup>43</sup>

Regarding the "return policy" and "voluntary returns" and their problematic implementation, the high-level public officer from a migration related state institution in Ankara made the statement below:

Both after *Firat and Zeytin Dali* Operations, the Turkish Armed Forces created some relatively safe areas. We are informed that the Syrians who are under temporary protection would like to go there as a part of voluntary return. We are aware of the fact and unless the political situation in Syria continues like that Turkey will respect the situation and there will be no voluntary return unless the individual request for voluntary return. These requests are taken by PDMMs, then those people are signed to a return form that is in the language of that person or at least that person can understand. One signature on the document belongs to the officer of the competent PDMM. If there is a representative from *Kizilay* of an NGOs, then it is also taken. After the signature procedure is completed, this person is given the direction for return. All the procedures are completed at the border gates. After their exit, their temporary protection or international protection applications are turned into passive. Some of the facilitating activities such as providing transport are undertaken by local municipalities and *Kizilay* (SRII\_Meso\_Ankara\_02\_EGA).<sup>44</sup>

However, the IGO representative in Izmir expressed the problematic character of voluntary returns and differences between written and implemented regulations as it follows:

We tell to the Izmir DGMM and the related PDMMs that please do not do this, these are not voluntary returns. At least for Izmir, they are not. The problem is that unless you see these people face-to-face, it is difficult to understand if it is a real voluntary return or not. Through a phone call, you cannot understand. Once, we were called from the DGMM. There was a woman, she had been registered with us. We realised that it was not a voluntary return at all, she did not want to turn back and after all, she was registered for protection. But we are a part of "assisted return". The UNHCR is different, they take a part in the voluntary returns from camps. They observe the returns and they have also authority to sign. However, the DGMM and *Kizilay* take part within voluntary returns from borders. According to law, the UNHCR or *Kizilay* needs to be present during returns but the time of return is not determined in advance. The UNHCR would like to be there psychically but since in many cases it is not possible. Therefore, the deportation decisions are taken in generally during nights and the following morning the deportation is completed (SRII\_Meso\_Izmir\_02\_EGA).<sup>45</sup>

### **Family Unification**

Finally, the family unification appears as an important part of resettlement and protection. In Turkey, the Turkish Red Crescent (*Kizilay*) has the authority. It has launched program called, Collaboration for Restoring Family Links (*Türk Kizilay Aile Baglariinin Yeniden Tesisi/ ABYT*) by cooperating with International Committee of the Red Cross (ICRC) in 2018. The program has a strong psychosocial support training dimension. The process is explained by a *Kizilay* representative and NGOs representatives in the following quotations:

*Kizilay* carries out the Restoring Family Links Programme through Community Centres with the collaboration of partner institutions and organizations. The Programme is financed by European Union Civil Protection and Humanitarian Aid Operations. The community centres take requests for missing family members, then channel the request to *Kizilay*, who communicate with Red Cross. The Red Cross makes searches at the Syrian side to collect information. They hand the messages of families to each other (SRII-Meso\_Urfa\_06\_ZSM).<sup>46</sup>

National NGO branches involved in the family unification case to give momentum to the bureaucratic procedures. In one instance, during the border crossing of one mother and



son, mother was able to cross the border as she was in emergency health conditions, but the son remained at the other side of the border [in Syria]. The unification of mother and son took two months after the efforts of this NGO (OZU-Meso\_Istanbul\_01\_SR).<sup>47</sup>

Not only family unification between Syria and Turkey, but also unification with families in Turkey and those in Germany is of concern. IOM initiates some programs for such cases. The representative explained their role as in the following words:

We have a program that has been running for ages on family reunification, but this is on an individual case by case. This is mainly for European countries. But in 2016, the government of Germany has signed an agreement with us on the family assistance program, where people who want to go to Germany that have family members in Germany instead of going to the embassy and waiting for a long time without knowing if their documents are fine or not, they can come to our office. We had an office in Gaziantep, now it's closed, but we have another one in Istanbul. They can come there, they can take counselling from our staff, they can make a double-check for that all of the documents requested by the government of Germany are available, and then we make sure that all the files are completed before they go to Germany. This is a program that has been set up in Lebanon, Turkey, Iraq and Jordan (OZU-Meso\_Istanbul\_05\_SR).<sup>48</sup>

As seen family unification may take various forms such as finding of a missed family member back in the country of origin or bringing family members together in the country of destination. In all cases, it requires the involvement of several state and non-state actors for fulfilling the goals as well as overcome communicative challenges.

## 7.2. Reflections from the Micro Level Analysis

### Knowledge About Legal Status

In general applicants or beneficiaries of international and temporary protection do not have knowledge about their legal status. For many cases, whenever we asked about their legal status or their knowledge about this status, the respondents' answers were about the same. They do not know their legal status, but mainly they mention their nationality as Syrian, they state that they are given ID cards (*kimlik*). The only a couple of them mentioned that they are "refugee" or even though they do not know the details, they mentioned that they have rights. As it was stated one of the respondents in Izmir:

I do not know my status and my rights. I know we have some rights, but I do not know what they are. I am Syrian, I know that I have to obey some laws. But I do not know my rights exactly. Nobody tells, what they are [rights] (SR11\_Micro\_Izmir\_M01\_Syrian\_EGA).<sup>49</sup>

Similar answers were received from many of the respondents in Istanbul and Sanliurfa too. On the other hand, international protection applicants seem having more knowledge about their status, because they have to follow a detailed application process.

For temporary protection, the application procedure is quite different as it does not have RSD procedure. The common responses to the questions about the experience in the registration process and the impression of the officers' behaviour during the procedure as simple as following: "I went to police station, applied and got it" or "as soon as we came to this city, we went to Migration Directorate and officers registered us". Few mentioned the necessity for detailed documentation, high fees for the translations and notarization of documents. Few also mentioned about the mistakes in writing their names wrongly to the IDs. While some noted that they got the appointment at the same day, some said they were given appointment within three weeks.

In the eye of the respondents, legal status relates to obtain an identity card (*kimlik*). When we ask about interviewees about legal status, they often referred to have IDs (*kimlik*), which has a special number for foreigners that starts with “99”. Few, particularly university graduates responded their status as “temporary protection”, particularly those transferred this status after a while.

An interviewed engineer told that

I have temporary protection. In the beginning, I had residency in Antep, but it became invalid as my passport was expired. Then I went back to Syria, then re-entered from Kilis. Then, I was given a temporary ID (*gecici kimlik*). I am a legal right now and my kids are in the same situation. If you do not have any problem with government, you can do everything simply. If you leave Turkey illegally and return back, it will be a problem (SR11\_Micro\_Izmir\_M01\_Syrian\_EGA).<sup>50</sup>

Also, many Syrians approach these ID's like a health insurance card, calling it a “hospital card”. They extensively note that the advantage of having ID with 99 code is to enable them to get access to free health services. Their obtaining of IDs is also related to their experience in accessing to health services as the following quotations display:

As soon as I came, I applied for an ID card (*kimlik*) at the migration department, almost after 10 days I went to apply for *kimlik*. It was easy but it took 10 months to get the *kimlik* itself. According to the information that they gave, after 3 months I could go and it will be ready but it took 8-9 months. I tried to go to the hospital but they wouldn't accept me without *kimlik*, they do not accept us. I stayed in the hospital for two hours with my son, who was sick with fever. That is why I needed to apply for *kimlik* for my son's treatment (M20\_160818).<sup>51</sup>

I even stayed for a year and a half without carrying *kimlik* or anything, I used to just walk with the passport. They have scared us a lot about *kimlik*, but it was difficult. But I had to enrol my daughter to school, thus I went there [PDMM to apply] but I could not stand there. It was too crowded, we turned back to home. Then, were introduced here to Qnushyo,<sup>44</sup> they helped me here with the *kimlik*, there was no difficulty. We have been told that we should also pay money for this. We were scared of fraud but Qnushyo helped us to get our *kimlik*, we got them [*kimlik*], and our daughter is registered in school. Finally, we have it. Honestly, my idea about the *kimlik* is just as a protection. If I walked into a checkpoint, or travelling or something, if someone stopped me, I can show it. But about my rights, I have no idea (M8\_270718).<sup>52</sup>

When we went to hospital, they did not accept us, because we did not have an ID card. They first gave an ID to my sick daughter to make her access to hospital, then they issued IDs to us after we applied to police station. This process took like couple of days after our visit to police station (SR11\_Micro\_Izmir\_03\_Syrian\_ZSM).<sup>53</sup>

Some of them reflect on its temporality by echoing the dominant guest narrative of Turkish politicians. An interviewed woman in Sanliurfa explained her and two newly born daughters' status as “Turkey does not grant us citizenship, we have only “guest card” (SR11\_Micro\_Urfa\_24\_Syrian\_ZSM).<sup>54</sup> However, many of them stated that their ID cards have been changed several times at least for three times. Thus, their ID cards literally appear as “temporary” as echoing their status.

Some Syrians recognized the necessity of getting IDs spontaneously. An interviewed woman told that

We have a foreigner ID card now. It happened like that. My brother was stopped by police, the police informed him that we all need a get an ID card, then we went to the nearest

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<sup>44</sup> Further information about this association available at: <http://qnushyo.com/>

police station. For the first day we got for my mother and brother, second day we got IDs for my family too, it was not difficult. In fact, we did not know about its importance in the past, we learned during the police check of my brother. In the 5th month of our arrival, we got our IDs (SR11\_Micro\_Izmir\_02\_Syrian\_ZSM).<sup>55</sup>

Although many do not know about the entitlement of the status, few are aware of its coverage as the following quotation displays “I just know that I am here as a refugee and *kimlik* protects me legally if anything happens. Also, I know that the UN is supporting us, but that they are only doing so with their speech, in reality there is nothing” (OZU\_Micro\_Istanbul\_10\_Syrian\_SR).<sup>56</sup>

### **Legal Assistance**

In general, neither for international protection nor for temporary protection applicants/beneficiaries are able to benefit from legal aid. For Syrians, temporary protection process is relatively easier than international protection as there is RSD process, However, the majority of them are not aware of what they were doing at any stage. They mainly call their process as “obtaining ID (*kimlik*)”. However, in the field it is seen that there are NGOs, in particular, ASAM as well as *Kizilay* have been mentioned that they provided legal aid. Some other NGOs or individuals were also mentioned as provider of legal assistance during the application process. But in general, the legal assistance is not provided in a systematic way or it is not accessible for all asylum seekers and every time. It should also be noted that whenever an access to “aid” is asked, the respondents referred all kinds of aid that have been received since they arrived, particularly humanitarian aid. The below given quotations form the interviews in Istanbul display this situation:

No, nobody offered any help to us, nor anyone helped us until now. We only received help through ASAM. They took us an appointment from *Goc Idaresi* [PDMM], and they prepared our application documents (M10\_310718).<sup>57</sup>

When I first went for *kimlik*, I asked to help of my Turkish friend, who used to work in a humanitarian organization in Izmir but she is from Istanbul. Thus, she was there with me. I had encountered several problems especially before applying. I had also spoke with a Turkish legal organization, because I had problems about *kimlik*. But I didn't gain anything from them (M14\_010818).<sup>58</sup>

We heard that there was a mukhtar in our district, and you have to take a number from him to go for application. He himself the Mukhtar, took us there, where they give *kimlik* and he gave us the necessary papers and we registered for the *kimlik* and left. Their treatment was good but every refugee faces the problem of the language. The mukhtar, he's a Turk, but he knew Arabic. He helped us a lot (M19\_160818).<sup>59</sup>

It is worthwhile to note that questions about aid triggered interviewees' expectations from interviewers regarding legal or other types of supports, although the aim of research had been explained to the participants in oral and written format.

### **Differences among Provinces**

The common problems that interviewees cited include the crowds of the registration centre, the necessity to wait for long hours and the difficulty to get appointment. Nevertheless, similar to the meso level findings, there are some differences among different provinces in micro level. In general, unstandardized implementation and different implementations among provinces are observable. Micro level findings confirm that some provinces do not accept any new application for temporary protection. Also, procedures differ from one district to another within the same city, in particular in Istanbul as mentioned quotation below:

After a couple of months, they completely stopped all applications for temporary protection in Istanbul, I don't know if it was in all of Turkey. But I know that it was stopped for Istanbul.

And the situation was quite complicated, because the application was done through the police. The police station was at Kumkapi, I went there and it was extremely crowded, disorganized and terrible. We heard many stories about police violations against Syrians. I went there and had to wait for ten hours. Even I went once in February and it was extremely crowded, too. The queue was about 1000 metre or much more than this. So, I decided not to stay, but then I returned in April or March. After a month, when they completely stopped to take new registrations and issuing *kimlik* in Istanbul, for me it was too late (M1\_040618).<sup>60</sup>

I applied for it, it took something like a year till I got it, I applied for it in Beylikduzu, it took like 8 months going back and forth, they would tell me to come back later, then I went to Fatih, I took it from there. But you know what there is significant difference between Fatih and Beylikduzu. At Beylikduzu such as, everything was perfect and functioning without any problem (M17\_160818).<sup>61</sup>

We have applied it from Izmir. However, to obtain *kimlik* was not easy for us. For the first nine months, we could not get it. Because at that time it was not possible to make an application in Izmir. But, except this we have not faced any problems. Public officers were good and they treated us well. So far, I had to renew my *kimlik*. I believe that I am a refugee in Turkey now (SR11\_Micro\_Izmir\_F18\_Syrian\_EGA).<sup>62</sup>

Regarding the spatial dimension, respondents mentioned problems about satellite city implementation for the international protection and city of registration for temporary protection. Moreover, the travel permit limitation concerns both type of protection applicants/beneficiaries.

We applied from Kiziltepe [a town in Mardin] and obtained our *kimlik* there. But when we came to Izmir in 2017, they were cancelled. We went to Izmir *Goc Idaresi* [PDMM] and they told us that we have to bring a document from Kiziltepe. We did it but, they told us that it is not possible to stay in Izmir unless it is for education or health issues. To be able to stay here, Izmir *Goc Idaresi* wants work permit from Izmir. I consulted with a lawyer and right away, one place registered me as a worker. However, you have to also show salary. Therefore, Izmir *Goc Idaresi* rejected our demand again. On those days, *Anadolu Ajansi* (media organization) wanted to interview with me. You know, I could not make an official complain, because otherwise I could not get a work permit, or we cannot go to hospitals etc. Anyway, after *Anadolu Ajansi*, Izmir *Goc Idaresi* gave us the permit to stay in Izmir (SR11\_Micro\_Izmir\_M16\_Syrian\_EGA).<sup>63</sup>

I should be in Canakkale not in Izmir. But, in every 20 days, I go to foreigner's branch in Canakkale to give my signature. I go there by bus. Canakkale is fine for me. Actually, I have to provide my signature for every week, but I told to the director there that I am working in Izmir. Then, they gave me permission for every two weeks not and a weekly basis (SR11\_Micro\_Izmir\_M22\_Sudanese\_EGA).<sup>64</sup>

For most of the cases, the procedures appear as quite complicated for the respondents as it was stated by one male refugee in Istanbul as follows:

We bring them [officers during application] whatever they demanded as documents from us and they kicked us out. It is what happened in *Beyazid*. There were women who speak Arabic there, who were checking identities and documents. They did not let us pass till and they kicked us out. My wife has been there for four or five times, every time she goes there, they kicked her out. Not only her but also my brother's wife as well. They went together and they have been always dismissed. They were pregnant. They said they wanted a certificate that says that they are pregnant, we went to the hospital and we obtained the certificate, and brought them [officers]. But still, they didn't give them [ID cards], neither for them nor for the boys. As a first time, I went there 6 months ago. Then I went a month after, because they asked for a family report, which I did not have. They told me to bring a family identification. I had it from Syria, and the officer said it wouldn't work unless if I will make it stamped by the Syrian consulate, and there, they ask money you know. I went back home, and I heard that they started registering Syrians again, so we went there and they kicked

us from the gates. I went with my wife, they would ask what she wanted, she would have the medical report on her. She can't go to Syria and she has not any ID over two years. We didn't think much about that, then they stopped giving the IDs here, they no longer give them to anyone (M18\_160818).<sup>65</sup>

But there are also many good feedbacks about the application processes. Thus, it can be stated that there is no standardisation and the procedures differ from one place to another.

At that day, many Syrians had arrived, the number of officers was few, nevertheless, their treatment of us was positive. Many of the officers did not know Arabic and we did not know Turkish. It was normal that it was crowded as the country accepted millions of Syrians. Now, it is not crowded as it was in the past, they are taking registration much more easily now. It is better now (SR11\_Micro\_Izmir\_18\_Syrian\_ZSM).<sup>66</sup>

The first time was so easy, it took only half an hour. Then after that when they transferred *kimlik* building to Sultanbeyli, it became so hard. It is not organised. Now, after they moved it to Yenidogan it become more difficult (OZU\_Micro\_Istanbul\_01\_Syrian\_SR).<sup>67</sup>

Some from Istanbul mentioned about the poor treatment as following:

They refused to give us *kimlik*, because they asked for our passports, and they were about to expel us because we are illegal [staying in Turkey for more than 3 months without having legal document]. So, we went to the Asian side and it was ok there, it depends on the employee's mood (OZU\_Micro\_Istanbul\_10\_Syrian\_SR).<sup>68</sup>

Many of the respondents stated that they have to be at PDMMs 4 or 5 o'clock in the morning to complete their bureaucratic processes. In many cases it takes more than one day as it follows:

I went to Beyazit, at 5 am in the morning, I got the *kimlik*. People have to go there even one day earlier, 12 at night. They go at 12 at night to stand in the queue, because in Beyazit they make people wait, 3000-4000 in a queue. Imagine that! The queue would reach all the way to Aksaray, it's very crowded there, they call it the Foreigner's Department, it's very crowded, people from different nationalities, even Egyptians would be queueing there. We stand for two or three hours there, they take us four by four and then, they [officers] issue the ID then they send us home (M18\_160818).<sup>69</sup>

At Izmir *Goc Idaresi*, there is only one officer who deals with Syrians. Thus, there has been always crowded. We go there quite early, around four o'clock in the morning to complete our work there (SR11\_Micro\_Izmir\_F04\_Syrian\_EGA).<sup>70</sup>

### **Language Barrier**

Regarding language problems, many respondents stated that building communication has been always a problem but it becomes better in the course of time. In general, to proceed their bureaucratic works, they try to find someone who speaks Turkish and Arabic. Moreover, some respondents expressed their fear to apply for police station for getting IDs, although main agency DGMM and their PDMMs are civilian institutions. The following quotation gives insights:

I didn't know what was happening, and I was wondering why in order to a get residence permit I should go to the police station. Why do I go to a security centre, instead of a department of migration? In Syria, it is not like that. If you need a residence permit you go to the Department of Migration, you don't go to the police., So that was weird. There wasn't much information, because when we went to police station no one spoke Arabic or English, they all spoke Turkish, only Turkish. We didn't know almost anything, even later. On the other hand, I observed that when I went to apply for *kimlik* [ID] in Kumkapi they had reorganized everything. Almost all the employees that I saw at Kumkapi are Turks who

spoke Arabic. All of them. Their nationality is Turkish but they spoke Arabic as I do, they speak Arabic and Syrian [dialect] as well, not only broken Arabic (M6\_250718).<sup>71</sup>

Applying for *kimlik*, we applied to the police station, you go to the police station, you get registered, fingerprints are taken, and then they give you an appointment, then you go to Beyazid *Goc Idaresi*, and we took *kimlik*. It was quite hard. It was very crowded; you suffer a lot from the crowd (M11\_310718).<sup>72</sup>

It should also be noted that the small mistakes that have been made by officers during the application process creates further problems for applicants' access to rights and services as well as obligations. For example, in Sanliurfa, one female interviewee was registered as a male and this created problem when she was giving a birth in hospital (SR11\_Micro\_Urfa\_16\_Syrian\_ZSM).<sup>73</sup> Also, in the same city daughter of the interviewed man was recorded as male and after the family granted Turkish citizenship, ironically, she was called for compulsory military service (SR11\_Micro\_Urfa\_07\_Syrian\_ZSM).<sup>74</sup>

similar mistakes are mentioned by interviewees who either personally experience it for their family members in Istanbul:

There was someone [a female] Turkish she helped me because it was very crowded. Application was not difficult, because I went to an area that was not crowded. I went to Bayrampasa. But the renewal was more difficult. There was even a mistake in the information of my daughter's document. They register her as a male and we could not register her to the school because of this mistake. Thus, we had to first fix the mistake. The reason of the problem is that those registering agency does not have the capacity to speak to anyone due to the all this crowdedness (M16\_010818).<sup>75</sup>

She applied for papers soon after arriving, but her passport wasn't stamped and the police registered her as illegal and was told to go and get registered. She applied to the Beyazit branch for the papers. She kept going back and forth for over a month and was given inaccurate information about application. She finally got registered but she was surprised that despite providing documents of being a university student in Damascus they wrote that she was illiterate and was asked to bring more documents to have it changed and she still couldn't manage to fix her information (M3\_240718).<sup>76</sup>

Beside problems mentioned above and differences across provinces, many informants from Izmir and Sanliurfa noted that having identity cards (IDs with 99 code) used to be very easy when they first applied, but the registration, particularly the updating of registration became more difficult in the course of time.

## **Resettlement**

Majority of Syrian informants told that they did not apply for UNHCR or any other organization to "migrate elsewhere" which in fact technically refers an application to asylum or resettlement to the third countries. There were few who applied intentionally or unintentionally for the asylum, in fact, the resettlement to the third countries. As explained as a part of the legal and institutional framework, although Syrian refugees, who are under temporary protection, are not given right to apply for international protection, in case of severe vulnerabilities, they can be replaced in the priority list that prepared by DGMM and shared by the UNHCR for resettlement in third-countries. Such a situation is explained below.

I went to ASAM, it was the first interview. Of course, I applied for asylum on the basis of my sexual identity [lowering voice intonation]. First, there was the interview, they asked me about what I do in my life practically. Then there was another interview the next day. The third day, a person from the migration directorate talked to me. They gave me an appointment to apply for *kimlik*. I applied for *kimlik*, after a month I got it (M2\_180618).<sup>77</sup>

A father of six children talked about their asylum application on the basis of son's disability and inability to return Syria for political reasons. However, the family's application was not finalized despite three years.

We applied to go to Europe. We have a disabled son; he needs caring and therapy. We proceed with our application folder, the UNHCR conducted an interview with us, they took our telephone numbers. But then they froze the application. No news about it. I am not able to return Syria as I am on the Assad's wanted list (SR11\_Micro\_Urfa\_09\_Syrian\_ZSM).<sup>78</sup>

A sick old woman in Izmir explained her application and its result:

I registered to seek asylum in Europe, they did not accept me, they accept disabled people such as those lacking legs or arms], they do not accept me, I registered in the Migration Directorate, ASAM-SGDD to seek asylum in European countries, I took appointment day, the evaluation took 12 months, but I was not able to go, they paid a home visit, they saw that my daughter is working as hairdresser and we do not have a disabled person at home, thus they did not accept my application for asylum (SR11\_Micro\_Izmir\_03-05\_Syrian\_ZSM).<sup>79</sup>

The story of an old woman in Sanliurfa about the application and its result are interesting.

I had applied to Canada. Years ago, one organization was giving free shopping card (voucher). The organization registered us by giving this card and asked us "whether we want to go to Europe". I chose the box of "yes." Then, they informed me that I was accepted by Canada. I did not know, they say that I would be able to go to there, but they granted this right only to me, not granted to my son and his wife. I rejected the offer. My son should have been accepted, he needs fertility treatment, I was dreaming to go for my son, what would I do there without them, I rejected it, I do not want it now, even if they offer us now, I would not go (SR11\_Micro\_Urfa\_10\_Syrian\_ZSM).<sup>80</sup>

It should be noted that some of the respondents were accepted by the USA, however after Trump's restrictive policies, their resettlement processes were frozen and they were also asking many questions about their situation and future. As expected, during the interviews, the opportunity to resettle in a third-country was the most frequently asked questions to the researchers by the respondents.

### **International Protection Applicant's Experiences: Living in Limbo**

One of the most significant problems regarding international protection can be seen as the nexus of forced migration and irregular migration. For the non-Syrians, except one Moroccan couple and one Senegalese man, the other respondents have an asylum application. However, these three were in Turkey with their valid travel documents and holders of short-term visa; but they were planning to continue their migration journey to Europe in irregular ways. Two Iraqi men were under temporary protection through their Syrian citizenship but they stated that they have also applied to the UNHCR. While the other seven respondents from Izmir were detained and released from the removal centres. Their cases were quite similar, they stated that while they have been trying to cross-border, they were caught. However, none of them had an idea that they have a right to apply for asylum. Without exception, they were taken to the removal centres, their ID documents are taken away and they are given a Turkish document which is the invitation to leave the country and during their deportation process, they are obliged to provide their signatures in every week or every two weeks. However, those Turkish documents, which are mistakenly understood as ID cards since they are in Turkish and just signed by the public officer with the date.

It can be argued that those groups appear as one of the most vulnerable groups without having any documents or any opportunity to survive. They try to find some low-paid jobs to save the day or to save money to try one more time to cross the border. Without having any health

support, they face serious health problems and many right-based NGOs in the field were trying to provide some urgent humanitarian aid for this group while also helping them for their asylum application (for the suitable cases). In case of serious health problems, respondents mentioned that they were taken to hospitals and they are realised with a humanitarian residence permit. In general, this group is not provided with any information in their languages and released without having knowledge about their status in Turkey. One of them had severe health problems and although he was 16, he was registered as 18 by the law enforcement officers. He had no passport, it was taken away but he took its photo, where his age was clearly seen as 16. Due to his serious health problem, he was realised but he was not given humanitarian residence as different from the other cases. He was from Sierra Leone but his documents were indicating Nigerian. The same mistake was also done for his friend from the same country and they stated that since the officer could not understand their country despite of all their efforts, at the end they were registered to the system as Nigerian.

I have no any other document but this [it is the termination of administrative detention and in Turkish. It is given by the Izmir Governorship. The deportation decision had been already taken as of 6th October 2017]. They gave it to me when they were releasing me from Harmandali [removal centre]. I have this document, but nothing else. I cannot turn back to Sierra Leone. Since I was taken to Harmandali, my file at the UNHCR was closed (SR11\_Micro\_Izmir\_M29\_SierraLeone\_EGA).<sup>81</sup>

### 7.3. International Protection and Vulnerabilities

While the legal and institutional framework on vulnerabilities were given at 5.2.3 of this report, here we present findings about the implementation that are drawn from the fieldwork interviews conducted at both meso and micro levels. Due to the scope of this report, our emphasis is on the protection, in particular from the first application to the final decision as well as determination of vulnerabilities. The other aspects of the vulnerabilities related to the reception and integration are excluded from this report.

In terms of vulnerabilities, some of the significant findings from the fieldwork are given below:

- Determination of vulnerabilities are important not only vital for being able to access rights but also important to meet a resettlement priority criterion. Those determined as vulnerable are included into the resettlement priority lists that are prepared by DGMM and share with UNHCR.
- The UNHCR carries out the resettlement process to third-safe countries both those under international protection and Syrian refugees. At the border, mainly IOM, UNHCR and their implementing partner NGOs are allowed to determine or help to law enforcement actors to determine the vulnerabilities. They actors are able to serve on the basis of protocols signed with pertinent state authorities.
- Among the Syrians and non-Syrians, there are important differences regarding the implementation of vulnerability criteria.
- Based on the fieldwork in four cities, the most common vulnerability categories appear as people with disabilities, (individuals having mental and psychological sicknesses, chronic diseases, wounded); children (unaccompanied children, child workers), women and girls (who are subject to early marriage, gender-based violence, in particular rape, sexual harassment), victims of torture in general, and elderly refugees, LGBTIs and minorities. In general, economic vulnerabilities are also mentioned as a type of vulnerability by the related actors.
- Governance of vulnerabilities: MoFLSS seems as the main responsible body to deal with and to be referred in the cases of vulnerability. It tries to put control and monitoring over INGOs and IGOs dealing with protection-vulnerability cases. Provincial Directorate of Family, Labour and Social Services (PDoFLSS) and two semi-state agencies the Foundation of Social Aid and Solidarity and Turkish Red Crescent (*Kızılay*) provide financial support to refugees based on vulnerability criteria. The main aid programme, funded by EU is ESSN (see page 38-39). However, the PDoFLSS



seek to cooperate with INGOs-NGOs to provide services as they lack of adequate funding and human capital.

- The concept of vulnerability is extensively used by several actors such as international NGOs and local agencies which operate as the implementing partner or taking funds from INGOs. They often adopt individual protection programmes, called case management and rarely community-based protection that targets social protection of both Syrians and locals. Almost all interviewed INGOs have reported having a project(s) to reach vulnerable forced migrants, referring mainly to Syrians. There have been a supportive/supplementary role of INGOs and national and local NGOs for accessing vulnerable persons and for meeting their needs. They also take a role in facilitating their access to public services by providing transportation, translation services, consultation, and lobbying tasks. Their solutions vary according to each case, the ability of NGO worker to follow-up the case, responses taken from the relevant institutions such as the Ministry, UNHCR or community organizations. Many INGOs are bounded by donor requirements. Their projects are for short terms (1-2 years). Often, they combine many components together such as case management, child protection, youth empowerment, social harmony, legal consultancy and service-training.

### **Determination of Vulnerabilities**

The majority of respondents defined main problems as the “determination of vulnerabilities” as well as the difficulties on the nature of vulnerabilities. Other common problems include the lack of coordination among the related actors, lack of capacity (in terms of in-service training and knowledge, financial problems and human resources) and disparities between legal framework and implementation.

Majority of the respondents stated that the vulnerabilities cannot be determined properly and the state does not have also adequate statistics and information to be able to follow-up the cases. Indeed, the situation was relatively better in terms of vulnerabilities for the ones who are under international protection. Because at least since the first registration used to be taken by the UNHCR and ASAM, they were able to both determined and follow-up the cases as also activating the related actors before 10 September 2018. The respondents from Ankara explained the problems as follow:

Lack of coordination, miscommunication, unplanned actions and these are also the case for UNHCR. We have the most accurate statistics about the international protection and vulnerabilities for the years from 2013 to 2017. Even the state doesn't have these statistics. After their (refugees) arrival, we used to send them one of the 62 satellite cities. In the first place, we are able to identify the most vulnerable ones. This was also the case as well as a capacity of UNHCR. Until September 10, we had information about the last non-Syrian comer to Turkey. From LGBTIs to unaccompanied children, we could manage to determine the vulnerabilities. Now, there is no such an information. UNHCR will receive only the numbers from DGMM, that it is. No further information about the vulnerabilities is available (SR11\_Meso\_Ankara\_01\_EGA).<sup>82</sup>

We were able to identify vulnerabilities while we were doing this registration process. Now there is not such a thing. For example, regarding the unaccompanied children we do not know where are these children, who live with whom, where they live? Because the central system does not want the detection of sensitive groups such as LGBTI, etc. For example, they come to us with having chronic tuberculosis, disability, pregnancy, a psychological disorder or being a victim of torture, LGBTI, a senior political person, a woman who has been sold by her husband in need of emergency, raped, needs an urgent surgery... Here we identify all of them. In the past, the registration was providing us with the early determination, but now, we only know them if they come to us or if we could reach to them or if they are referred by the other stakeholders. Then we sent them to the provinces, we were sending them according to these sensitivity criteria. We were placing children into the child centre, women into the women shelters, we were supporting wheelchair for a person with disability. Now, for example, if a person entered from Van and tell that 'I have my

kidney failure and I need dialysis, I have been tortured there and now my condition is getting worse.' Then, the officials may say to the person that she/he can have the appointment a year later (SR11\_Meso\_Ankara\_01\_EGA).<sup>83</sup>

In response to the above given critics, a state officer mentioned that they have been carrying out a project for data updating with the collaboration of the UNHCR. The target was approximately 2,600,000 Syrian nationals. Almost 90% of this target has already been completed (SR11\_Meso\_Ankara\_02\_EGA).<sup>84</sup> During updating, further information about the vulnerabilities has been collected, accordingly specific units were established at provincial level too. These units are justified as:

They develop a guiding mechanism for the needs of those individuals during the determination of vulnerable groups. For example, if in the case of unaccompanied child or torture survivors. In other words, protection tables (units) were created in the provinces to meet special needs (SR11\_Meso\_Ankara\_02\_EGA).<sup>85</sup>

The determination of vulnerabilities is particularly a challenge at the border points. On the one hand, it is quite difficult for the migrants to share some of the private information, on the other physical conditions are not suitable as it was reflected in the following quotations from an IGO representative in Izmir.

For example, human trafficking victims. They are afraid to talk because other people will hear it. There is no room there, so it is very difficult to identify LGBTIs etc. Sometimes our outreach team members have some suspicion about some cases and they try to give legal counselling or they direct them to other points or inform the relevant stakeholders about the case. We take notes. However, the facilities are quite limited, because the time period that they spend with our team there is quite limited. Special needs are being identified but not enough. For example, there was a woman, we suspected of being a rape victim. That's why we have a woman social worker in our team. But the refugee had a little cracked and then she gave up. Because the group can hear it, so it's a troublesome topic (SR11\_Meso\_Izmir\_11\_EGA).<sup>86</sup>

## **Children**

Regarding protection and vulnerabilities, one of the most significant categories is children including unaccompanied children and child workers.

### **Unaccompanied children**

In general, main findings regarding unaccompanied children are as following:

- Identification of the unaccompanied status is quite difficult. The problem starts at the borders. Sometimes, unaccompanied children are registered as over 18, due to the extra procedural requirements.
- There are significant differences about the legal framework and implementation. Implementation lacks standardization and changes from one city to another.
- In general, after 10 September, determination of vulnerabilities and unaccompanied cases have become more challenging.
- There is a significant problem between the PDMMs and the PDMoFLSS. The later complaints about the communication as well as the first phase of the determination of vulnerabilities by PDMM, because PDMM provides the data without details and unless if it is specially reported, vulnerabilities are not visible. However, it is possible for them also to identify vulnerabilities based on the application to them or during the household visits by the PDMoFLSS.

The fieldwork in Izmir, Ankara and Sanliurfa showed that the number of unaccompanied children among the concerning population is high. The representative of a law enforcement institution in Izmir stated that "the ones that we caught are mainly children. The number of the

ones under 18 is pretty high. If there are 50 migrants then 15-20 of them are children” (SRII\_Meso\_Izmir\_01\_EGA).<sup>87</sup> Also, all the identification process starts at the borders. Since unaccompanied children necessitate different procedure -such as two officers from the PDoFLSS should accompany them- the interviewees mentioned that they are registered as 18 even though they are younger than this. In this case, if they are Syrians they are released or according to the new procedure (24th May internal regulation<sup>45</sup>), they are taken to the camps in the south-east region of Turkey. If they are non-Syrian, they are taken to the removal centres with the same apprehended group members. It is also stated that since the children are scared of the apprehension, they also express their age as 18 to be able to stay with the members of the fleeing groups. Therefore, the determination of vulnerability is quite problematic even at the beginning:

After we understand that the child is unaccompanied, we first inform the coast guard. Then the list of their names goes to the security forces. Then, the law enforcement thinks that, if that child will be transferred to the removal centre, he/she will be recognized and it will just create extra work on them. It is illegal and they are aware of that. They say that the child himself does not want to leave the group, which is true, by the way, there may be his acquaintances in the group. Thus, sometimes they registered them as if they were born in 2000 instead of 2002 (SRII\_Meso\_Izmir\_08\_EGA).<sup>88</sup>

In terms of the vulnerabilities the most important problem appears during the determination of unaccompanied children. The determination is not conducted by the UNHCR or ASAM anymore, thus the sole responsibility for their determination belongs to PDMM. One of the quite active NGOs’ representatives in this field from Ankara stated that

The MoFLSS does not accept an unaccompanied child. Do you know how many unaccompanied children are Syrians? Nobody knows. There's no such thing. Ones, the number was declared as 50,000 Syrians as the unaccompanied minors. It was an advantage for us to be able to identify them (as referring to the system before 10 September 2018). Now, this opportunity is completely lost. To identify them is not possible now unlike before. In the past, they were coming to our door, for example, 10 years or 11 years old. We were calling PDMM, but neither it nor the Ministry of Family was taking the responsibility of them. 183 line was not responding. Once, personally I worked so hard to settle unaccompanied children for days. They didn't have a place to stay, and we had about 100 children here. Can we do something like that as the association, that's a huge risk for us. I've been in constant conflict even with my institution and my managers. As it was winter, how we could leave them outside? The immigration administration had a responsibility for these children. The Ministry of Family naturally says that I can only get them through PDMM. From now on, the UHCR will take the numbers but there will be no further investigation. An unaccompanied child will come to our door again, a woman who is the victim of violence will come to us again. In some cities, UNICEF was reported as working effectively. As following the household visits of ASAM, UNICEF arranges additional house visits. We also activate the local system. Otherwise, they do not know. We activate them about child marriages, child labour, child harassment (SRII\_Meso\_Ankara\_01\_EGA).<sup>89</sup>

The following experience of NGO representative in Izmir reveals a number of additional problems influencing the situation of unaccompanied children. First it is the different treatment of Syrian and non-Syrian protection beneficiaries in the system. Second is the requirement for travel permit for moving one city to another. Third, the system suffers from the lack of capacity in general regarding international protection and in particular protection of unaccompanied minors. The quotation from an interview in Izmir is as following:

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<sup>45</sup> It is an internal regulation and mentioned by both state and non-state actors. Before May 24, in case of irregular border crossing and if Syrians were caught, they used to be released right away. However, since this internal regulation, they are taken to the camps in the south-east provinces in Turkey and after their registration, they are free to leave the camps or in some cases they are taken to the camps in Syria. In case of non-Syrians, they are directly taken to the closest removal centres.

Once we had applications of five unaccompanied children. They entered in Turkey from Iğdır border gate, but their smugglers were asking money from their families. Somehow, they escaped from those smugglers and hide somewhere. They could manage to call one of their relatives and that relative could reach to us by phone. And you know what since it was impossible to call for them, we called 155 [hot line for police] and 157 [hot line for Ankara Governorship] but we are told that they should directly call them. Somehow, we could manage to speak with the children and told them to go to Dogubeyazit police headquarter, then they will transfer you to PDMM. But the police told us that “there are 20,000 people here and we cannot take them. They had to go to Agri by walking.” You know what, it took 3,5 days for them to walk there. They could take the appointment from PDMM for five days later, it was even quite quick in comparison to the others because they were unaccompanied children. Also, the bus companies did not take them and they do not sell tickets. At the end, they could not make to their appointment, because the smugglers caught them again. They were told that they are in Erzincan but actually they were in Kayseri. They were forced to sign some documents and they were deported to Afghanistan (SR11\_Meso\_Izmir\_03\_EGA).<sup>90</sup>

The following quotation also displays the difficulties to intervene such cases by NGOs. Some of the unaccompanied minors are the subject of other vulnerabilities as it was stated by the respondents in Izmir and Ankara:

Children are the most sensitive. Violence against women is also very common. Early pregnancies, early marriages... but the most difficult group is the unaccompanied children. Identification of them is difficult. Because since they do not have documents, it is based on their own statements. But sometimes, there are some cases that you cannot intervene. If a child says she is my aunt or he is my uncle, at that point you cannot do something. In this sense, refugees are also cognizant of how to bypass rules. Smugglers tell them, what they should say and they pretend that they are not alone, as travelling with aunt or uncle (SR11\_Meso\_Izmir\_04\_EGA).<sup>91</sup>

The police or gendarmerie informs PDMM. After they complete their works, they inform the removal centre about the case. For non-Syrians, the PDoFLSS takes the responsibility. By then, the child is re-settled into a child centre which is suitable for his/her age. We have not yet come across between 0-10 years old, they are older than this. The average is around 15 and 17. In general, there are a lot of unaccompanied children among African migrants. They look older than what they stated in the first place. Once a guy said that he is 17 but he was looking like he is 25-30-year-old. Their age is determined according to their statements. Until they are transferred to the child centres, they are accompanied by police or gendarmerie (SR11\_Meso\_Izmir\_11\_EGA).<sup>92</sup>

Unlike the experiences cited above, the respondents from the state authorities mainly claimed for the significant progress in this regard without pointing out any problem. Nevertheless, drawing from the interviews with the representative of the PDoFLSS, it may be claimed that the main problem concerns the files and transfers. After the law enforcement phase, the migrants were transferred to the PDMM. Then, PDMM needs to re-work on the vulnerabilities that determined or not by the law enforcement actors. If they directly come to PDMM, then they start the determination process right away. After this stage, it is possible for the PDoFLSS to intervene. However, the problem is raised about the PDMMs' work. PDoFLSS complains that they receive all the documents and it is not possible to have further determination of vulnerabilities. Since the statement is the main source, many times unaccompanied ones declare that they are over 18. Also, the interviewees from NGOs stated that even if they report some cases, they have been rejected by the state authorities. For the age determination, the further procedure is based on the age assessment through bones at the Institution of Forensic Medicine.

Ministry is the main responsible agency which seeks to implement early age determination and offer protection mechanisms for unaccompanied children. After the decision on vulnerability,

sheltering of unaccompanied children emerges the most important challenge because the Ministry's capacity is limited as mentioned by the representative of an NGO:

Our first responsibility is to inform the Ministry of Family and Social Policies about where this child is, what are the conditions. It is the same responsibility for all NGOs. After informing them, we do not have any responsibility to take care such individuals. The Ministry is settling the case. But due to the lack of capacity, it is not the case that all individuals are settled by the Ministry. After this point (if he/she has not been settled), we mobilize our sources to settle her-him (SR11-Meso\_Urfa\_02\_ZSM).<sup>93</sup>

Formal NGOs-INGOs or informal community initiatives seek for create alternative solutions for sheltering unaccompanied children. Interviews and observations in Sanliurfa gave insights about the alternative interventions of various actors<sup>46</sup> that are common in the border provinces hosting large number of Syrian refugees. These alternative interventions include Religious Directorate's dormitory for unaccompanied girls; Turkish faith-based organizations, Quranic courses having dormitories; Syrians' own civic organizations; temporary housings in hotels financed by NGOs asking the help of Syrian community through "neighbourhood communities". A regional director of prominent NGO brought some of them into our attention as seen in the following quotation:

There are some associations, dormitories, federations established by Syrians. We are guiding unaccompanied children to these places, but we first control these venues to be sure that whether they are secure and proper. If we have taken the positive confirmation, we then direct unaccompanied children there by informing the organization about the vulnerability of kids. Until certain age, they are able to stay in such institutions. It can be the cases that they cannot stay in such venues, we are offering a temporary solution such as temporary accommodation in hotels for three-four months. If we do not find any solution to such children, we ask the help of the neighbourhood committees that we initiated among Syrians. Sometimes they offer some solutions such as placing such children in a house rented by four-five young Syrians (SR11-Meso\_Urfa\_02\_ZSM).<sup>94</sup>

Another pattern, followed by NGOs-INGOs in few cases is to seek for family unification options. An IGOs representative referred a case

Our case management unit can take care of such issues. For example, we have a case from here, we have a minor, we have a common program with Germany and family unification occurred. When we faced with an unaccompanied child, we coordinate with UNHCR. For example, there were two kids in Hatay, we referred them to the UNHCR, they unified with their family (SR11-Meso\_Urfa\_07\_ZSM).<sup>95</sup>

### **Other Aspects Regarding Children, Protection and Vulnerabilities**

Not only the unaccompanied children but also many other aspects regarding the protection of children were pointed out by the INGOs having protection officers similar to the quotation below:

The cases which we observed include disabled, exploited, neglected kids, criminalized [*suca suruklenmis*] kids, child labour, child marriage, traumatic cases, children who needs psychological support, separated children, children suffered from family violence, gender-based violence (SR11-Meso\_Urfa\_07\_ZSM).<sup>96</sup>

Child labour, including the seasonal work in agricultural fields, is one of the most highlighted issue regarding protection of child. Similar to early marriages, INGO representative mentioned about the legal barriers and contradictions (SR11-Meso\_Urfa\_05\_ZSM)<sup>97</sup> in the law that make child protection challenging:

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<sup>46</sup> Urfa Bar Association has "Children Rights Commission". The lawyer from this Commission said that "no case, interestingly, came to us about unaccompanied children. In fact, it is very common, I found it interesting how such cases do not come to us" (SR11-Meso\_Urfa\_05\_ZSM).

They work in everywhere in which they find work. There are more children working in textile than anywhere else. Also, they collect scrap. According to the statements of Syrian children, they earn between 50 and 100-125 Turkish lira [less than 20 euro] weekly. When we tell them that they need to go to school, those in 6-10-year-old say that their parents need this money. They tell us that their parents cannot find a job. For instance, last year, a baby was bitten by a mouse and we went to Konak Municipality for this. In our house visit, we saw that children faint from starvation, they live in one-room house without water (SR11\_Meso\_Izmir\_19\_EGA).<sup>98</sup>

Nevertheless, the INGOs seek to develop programs in addressing child labour by collaborating with the pertinent state agencies: mainly with the MoFLSS. For example, in Sanliurfa the PDoFLSS and one prominent association have developed a common project to fight against the child labour in the city centre. The Association identifies cases where refugee children work in streets, then it refers them to the PDoFLSS. However, the program got deadlock in the implementation stage because of the lack of adequate staff and adequate duration. It is clear that any solution requires multi-dimensional responses that need to address the needs of and raise the awareness of family, siblings, child, schools, and employers (SR11-Meso\_Urfa\_27\_ZSM).<sup>99</sup>

Also, the NGOs play a significant role in the determination of vulnerable cases, particularly to identify those children in need. They design both identification and intervention projects, under the title of “children protection programs” as the following NGO protection officer explained:

We have outreach teams; we identify children in need during our neighbourhood visits. As it is not ethical to directly talk children, we also communicate with their families. Our program included both Turkish and Syrian children, it is a children protection program. We knock the door of all the houses in the neighbourhood and ask about children. It proceeds as unstructured interviews, we introduce our organization and explain our activities at the centre, how will they benefit. We try to understand specific needs of the family, risk situation such as children who do not attend the school. This may mean that the child labour. Our staff knows about how they will recognize-identify a vulnerable child such as the families hide children. Our staff refers them to the case management unit. After we get the approval of the family and the children, our staff start to work on cases (SR11-Meso\_Urfa\_27\_ZSM).<sup>100</sup>

## **Women and Girls**

In general, main findings about the vulnerabilities of refugee women are as following:

- Some cultural differences for example regarding polygamous marriages and lack of legal protection.
- Child marriages and arranged marriages.
- Insufficient numbers of women shelter. Also, different requirements and implementation for Turkish citizens and the women who are under international or temporary protection.

The most challenging problems influencing refugee women include early age marriages, forced arranged marriages and unofficial polygamous marriages. An IGO representative who works for the protection unit reported about such marriages and the underlying forces pushing Syrians, particularly girls, to get married at young ages:

I worked with young girls. The youngest age I met was 14-16 years old woman who are married. Once, I met with someone at 16 years old who got married and have two kids. when we asked them about early marriages, they explain it with two reasons: The first is for the aim of protection. As they started to live in a new society, they want to avoid honour-related rumours. The second reason is economy-related. They expect that when their

daughter gets to marry a Turkish citizen or someone with more income, he can take care of the daughter's family as well. Indeed, more than cultural factors, if they see it as an economic opportunity, they marry even in early age. Also, there are cases in which families have losses in the war, or some family members had stayed in Syria. Under these conditions, the marriage of girls is seen as a protection mechanism. What I observed as a problem is that this woman who married at young ages was not pass the stage of childhood herself, but she became a mother. She struggles with her own childhood and mothering simultaneously (SR11-Meso\_Urfa\_07\_ZSM).<sup>101</sup>

Intervening to marriage-related cases is not easy. First of all, the legal barriers and contradictions in the national law impede to take necessary legal steps as one of the protection officers from INGO explained in the following quotation:

The legal framework is the one dimension which causes us some problems, for example for child marriage those older than 15 years old, there is the rule of consent, it influences the legal decision, this contradicts with the international children rights convention which accepts below 18 as children. Our penal code takes 17 years old as adultery, civil law takes in 16 years old as an appropriate age for marriage. In our legal framework, we have contradictions about the legal age of marriage (SR11-Meso\_Urfa\_27\_ZSM).<sup>102</sup>

The second challenging problems influencing refugee women is violence in various forms including domestic violence and harassment in the public spheres as well as the psychologically and physically sexual abuses of Syrian women in work places by their employers.

In the case of domestic violence, NGOs refer cases to the Security Units and the Ministry. However, the admission process does not work properly. As an NGO representative from Sanliurfa explained by drawing from his experience with Syrian refugee cases:

The decisions for interventions to the cases of violence are not taken in short time periods, so no intervention happens or no measures as taken against the perpetrators. A new department/agency can be established to deal with such cases to fasten processes. It seems that there are some services, but they do not solve anything. For example, when Syrians apply, if there is no finalization, then they lose trust to the system (SR11-Meso\_Urfa\_06\_ZSM).<sup>103</sup>

The commonly proposed solution is to place the victim of violence into a woman shelter under the authority of the MoFLSS. The problem, however, is that the overall number and capacity of the women shelters in Turkey falls very much short of the need. Since women shelters are not even enough for the Turkish population, it is stated that they cannot respond to the needs of women who are under international and temporary protection. Moreover, Turkish women are not required to show a valid identity document to be accepted in shelters. However, Syrian women are required to present temporary protection identity document to be admitted to shelters.

Not only state-led interventions but also NGOs assistance are necessary for seeking remedies in the cases of violence. However, their remedies are often limited to the awareness-raising programs, social and daily support to women. An NGOs established by Syrians mentioned about the content of their programs:

Our target groups are women and children. We organize courses for them, aiming at social development. Our latest program was about child protection and violence against women. We also organized programs, seminars, conferences about early marriage, risks of early marriage or other issues. We try to raise consciousness about children and women rights (SR11-Meso\_Urfa\_14\_ZSM).<sup>104</sup>

Providing safe spaces for women and children are also categorized by NGOs (including by *Kizilay*) as a program targeting vulnerable groups. They serve for both vulnerable Syrians and Turkish community living in the same neighbourhood, mainly taking funding from UN agencies like UNICEF (SR11-Meso\_Urfa\_27\_ZSM).<sup>105</sup> Moreover they develop tailor-made programs that address the needs of children and women together:

### **Disabled persons**

Being disabled have been a quite challenging experience for refugees. It is seen during the fieldwork that people with disabilities within the Syrian community, both mental and psychical, particularly among the youth is the most referred vulnerable group detected by INGOs-NGOs. The number of disabled people is high on the border provinces, because they stay here after first crossing, or they have kinship ties here. Also, if there is more than one family member disabled, families are not able to easily move further. Also, various forms of disability are observed in Izmir. The following quotations summarize the difficulties experienced by the disabled refugees. The first one is the observation of an NGO worker:

Disadvantaged groups are in general women and children. If I can do something about them, I feel happy. For example, there was a case, a man was caught in a boat, and I wonder how such a man could run away. He was an alone person with a wheelchair. He was disabled, but he still tries to escape. I felt sorry for him because he had no one with him. The law allows us to release people with disabilities. I wanted to release him, but I could not. The removal centre is in a hilly place. How could he go out with his wheelchair? We found a car for him and I called the number among his last calls and she was his neighbour. With the help of an interpreter, I explained the situation. That person would be coming here to take him. In the evening, we were leaving the centre inside the staff service bus, I saw that he was still where our driver had dropped him. His neighbour did not come. Indeed, the help we can do is also limited. You want to do something, but you can't. I had nothing to do, I called his neighbour again, maybe she did come (SR11\_Meso\_Izmir\_13\_EGA).<sup>106</sup>

With regards to the service provisions, the majority of the interviewed refugees stated that there is significant progress in accessing health services in general but prosthesis and the other required health types of equipment are not provided to them.

The interviewees from the state and non-state institutions provided contradictory statements about the services and medical tools accessible to the disabled persons. The officials from the state institutions claimed that there are no differences between Turkish citizens and the ones who are under international and temporary protection to access prosthesis or hearing-aid. However, many non-state interviewees pointed out the gap in health services that has been filled by NGOs. For example, one association in Izmir was established only for providing such tools through securing internationally funds. Also, one prominent association in Sanliurfa claimed that one of its main services is to give prostheses and to cover expenses of the access of severely injured Syrian refugees to hospitals for orthopaedic medical operations. The Red Crescent also supports to the provision of medical tools when the billing is available, which is itself difficult for refugees. The following statement from one of the national NGO confirms the arguments about prosthesis: "X Association also sends them to us. They are able to provide crutches but not hearing-aids that our budget allows to get them. But the state still does not provide those tools for them" (SR11\_Meso\_Izmir\_04\_EGA).<sup>107</sup> In parallel, one of another national NGO, which has also a branch in Izmir, stated that they have been in collaboration with another national NGO and Turkish Red Crescent for these services:

Our association servings mainly to physically disabled people. In the case of detection, we also provided hearing aid support, but we did not have specific budget for it. Even if we cannot help, we are able to negotiate with stakeholders and organizations and we coordinate with them. In addition, we come together with stakeholders in the field for case management follow-ups. We have no specific protection unit. But there are ASAM and the



Turkish Red Crescent who focus on this, all stakeholders can come together and discuss how to succeed a complete solution (SR11\_Meso\_Izmir\_22\_EGA).<sup>108</sup>

Not only provision of medical equipment, but also specific rehabilitation and training facilities for refugee children with special needs is a serious challenge. A protection officer from an IGO, who had worked as psychologist for an INGO before explained the problems in Sanliurfa:

For mentally disabled students, there is no private centre, there is only rehabilitation centres. For example, nothing is available for autistic or down syndrome kids. There were 18 autistic refugee kids in this city, some rehabilitation centres were asking money for serving to Syrian kids. We raised our voice about these and express our requests in many protection-related meetings, also in the meetings with the UNHCR. They told us that these fees should not have been asked, but it is not the case. In the past, only Syrians kids who hold double citizenship of Turkey and Syria were able to use rehabilitation centres. This was very absurd (SR11-Meso\_Urfa\_07\_ZSM).<sup>109</sup>

Moreover, schooling of disabled children is a serious challenge. Even some refugee families consider migrating elsewhere to enable their children to attend school. The following quotation demonstrates the frustration of a refugee family with disabled children and the limitation of what could they do for the schooling of their daughter under the present circumstances in Turkey. A father living in Istanbul explained his efforts for his disabled daughter:

Here I registered in X, Y and Z Associations. There is also a human resources organization, having an abbreviation like ... or something in Esenler. I registered in it and I insisted that I wanted to travel. All of this is for my daughter, my daughter cannot go to school; she has been without schooling for over a year because of her circumstances... She has a 92% degree of disability but she is here [gestures to the lower part of the body] but she is smart and doesn't have a problem with the hands and the head, but she cannot feel downwards, she has to wear diapers. She cannot go to schools here. She became mentally exhausted from constantly staying at home and she wants to learn as well. She was at the 3rd grade in school in Syria. We found difficulty in finding a school for her. I searched mostly for her, and they say there is no travelling but most of the people we hear that they were accepted and travelled to Canada. There are groups on Facebook. We registered but, they say there is no travelling, because it might be too crowded or something I don't know. But after a time like six months they called me from IOM. They must have taken my file from places where I applied before. But we still do not know. We want travelling mostly for my daughter and for her treatment. Also, my mother needs catheterization; every three hours she does her catheterization, and the catheter is an expense on its own. Every three days we need something like 60 Lira for the catheter (M14\_010818).<sup>110</sup>

Both IGOs and INGOs seek for supporting persons with disabled children. Their efforts are quite meaningful and touch the lives of people. However, they stay inadequate in meeting paramount needs. Moreover, the efforts of IGOs and INGOs require either approval of or negotiations with state agencies as the state is main service provider of health and social services. But state officers are hesitant to extend services to refugees either to avoid taking extra responsibility or act on lack of trust to the claimants. The following quotations from Sanliurfa and Istanbul offer insights about such possible reasons.

A protection officer working for an IGOs in Sanliurfa recalled her experience:

We often face with the cases of both psychical and mental disabilities. I tried a lot for them, particularly their access to schools. For example, there are needs for elevators in schools. But school directors want us to take risks on behalf of these kids as they will use an elevator. Also, we encounter problems about the usage of rehabilitation centres. Fortunately, such problems are solved when a person from rehabilitation centres started to join our meetings. Still, INGOs provides translation needs of these centres (SR11-Meso\_Urfa\_07\_ZSM).<sup>111</sup>

A lawyer from Istanbul mentioned about the difficulty in accessing basic needs by a disabled refugee and treatment of Turkish judge not only as the reflection of the lack of trust, but also the humiliation of the refugee:

Once I had a case. One of my clients wanted to benefit from social assistance given to the disabled people in Turkey. The assistance covers to the funds for buying vehicles, provision of public transportation card, rent support etc. To benefit from this assistance, you need to appoint one guardian by the Civil Court of Peace. The judge of the Kucukcekmece Civil Court of Peace wanted to see my client as saying that “how can I know, maybe he is not disabled”. Meanwhile, my client applied to the municipality for getting a wheelchair, because it was really difficult for him to come the court. He asked just for a basic wheelchair that he would access to the court. Also, he applied for a medical report that proves his disability. Anyway, somehow, we could bring him to the court. Then, the judge asked the disabled man to “stand up” because he said “I cannot understand if you are pretending like a disabled or not, thus, maybe it is a role-playing”. This was an extreme form of humiliating treatment (Bilgi\_Istanbul\_M10\_281118).<sup>112</sup>

## **LGBTIs**

Persons belonging to lesbian, gay, bisexual, transgender and intersex populations are not defined by Turkey’s Temporary Protection Regulation as a category of “persons with special needs”. Thus, it can be claimed that the determination problem for LGBTIs starts from the very beginning. Despite the fact that their access to resettlement is usually prioritised, they still face severe delays - approximately two years- before having the possibility to be resettled.

The fieldwork in Izmir and Ankara showed that the LGBTIs refugees who are under international protection are allocated relatively more welcoming cities such as Manisa or Denizli. However, it is different, for Syrians because they used to be free in settling to their preferred city. Thus, as long as Syrians do not share the information about their sexual orientation, their vulnerabilities deem not be determined. During the micro level interviews, as following the interview, one Syrian mother shared her son’s situation. It was really difficult for her to share, because the family have been hiding this sexual preference of their son from their community. She mentioned that they could survive somehow, but for her son, it was and still is really difficult. She mentioned that she has heard that there are some countries, where the people like her son can live in a better condition. That is why she was asking the possibilities for resettlement and she also mentioned that their Syrian community is not tolerant and he does not feel safe.

As based on the meso-level interviews, it is mentioned that LGBTI refugees feel unsafe and vulnerable. They face with severe violence. If they can hide their sexual orientation, they live easily but if they cannot, they face even additional difficulties to find housing opportunities and mainly they are discriminated by their family members or local communities as mentioned by the IGO representative in İzmir:

Our vulnerability criteria are very clear. Single parents, single women, elderly, minorities, the ones with serious health problems, LGBTIs... We have many criteria. They [LGBTIs] are actually more present in Denizli. As far as I know, there are a few places in Turkey such as Denizli, Kayseri, Eskisehir and Yalova. In Denizli, there is a big group from Iran. Therefore, there are direct flights between Denizli and Tehran. We have an NGO partner in Denizli, KAOS-GL. However, there are some problems regarding international protection applications and Denizli has not been taking any application for a while. Since they would like to stay with their partners, groups or friends, they prefer Denizli but they cannot register there. Therefore, they go to Usak or the other cities and for the signature, they are back and forth between the city of registration and Denizli. However, it is also a problem since they need a “travel permit” for this back and forth. Thus, sometimes they are caught on the roads, we intervened at the point of deportation. There are cases at the Constitutional Court which we could have applied with the help of the Bar Associations. Now, we follow those

cases. We consider on and follow Denizli due to its special situation and wonder, what will be happening there (SRII\_Meso\_Izmir\_10\_EGA).<sup>113</sup>

We have come across with two-three cases. Sometimes you speak with the group members (a group caught one to one but still you might not notice it.) Sometimes they want to talk and share or sometimes you notice from their body language or behaviours. You try to speak if they want. They have more chance to be resettled to a third country (SRII\_Meso\_Izmir\_10\_EGA).<sup>114</sup>

In the case of Sanliurfa, protection to LGBT is rarely mentioned. Only IOM referred the cases and its program:

We faced some cases, as it is about protection. I involved in the psychological support provision to these cases, also IOM provided rent support. We have a requirement to refer them to UNHCR as they are in the high-risk group. We work with UNHCR in coordination. They are resettled to third countries after the UNHCR's involvement. I also followed up trans and inter-sex cases. For LGBT, we provide help in mental and psychological-social support in addition to support for transgender operations, psychological support for family members and children of the person (SRII-Meso\_Urfa\_07\_ZSM).<sup>115</sup>

In Istanbul, LGBTIs cases are more observable, but conditions of those in the removal centre and unaccompanied ones are concerning:

One of my clients was a transgender person and they took her to the men's ward at the removal centre. Although I wanted to take her to Selimpasa, I faced many problems. After all, the PDMM acted like "she creates too much problem for us and let's deport her". I have already applied because of this situation and I could manage to obtain the grant a motion for stay of execution. However, my client called me and she said that she could not stand there anymore, when she has been seduced many times. She told me that she was going to pay for this and she would go. And she had gone. After, she called me and let me know that she is fine. But she could not stand anymore at the removal centre (Bilgi\_Istanbul\_M10\_281118).<sup>116</sup>

One of the NGO representative stated problems encountered by unaccompanied LGBTI children within the child care system in Turkey:

There are also children who are LGBT members. We have some counselee in this office. You know the situation in orphanages in Turkey. Thus, they do not want to accept those children to their institutions, because they become the subject of violence or brutality by their peers (Bilgi\_Istanbul\_M10\_281118).<sup>117</sup>

### **Minorities**

Although situation of minority groups within Syrian refugee group is concerning, they were rarely mentioned by our interviewees in Sanliurfa and Izmir. We were told that many non-Muslim minorities from Syria like Yazidis and Assyrians have been already further migrated from Turkey to European countries (SRII-Meso\_Urfa\_08\_ZSM).<sup>118</sup> As it is mentioned in the limitations section of this report, we did not conduct interviews with Doms. Our micro level interviews with Kurds and Turcomans did not provide adequate evidence to cover vulnerabilities of these groups.

In Istanbul, the issue of minorities and their treatment are addressed by an NGO representative as cited in the following quotation:

The groups that we work here are Dom and Kurdish groups. And they have no place in any legal protection status. So, I do not think this is fair. We observed that middle-class Arab Syrians have a more chance and it is also easier for them for crossing the border because they have their passports and IDs. But the undocumented families that we work in Tarlabasi, who live in the tents there, are either Kurds or Doms. But the Doms also speak

Kurdish because they usually live in the area where the Kurds live. They are all excluded groups, which are more ethnically minority among themselves, have also faced tremendous difficulties in border crossings (Bilgi\_Istanbul\_M1\_020518).<sup>119</sup>

## 8. Best Practices

Turkey continues to host the largest number of refugees worldwide, as the number of people forcibly displaced across the world due to conflict, violence and persecution hit record levels. Turkey currently hosts over 4 million registered Syrian refugees along with persons of concern from other nationalities. Thus, it is a full-fledged example of being a country of asylum for millions of displaced people for an unknown time.

As referring to the period of 2011-2018 under scrutiny, the LFIP (2013) is considered as the best legal development from the perspective of the Turkish state as it is an outcome of long-term efforts for legal and institutional reforms that inform an effective national asylum system in compliance with the international standards. But, in terms of best practice, although despite the official discourse it is not valid anymore, the open-door policy can be seen as one of the best practice as following 2011. The Law sets out the main pillars of Turkey's national asylum system and established the DGMM as the main civil entity in charge of policy-making and proceedings addressing all foreigners in Turkey. DGMM completed its central and local organizational structure through the establishment of at least one branch, PDMM in every province. In some crowded provinces, district offices have been started to established to accommodate extensive needs. Finally, although Turkey's adoption of TPR (2014) can be approached as another best practices as it sets out the rights and obligations along with procedures for those who are granted temporary protection, it should also be noted that it results significant barriers for access to international protection, it is "temporary" and can be ended with the decision of the Presidency, which has been highlighted within the related part of the report.

During the fieldwork, the RESPOND Turkey Research Team came across with several good practices initiated by non-state actors and IGOs. Areas of actions range from raising awareness about refugee rights to get access to legal assistance during asylum application and appeals, capacity building of national actors and caring of vulnerable groups. Since it is not possible to mentioned them all within this report, only the number of institutionalized practices are briefly mentioned.

Starting from Izmir, the first best practice belongs to the Izmir Bar Association (IBA)<sup>47</sup>. Before the LFIP came into force, the IBA started to provide significant feedback about the existing problems during the preparation period of the law through participating to the meetings for civil society that were arranged by the Asylum and Migration Bureau (Former DGMM). After the introduction of LFIP, IBA launched series of in-service trainings for its members to familiarize with LFIP and also to share the existing experience of the other lawyers who have been working in the field of asylum and migration for a long time. With the cooperation of Multeci-Der, Amnesty International and many other civil society organization (both national and international), the IBA conducted seminars, training programmes and briefings in Izmir and in the other cities. Starting from 2015, the IBA established a new Commission called "Asylum and Migration Commission" (*İltica ve Goc Komisyonu*) as of 2015, while the above-mentioned support could be provided more structured and systematic. IBA undertakes significant role regarding administrative detention and deportation, since the Bar Association in Turkey has the only civil society institutions that have direct and legally supported access to the removal centres. In addition to its regular case-based internal meetings or participation to other national and international case-based or theme-based meetings, IBA has been publishing significant reports on international protection, in particular administrative detention conditions and access to asylum such as "Problems in Access to Justice in Izmir Removal Centre" (*Izmir Geri Gonderme Merkezlerinde Adalete Erisim Hakki Cerçevesinde Yasanan Sorunlar*) (Izmir Barosu, 2017). As a part of the fieldwork, both the Asylum and Migration Commission and

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<sup>47</sup> Further information is available at: <https://www.izmirbarosu.org.tr/ListeSayfa/101/goc-ve-iltica-komisyonu.aspx> [Accessed 21 October 2019].

lawyers, who are the part of this Commission were interviewed and significant information about detention and deportation process were gathered in these interviews. The importance of the IBA' ongoing initiative in the field can be briefly seen as supporting and providing necessary trainings for right-defenders and lawyer as well as taking an active role regarding access to international protection.

The second significant best practices come from two IGOs (namely IOM and UNHCR) and one NGO (namely ASAM) that play crucial roles at the borders and access to international protection. IOM appears as the most active IGO at the important border-crossing points that provides significant support for the dissemination of information about international protection and determination of vulnerabilities. It supports the law enforcement and the other state actors. IOM has a collaboration protocol with the Coast Guard Aegean Region Command; it has mobile teams in Izmir, as well as it collaborates with the other cities in the Aegean Region. At the border crossing points, it is quite active with its outreach teams, but also serves as the first contact for the immigrants as following their apprehension by the law enforcement actors. IOM also provides information on international protection. IOM provides interpretation and humanitarian aid support while law enforcement officers take statements of the immigrants. At the same time, its teams support the law enforcement officers for identifying vulnerabilities and for consultancy. As different from IOM, the UNHCR works with ASAM, a national NGO as the local and national partner at the border-crossing points. Thus, the UNHCR Izmir has one expert, who is specially assigned for the follow-up of cases at the removal centre in Izmir, to provide support for assignment of a lawyer, and to follow-up the case up to appeal. Thus, as one of the most active IGOs in the field, they both provide humanitarian aid, interpretation, consultancy for international protection, identification of vulnerabilities in Izmir. However, it should also be noticed that these practices are the usual practices of the above-mentioned IGOs, however since some of them newly launched or intensified after 2015, they can be counted as best practices. Regarding access to international protection, also the services of Multeci-Der needs to be noted here. Having a long-experience in the protection field, even much before the 2011, Multeci-Der continues to provide legal aid for accessing asylum, focusing on administrative detention and deportations.

Reflecting similar services carried out by NGO, ASAM provides interpreter, lawyer, social worker services. The teams offer valuable services in Izmir such as social and legal counselling, psychological support, assisting asylum-seekers and refugees through their UNHCR processes, identifying vulnerable cases, reporting push-back cases and incidents, food and Non-Food Items (NFI) distribution. They provide interpreters, social workers, humanitarian aid kits to security forces and gendarmerie. In addition, similar to the IOM's outreach teams, ASAM has "Mobile Counselling Team (MCT)" based in Izmir, which can also be seen as one of the best practices for international protection. Another best practice can be listed as the legal counselling support by the Association for Syrians Refugees in Izmir. They provide half-day legal counselling service in two times a week by inviting experienced lawyers who have been working in the field of asylum and migration. These lawyers offer legal counselling about the access to international protection and issues encountered in their daily life.

Similar to Izmir, Sanliurfa observed some best practices although it is a new refugee hosting province. The first exemplary practice is related to the legal assistance to asylum seekers. Unlike Izmir, Bar Association of Sanliurfa had not carried out such tasks before 2011 as the province neither encounter irregular migration nor it is a satellite city. However, the arrivals of almost a half million Syrians in addition to the Iraqis and Afghans urged the Bar Association in Ankara to provide some training support to the lawyers in Sanliurfa. To this end, local lawyers were frequently invited to the training seminars on refugee rights. Then, the provincial branch of the Bar Association established its own unit, called the Refugee Rights Commission like in other provinces. The Commission was further institutionalized in a short time. In 2018, the Legal Clinic for Asylum Seekers is established by Bar Association that collaborated with the

UNHCR and financed by the ECHO.<sup>48</sup> The Legal Clinique aims to provide free legal assistance and translation services to asylum seekers as well as training and technical support to local lawyers and NGOs about refugee rights. Some local lawyers took an active role in turning Commission into the Legal Clinique. They have been also very committed to providing legal assistance to refugees in court cases and seeking ways to get access to asylum seekers who are given removal order without proper judicial investigation or appeal process.<sup>120</sup>

One good practise from the province is the partnership built between Sanliurfa Metropolitan Municipality and IOM. With the funding of the Government of Japan, the Municipality and IOM established two agencies in 2016: 1) the Municipality's Migration Affair Unit; 2) Migrant Information and Coordination Centre. The Centre conducts activities that increase knowledge and awareness of migrants' and refugees' rights. It works to support consultation to migrants in issues related to the legal assistance, access to education, psycho-social support, livelihoods, health, and social work. Moreover, through this partnership, IOM is able to reach the women centres, youth centres and centres for disabled persons that are all under the legal authority of the Municipality. IOM tries to make these centres available for serving to Syrian refugees too. To succeed in this goal, without municipality partnership, IOM needs to sign protocols with each centre, meaning long bureaucratic hurdles. IOM bypasses bureaucracy by directly cooperating with the Municipality. In the province, the IOM also provides technical and expert support to Municipality for enhancing its institutional capacity. Specifically, the Municipality is prepared for being able to carry out all migrant related tasks in the near future expecting that IOs will gradually transfer all responsibilities to Turkish local agencies. Thus, the Municipality's Migration Affair Unit is under the preparation stage with the support of IOM.<sup>121</sup>

Sanliurfa has also experienced innovative good practices in incorporating to Syrian refugees to the different services of humanitarian international and local NGOs. For example, Sanliurfa branch of CARE created a hot-line for Syrians to express their needs from the first-hand. Syrians call this line, make their applications about their needs ranging from material needs to legal assistance and take immediate feedbacks or practical information if relevant. The CARE either meets the needs directly drawing from its funds or refers them to the relevant state agencies<sup>122</sup>. In another example of a participatory approach, the CARE established community groups to address social protection issues, including psychosocial needs, early marriage, and gender-based violence. Moreover, it recruited and trained "160 community activators" (focal points).<sup>49</sup> Director of the program explained the nature and mission of these activators in the following words: "In our community centres, we have community activators, it is a voluntary job, for example, they become focal point within their community, whenever training or information sharing occurs, DGMM's updates or something happen, we inform them, then they inform their community".<sup>123</sup>

It is worthwhile to refer activities of Syrians grassroot organizations that provide some protection services, mainly social protection, under the frame of best practices. For example, the INSAN is an association established by a retired Syrian judge who used his own capital resources in 2015 in Sanliurfa. It works on "human development and social assistance" by targeting women, children and disabled Syrians.<sup>124</sup>

It is possible to extend to the list of best practices. Many state and non-state actors assisting refugees increasingly form specific units on protection by adopting often individual and community-based protection. Their services make a difference in the lives of some refugees, although it is impossible to fully measure their impacts and effectiveness by going beyond the numbers of beneficiaries. However, sustainability of programs, coordination among actors and

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<sup>48</sup> BM, 2019. "Sanliurfa Hukuk Kliniği Açıldı", *Birleşmiş Milletler Derğisi*, <<https://www.bmdergi.org/language/tr/sanliurfa-hukuk-klinigi-acildi/>> [Accessed 27.11.2019]

<sup>49</sup> "Community Activators: Changing Lives" 24 October, <<https://www.care-international.org/news/stories-blogs/community-activators-changing-lives>> [Accessed 27.11.2019]

collaborative governance at all levels are critical for enhancing protection mechanisms. Adopting right-based approach, participatory perspective, building on expert opinions and field lessons will improve the protection as a right and comprehensive activity. The refugee protection in the country will be also mainstreamed as much as the country experience promotion of justice, freedom and human rights.



## 9. Conclusion

As it was displayed at the legal and institutional framework part of this report, Turkey has taken important steps in terms of improving its international protection capacity, including temporary protection. In this regard, there have been considerable positive developments in getting access to asylum and judicial appeal procedures, improvement of detention conditions and access to judicial review. With the introduction of comprehensive legal asylum framework, through LFIP and the TPR Turkey has improved the level of its compliance with the international standards. These two legislations guarantee Turkey's compliance with the two main building blocks of the international refugee regime, namely the principle of non-refoulement and provision of basic rights (including health, education, working, and social services) to the asylum seekers. Nevertheless, these new laws also cause some legal precarity during their implementation on specific areas as they were discussed within this report in the light of the meso and micro level fieldwork in four cities. There are areas that require further attention and improvement that will be noted in the below and the policy recommendation section.

First of all, there is a need for further signs of progress in getting access to the asylum process, RSD as well as enhancement of facilities for asylum-seekers' protection. Most notably, lifting of geographical limitation on the implementation of the 1951 Convention is necessary for an advanced national protection regime. The concerning result of this limitation is the creation of a legal status, called "conditional refugee status". As it is elaborated under the "international protection" section within the report, this status provides a legal right to those coming outside of Europe to stay in Turkey until their resettlement in a third-safe country. However, in practice they stay in Turkey for long years, remaining in limbo because the third-safe countries decrease resettlement quota and these people are not given full refugee status by Turkish law. The refugee versus unconditional refugee status creates a dual structure and double standardisation for international protection. The temporary protection adds another layer of duality into the already complicated protection regime. Although both application and access to rights seem easier for temporary protection, it should be stated that those are under this type of protection cannot apply for international protection. This status has "temporality" in its very core, creating a precarity in protection. Differences between two types of protection - international protection and temporary protection-result in disparities in assigning rights.

Temporality in governing migration affairs entrenches in Turkey's asylum legislation that is further realised in the TPR. The legislation itself generates temporality and uncertainty due to its design, its coverage of large numbers of refugees currently live in and have the potential to arrive in Turkey from the neighbouring countries and mainly other non-European countries. Considering that temporary protection is not the main protection itself but an interim measure provided in emergency situations such as mass-migration movements, it should not be an alternative to international protection. Hence, rights and procedural safeguards attached to temporary protection are weaker than the ones attached to international protection. By hindering the access to international protection, temporarily protected individuals face the risk to be subject to an insecure status for an indefinite time. Therefore, there is a significant risk of protracted refugee situations where there is no available durable solution other than repatriation. This is also relevant to the fact that the status of temporary protection prevents asylum seekers to approach the UNHCR for resettlement except the very few emergency and vulnerable cases. The UNHCR is often side-lined by the Turkish state in implementing temporary protection. Moreover, the TPR gives political authority to the power of discretion about the repatriation. As recently observable in parallel to the recent military operations, "return" narrative may become vivid time to time, creating negative impacts on protection and integration.

Besides the dual structure and the differences some common problems exist in the implementations of international and temporary protection. Access to asylum in particular at borders and during administrative detentions at the removal centres appears challenging. Moreover, applicants face language barriers, lack of information and lack of legal aid. Specific to temporary protection, the impossibility of making applications and registrations in some PDMMs, notably in Istanbul has been a concern, having implications over accessing to basic rights and risk of apprehensions. On the other hand, in comparison with temporary protection, international protection applicants face a longer registration procedure including RSD procedures. Due to being non-European, they are subject to another type of “temporality” since they are only eligible to get “conditional refugee” status.

Not only statuses but also authorized organizations are critical for the procedures of international protection. The examined period observed an important transition in this regard. As of 10 September 2018, for the international protection, DGMM undertook the role of RSD procedure from the UNHCR, thus the parallel procedure period was ended as envisioned in the LFIP. On the one hand, this procedural and institutional change were approached as a long-awaited improvement and a necessity for being “a sovereign country”. On the other hand, problems about the preparedness of DGMM, its capacity, and the implications of these brought questions about the timing of such a transition. In practice, the transition eliminated the obligation of asylum seekers to apply only in Ankara. This is considered as a positive development because the applicants are given an opportunity to apply from the nearest competent PDMM. However, the lack of capacity of certain PDMMs, some of them could not make their applications where they are but they are obliged to go different PDMMs in different cities. This creates uncertainties about the place of applications. In addition, the primary law and secondary law as well as some new migration control tools such as “travel permits” created both contradictions as well as new obstacles for the mobility, as least necessary for making the application in the first place. Furthermore, all these together create the risks for falling into the irregular status on the way of seeking regularity.

Another issue that needs to be pointed out is the lack of expertise in the judiciary. Turkey does not have specialized courts on immigration and asylum issues. Considering the fact that the LFIP system is quite new and that the judiciary does not have past experience in dealing with cases especially related to asylum procedure, the legal quality of the decisions given by administrative courts or other relevant courts bear the risk of not meeting the standards of international refugee law. Therefore, consideration of the establishment of specialized courts or conducting intensive training on immigration and asylum law appears to be a significant need for the efficient and just implementation of the international protection regime in Turkey. In particular, regarding appeals, administrative detention and deportation processes, severe problems were reported by the respondents. For instance, the exception on the suspensive effect of appeal for removal decisions regulated for certain cases jeopardises the full implementation of the non-refoulement principle which is progressively regulated under the LFIP without any exceptions. In addition, as following the 15<sup>th</sup> July attempted coup d'état in 2016, due to the increased securitisation, appeal processes as well as deportations have become more problematic. Furthermore, access to justice in removal centres need to be improved as the practice is reported to be challenging for detainees and for the lawyers.

In addition, international protection and vulnerabilities nexus should be highlighted, in particular, determination of vulnerabilities appears as problematic. The respondents stated that after the procedural change on 10 September 2018, the absence of the UNHCR and ASAM for the first registration is seen as another obstacle for determination of vulnerabilities; while DGMM and PDMMs were not seen as ready to undertake the entire application, RSD and determination of vulnerabilities processes by themselves. Among the most vulnerable groups, the unaccompanied children should be definitely noted with the mentioned problems regarding age assessment, appointment of guardians and expertise on children who experienced trauma. Coordination between concerning institutions is required to be enhanced to cope with

the “best interest of the child” principle that is the corner stone of both international and national legal standards for the treatment of children.

In parallel to the meso-level analysis findings, the micro level analysis showed that the majority of the applicants and beneficiaries do not aware of their legal statuses, the required information could not be provided them. One of the reasons behind this fact is lack of legal assistance during the first application, renewal or appeal processes along with language barrier. As being consistence with the meso level findings, the respondents at micro level also intensively mentioned the province/city-based differences in getting access to asylum and protection processes, even differences in the same city were mentioned. Also, “living in limbo”, “temporality” can be seen as the common concern for both international and temporary protection beneficiaries/applicants.

However, as a positive ending, it should be stated that the role of non-state actors as well as IGOs have increased as a part of international protection system in Turkey. Many state and non-state actors assisting refugees increasingly form specific units on “protection” by adopting often individual and community-based protection. Their services make a difference in the lives of some refugees, although it is impossible to fully measure their impacts and effectiveness by going beyond the numbers of beneficiaries. However, the sustainability of programmes, coordination among actors and collaborative governance at all levels are critical for enhancing protection mechanisms. Adopting right-based approach, embracing participatory perspective, building on expert opinions and field lessons will improve the protection as a right and comprehensive activity. The refugee protection in the country will be also mainstreamed as much as the country experience promotion of justice, freedom and human rights.

## 10. Policy Recommendations

The analysis in the light of the macro level analysis on international protection as well as the meso and micro level findings made it clear that international protection in Turkey needs reform. During our fieldwork, we also collected recommendations of NGOs, INGOs, and IGOs operating in the protection field about the direction and content of reforms. Although they differ the possible ways of reforming the system or where the reform should put an emphasis, our insights and recommendations can be put together. Drawing from all these insights, the following recommendations can be suggested.

- Embracing right based approach is needed for all actors at all levels.
- Ensuring equal and fair access to asylum procedures and facilitating the full access of asylum-seekers to legal aid remain priorities to be achieved. Therefore, to develop a full-fledged national asylum management system, including a national refugee status determination (RSD) process (in particular after 10 September 2019 procedural and actor-based change) for asylum-seekers coming from outside Europe, to develop secondary law for complementing the LFIP and most importantly to develop practices by ensuring a better protection framework for asylum-seekers in Turkey appear as the most important areas on policy recommendations.
- The size of the Syrian population in Turkey reached over 3.6 million make it necessary to delve into mechanisms of “integration” of Syrians instead of approaching the issue from the lenses of “temporality”. Integration appears as an important agenda for Turkey before the existing shortcomings and challenges about refugees, asylum seekers and those under temporary protection turning into a “minority issue”. Therefore, in addition to the non-Europeans, who can only be given “conditional refugee status”, it is important to gradually improve also the rights of Syrians, who are under temporary protection and to let them have access to international protection statuses appears as important steps that need to be taken. The disadvantages and differences between international and temporary protection should also be gradually eliminated.
- There are inconsistencies between primary and secondary law. In addition, despite the LFIP more right-based approach, the following secondary law has been getting stricter such as travel permit and similar control-based mechanisms that result in irregularities. Thus, there is a need for Harmonization of different pieces of legislations.
- As following 10 September 2018, it is seen that neither DGMM nor PDMMs are not ready for this procedural change. Despite that the fieldwork could only evaluate the impacts in the filed for a short-time, the majority of respondents at meso and micro level emphasized the obstacles. This transition period should be better organized and managed with the collaboration of different actors (state and non-state).
- Communication among state and non-state actors should be developed and the local experiences or the province-level differences should be also communicated. Thus, better coordination with national, local and international agencies is needed.
- The increasing “return” rhetoric gets stronger day by day, which has significant negative impact on both protection (temporary and international) as well as hampering durable solutions and integration.
- There is a need for designation of coherent migration policy. It is not clear that what are Turkey’s priorities in designing its migration policies or what are the main pillars of its policies. It seems to the actors that Turkey’s policy is reactive and ad-hoc. Migration policy works like trying “one way, if it does not work, they change it, it works more like a test, fail, than test another policy.”<sup>125</sup> At this point, it is mentioned that Turkish government formed an umbrella body, called Migration Policy Council, but it has not been activated fully.
- Synchronization and integration of the different parts of the system, in another word mainstreaming among fields about reception, protection and integration) will be useful.
- In particular as following 10 September 2018 but in general due to the high number of beneficiaries and applicants, capacity building of national and local agencies is needed.

In this regard, enhancing of monitoring and evaluation mechanisms appears as the need.

- Ensuring freedom of movement by introducing more flexible approach about the travelling/moving of both Syrians and non-Syrians from one province to another as respecting the right to mobility is needed. In this regard, the satellite city implementation should be reconsidered and revised considering its pitfalls and the state services and infrastructure should be improved in the satellite cities.
- Addressing vulnerabilities necessitate multi-dimensional responses that should harmonize legislation, implementation and follow-ups.

# 11. Appendices

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

Title (EN)	Original Title (TR)	Abbreviation	Web Link
<b>6458 on Foreigners and International Protection, 11 April 2013</b>	<i>6458 Yabancılar ve Uluslararası Koruma Kanunu, 11 Nisan 2013</i>	LFIP	<a href="http://bit.ly/1fATdsC">http://bit.ly/1fATdsC</a> (EN) <a href="http://bit.ly/2z0t3wh">http://bit.ly/2z0t3wh</a> (TR) <a href="http://bit.ly/2S5DZzL">http://bit.ly/2S5DZzL</a> (TR)
<b>Amended by: Emergency Decree No 676, 29 October 2016</b>	<i>676 Kanun Hukmunde Kararname Olanustu Hal Kapsaminda Bazı Duzenlemeler Yapilmasi Hakkında Kanun Hukmunde Kararname, 29 Ekim 2016</i>		<a href="https://bit.ly/2WAu8nx">https://bit.ly/2WAu8nx</a> (TR)
<b>Amended by: Law No 7070, 1 February 2018 on the regulation of emergency provisions</b>	<i>7070 Olganustu Hal Kapsaminda Bazı Duzenlemeler Yapilmasi Hakkında Kanun Hukmunde Kararnamenin Degistirilerek Kabul Edilmesine Dair Kanun, 1 Subat 2018</i>		<a href="http://bit.ly/2EqekOa">http://bit.ly/2EqekOa</a> (TR) <a href="https://bit.ly/2ISX0RA">https://bit.ly/2ISX0RA</a> (TR)
<b>Amended by: Decree No 703 on the harmonisation of laws, 9 July 2018</b>	<i>703 Anayasada Yapilan Degisikliklere Uyum Saglamasi Amaciyla Bazı Kanun ve Kanun Hukmunde Kararname, 9 Temmuz 2018</i>		
<b>Amended by: Law No 7148 amending several acts, 26 October 2018</b>	<i>7148 Degisiklik Yapilmasi Hakkında Kanun, 26 Ekim 2018</i>		
<b>Law No 6735 on International Workforce, 13 August 2016</b>	<i>6735 Uluslararası Isgucu Kanunu, 13 Agustos 2016</i>	N/A	<a href="http://bit.ly/2jtRexU">http://bit.ly/2jtRexU</a> (TR)
<b>Law No 2577 on Administrative Court Procedures, 6 January 1982</b>	<i>2577 Idari Yargilama Usulleri Kanunu, 6 Ocak 1982</i>	N/A	<a href="http://bit.ly/1KcDTzg">http://bit.ly/1KcDTzg</a> (TR)
<b>Law No 1136 on Attorneys, 19 March 1969</b>	<i>1136 Avukatlık Kanunu, 19 Mart 1969</i>	N/A	<a href="http://bit.ly/1fATsUx">http://bit.ly/1fATsUx</a> (TR)
<b>Law No 1512 Notaries, 18 January 1972</b>	<i>1512 Noterlik Kanunu, 18 Ocak 1972</i>	N/A	<a href="http://bit.ly/1Rw8wyN">http://bit.ly/1Rw8wyN</a> (TR)

**Source:** AIDA. 2019. Country Report Turkey: 2018 Update, available at: [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_tr\\_2018update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf) [Accessed 12 October 2019], p. 11.

## 11.2 Secondary Law (main implementing decrees and administrative guidelines and regulations) Relevant to International Protection and Temporary Protection

Title (EN)	Original Title (TR)	Abbreviation	Web Link
<b>Presidential Decree No 4, 15 July 2018</b>	<i>Cumhurbaşkanlığı Kararnamesi 4, 15 Temmuz 2018</i>	N/A	<a href="https://bit.ly/2HHXsnG">https://bit.ly/2HHXsnG</a> (TR)
<b>Regulation No 29656 on the Implementation of the Law on Foreigners and International Protection, 17 March 2016</b>	<i>Yabancılar ve Uluslararası Koruma Kanunu'nun Uygulanmasına Dair Yönetmelik, 17 Mart 2016</i>	IR	<a href="http://bit.ly/1U90PVg">http://bit.ly/1U90PVg</a> (TR) <a href="http://bit.ly/2ANlhVE">http://bit.ly/2ANlhVE</a> (EN)
<b>Temporary Protection Regulation 2014/6883, 22 October 2014 Amended by: Regulation 2016/8722, 5 April 2016 Amended by: Regulation 2018/11208, 16 March 2018</b>	<i>Gecici Koruma Yönetmeliği 2014/6883, 22 Ekim 2014 Gecici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2016/8722, 5 Nisan 2016 Gecici Koruma Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik 2018/11208, 16 Mart 2018</i>	TPR	<a href="http://bit.ly/1He6wvl">http://bit.ly/1He6wvl</a> (TR) <a href="http://bit.ly/1JiGVSI">http://bit.ly/1JiGVSI</a> (EN) <a href="http://bit.ly/209ErLI">http://bit.ly/209ErLI</a> (TR) <a href="https://bit.ly/2GynE4b">https://bit.ly/2GynE4b</a> (TR)
<b>DGMM Circular 2016/8 on the Implementation of Procedures and Principles of Temporary Protection, 5 April 2016</b>	<i>2016/8 sayılı Gecici Koruma Kapsamındaki Yabancılarla İlgili Yapılacak İş ve İşlemlerin Uygulanmasına Dair Usul ve Esaslara İlişkin Genelge, 5 Nisan 2016</i>	TPR Circular 2016/8	<a href="https://bit.ly/1S5rETG">https://bit.ly/1S5rETG</a> (TR)
<b>DGMM Circular 2017/10 on Principles and Procedures for Foreigners under Temporary Protection, 29 November 2017</b>	<i>2017/10 Gecici Koruma Altındaki Uygulanacak Prosedürler ve İlkeler Hakkında Genelge, 27 Kasım 2017</i>	TPR Circular 2017/10	
<b>DGMM Circular 2019/1 on Cessation of Status of Syrians due to Voluntary Return, 7 January 2019</b>	<i>Gonullu Geri Donus Nedeniyle Kaydi Sonlandırılan Suriyeliler hk., 07 Ocak 2019</i>	TPR Circular 2019/1	
<b>Regulation No 29695 on Work Permit of Applicants for International Protection and those Granted International Protection, 26 April 2016</b>	<i>Uluslararası Koruma Basvuru Sahibi ve Uluslararası Koruma Statüsüne Sahip Kişilerin Çalışmasına Dair Yönetmelik, 26 Nisan 2016</i>	Work Permit Regulation	<a href="http://bit.ly/2z08v74">http://bit.ly/2z08v74</a> (TR) <a href="http://bit.ly/2ApyMKf">http://bit.ly/2ApyMKf</a> (EN)
<b>Regulation No 29594 on Work Permit of Foreigners under Temporary Protection, 15 January 2016</b>	<i>Gecici Koruma Sağlanan Yabancıların Çalışma İznine Dair Yönetmelik, 15 Ocak 2016</i>	TPR Work Permit Regulation	<a href="http://bit.ly/2Aso4H0">http://bit.ly/2Aso4H0</a> (TR) <a href="http://bit.ly/2AYqdhH">http://bit.ly/2AYqdhH</a> (EN)
<b>Regulation No 28980 on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres, 22 April 2014</b>	<i>Kabul ve Barınma Merkezleri ile Geri Gonderme Merkezlerinin Kurulması, Yönetimi, İşletilmesi, İşletirilmesi ve Denetimi Hakkında Yönetmelik, 22 Nisan 2014</i>	Removal Centres Regulation	<a href="http://bit.ly/1Ln6Ojz">http://bit.ly/1Ln6Ojz</a> (TR)

<b>Regulation No 25418 on Legal Aid of the Union of Bar Associations, 30 March 2004</b>	<i>Türkiye Barolar Birliği Adli Yardım Yönetmeliği, 30 Mart 2004</i>	Legal Aid Regulation	<a href="http://bit.ly/1dg9Nwd">http://bit.ly/1dg9Nwd</a> (TR)
<b>Union of Bar Associations Circular 2013/59 on the Legal Aid Service Provided to Syrians under Temporary Protection, 22 July 2013</b>	<i>Türkiye Barolar Birliği'nin Gecici Koruma Altındakilere Verilecek Adli Yardım Hizmetiyle İlgili 2013/59 sayılı ve 22 Temmuz 2013 tarihli duyurusu</i>	Legal Aid Circular 2013/59	<a href="https://bit.ly/2IY5JC7">https://bit.ly/2IY5JC7</a> (TR)
<b>Regulation on the Implementation of Law on Notaries, 13 July 1976</b>	<i>Noterlik Kanunu Yönetmeliği, 13 Temmuz 1976</i>	Notaries Regulation	<a href="http://bit.ly/1dgakOF">http://bit.ly/1dgakOF</a> (TR)
<b>Union of Notaries Circular 2016/3 on the Documents and Identification Cards issued on the basis of LFIP, 2 March 2016</b>	<i>YUKK Uyarınca Verilen Belge ve Kimlikler Hakkında tarihli 3 numaralı Noterler Birliği Genel Yazısı, 2 Mart 2016</i>	Notaries Circular 2016/3	<a href="https://bit.ly/2Yd9GdV">https://bit.ly/2Yd9GdV</a> (TR)
<b>Ministry of Health Circular No 9468 on Health Benefits for Temporary Protection Beneficiaries, 4 November 2015</b>	<i>Gecici Koruma Altına Alınanlara Verilecek Sağlık Hizmetlerine Dair Esaslar Yönergesi, 4 Kasım 2015</i>		<a href="http://bit.ly/1NLbaz5">http://bit.ly/1NLbaz5</a> (TR)
<b>Regulation on Marriage Procedures, 10 July 1985</b>	<i>Evlendirme Yönetmeliği, 10 Temmuz 1985</i>		<a href="http://bit.ly/1KabY1f">http://bit.ly/1KabY1f</a> (TR)
<b>Amended by: Regulation amending the Regulation on Marriage Procedures, 8 December 2016</b>	<i>Evlendirme Yönetmeliğinde Değişiklik Yapılması Hakkında Yönetmelik, 08 Aralık 2016</i>		<a href="http://bit.ly/2AP9I3d">http://bit.ly/2AP9I3d</a> (TR)
<b>Ministry of Interior Circular No 40004962-010.07.01-E.88237 on the Marriage and the Registration of Children of Refugees and Temporary Protection Beneficiaries, 13 October 2015</b>	<i>Multeciler ve Gecici Koruma Altına Alınanların Evlenme ve Çocuklarının Tanınması Konulu Yazı, 13 Ekim 2015</i>		<a href="https://bit.ly/2IVMskR">https://bit.ly/2IVMskR</a> (TR)
<b>Ministry of Interior Regulation No 29656 on the Fight against Human Trafficking and Protection of Victims, 17 March 2016</b>	<i>İnsan Ticaretiyle Mücadele ve Magdurların Korunması Hakkında Yönetmelik, 17 Mart 2016</i>	Anti-Trafficking Regulation	<a href="https://bit.ly/1VeEOn5">https://bit.ly/1VeEOn5</a> (TR)
<b>Ministry of Family and Social Policies Regulation No 29656 on Centres for the Prevention and Elimination of Violence</b>	<i>Siddet Önleme ve İzleme Merkezleri Hakkında Yönetmelik, 17 Mart 2016</i>	ŞÖNİM Regulation	<a href="https://bit.ly/1ppy1L1">https://bit.ly/1ppy1L1</a> (TR)
<b>Regulation No 28519 on Women Shelters, 5 January 2019</b>	<i>Kadın Konukevlerinin Açılması ve İşletilmesi Hakkında Yönetmelik, 5 Ocak 2013</i>	Women Shelters Regulation	<a href="https://bit.ly/2Uj8IO0">https://bit.ly/2Uj8IO0</a> (TR)
<b>Ministry of Family and Social Policies Directive No 152065 on Unaccompanied Children, 20 October 2015</b>	<i>Refakatsiz Çocuklar Yönergesi, 20 Ekim 2015</i>		<a href="https://bit.ly/2pKR7xh">https://bit.ly/2pKR7xh</a> (TR)

**Source:** AIDA. 2019. Country Report Turkey: 2018 Update, available at: [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_tr\\_2018update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2018update.pdf) [Accessed 12 October 2019], p. 11.



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## Endnotes

### **Meso and Macro Level Interview List (according to their appearance in the report)**

<sup>1</sup> Interview (SRII\_Meso\_Izmir\_16\_EGA) conducted with a lawyer working in the field of asylum and migration on 24 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>2</sup> Interview (Bilgi\_Istanbul\_M10\_281118) conducted with a lawyer working in the field of asylum and migration on 28 November 2018 in Istanbul by Ayhan Kaya.

<sup>3</sup> Interview (SRII\_Meso\_Izmir\_08\_EGA) conducted with an IGO representative on 16 October 2018, in Izmir by N. Ela Gokalp Aras.

<sup>4</sup> Interview (SRII\_Meso\_Izmir\_10\_EGA) with conducted with an IGO representative on 19 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>5</sup> Interview (SRII\_Meso\_Izmir\_13\_EGA) conducted with high-level representative of migration related state institution on 25 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>6</sup> Interview (SRII\_Meso\_Izmir\_16\_EGA) conducted with the representative of law-related association on 24 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>7</sup> Ibid.

<sup>8</sup> Interview (SRII\_Meso\_Ankara\_01\_EGA) conducted with a representative of a national NGO on 12 November 2018 in Ankara by N. Ela Gokalp Aras.

<sup>9</sup> Interview (SRII\_Meso\_Ankara\_02\_EGA) conducted with high-level of migration related state institution, 12 November, in Ankara by N. Ela Gokalp Aras.

<sup>10</sup> Interview (SRII\_Meso\_Izmir\_09\_EGA) conducted with a representative of a national NGO on 19 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>11</sup> Interview (SRII\_Meso\_Izmir\_16\_EGA) conducted with the representative of law-related association on 24 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>12</sup> Interview (Bilgi\_Istanbul\_M10\_281118) conducted with a lawyer working in the field of asylum and migration on 28 November 2018 in Istanbul by Ayhan Kaya.

<sup>13</sup> Interview (SRII\_Meso\_Izmir\_16\_EGA) conducted with the representative of law-related association on 24 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>14</sup> Ibid.

<sup>15</sup> Interview (SRII\_Meso\_Izmir\_10\_EGA) conducted with conducted with an IGO representative on 19 October 2018, in Izmir by N. Ela Gokalp Aras.

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<sup>16</sup> Interview (SRII\_Meso\_Izmir\_16\_EGA) conducted with the representative of law-related association on 24 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>17</sup> Ibid.

<sup>18</sup> Interview (SRII-Meso\_Urfa\_14\_ZSM) conducted with the director of Syrian NGO on 18 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>19</sup> Interview (SRII-Meso\_Urfa\_07\_ZSM) conducted with the expert working for IO on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>20</sup> Interview (SRII\_Meso\_Izmir\_03\_EGA) conducted with the representative of a national NGO on 15 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>21</sup> Interview (Bilgi\_Istanbul\_M3\_091018) conducted with the representative of a national NGO on 9 October 2018 in Istanbul by Ayhan Kaya.

<sup>22</sup> Interview (SRII\_Meso\_Ankara\_01\_EGA) conducted with a representative of a national NGO on 12 November 2018 in Ankara by N. Ela Gokalp Aras.

<sup>23</sup> Interview (SRII\_Meso\_Izmir\_05\_EGA) conducted with a lawyer working in the field of asylum and migration on 28 August in Izmir by N. Ela Gokalp Aras.

<sup>24</sup> Interview (SRII\_Meso\_Izmir\_17\_EGA) conducted with the representative of a national NGO on 15 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>25</sup> Interview (SRII-Meso\_Urfa\_14\_ZSM) conducted with the head of Syrian NGO on 18 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>26</sup> Interview (SRII-Meso\_Urfa\_05\_ZSM) conducted with lawyer from Bar Association on 12 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>27</sup> Interview (SRII-Meso\_Urfa\_14\_ZSM) conducted with the head of Syrian NGO on 18 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>28</sup> Interview (OZU-Meso\_Istanbul\_01\_SR) conducted with the international NGO on 01 October 2018 in Istanbul by Susan Rottmann.

<sup>29</sup> Interview (SRII-Meso\_Urfa\_08\_ZSM) conducted with the director of INGO on 16 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>30</sup> Interview (SRII\_Meso\_Izmir\_03\_EGA) conducted with the representative of a national NGO on 15 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>31</sup> Interview (OZU-Meso\_Istanbul\_07\_SR) conducted with the municipality-led community center on 23 November 2018 in Istanbul by Susan Rottmann.

<sup>32</sup> Interview (SRII-Meso\_Urfa\_08\_ZSM) conducted with the director of INGO on 16 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>33</sup> Interview (SRII-Meso\_Urfa\_02\_ZSM) conducted with the regional director of NGO on 12 July 2018 in Sanliurfa by Z. S. Mencutek.

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<sup>34</sup> Interview (SRII-Meso\_Urfa\_09\_ZSM) conducted with the coordinator of aid delivery in the semi-state agency on 16 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>35</sup> Interview (SRII-Meso\_Urfa\_01\_ZSM) conducted with the high-level state officer on 11 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>36</sup> Interview (SRII\_Meso\_Izmir\_04\_EGA) conducted with the representative of a national NGO on 17 August 2018 In Izmir by N. Ela Gokalp Aras.

<sup>37</sup> Interview (SRII\_Meso\_Izmir\_16\_EGA) conducted with the representative of law-related association on 24 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>38</sup> Ibid.

<sup>39</sup> Interview (Bilgi\_Istanbul\_M10\_281118) conducted with a lawyer working in the field of asylum and migration on 28 November 2018 in Istanbul by Ayhan Kaya.

<sup>40</sup> Ibid.

<sup>41</sup> Interview (Bilgi\_Istanbul\_M5\_011118) conducted with the representative of a national NGO on 1 November 2018 in Istanbul by Ayhan Kaya.

<sup>42</sup> Ibid.

<sup>43</sup> Interview (Bilgi\_Istanbul\_M4\_161018) conducted with the representative of a national NGO on 16 October 2018 in Istanbul by Ayhan Kaya.

<sup>44</sup> Interview (SRII\_Meso\_Ankara\_02\_EGA) conducted with high-level of migration related state institution, 12 November, in Ankara by N. Ela Gokalp Aras.

<sup>45</sup> Interview (SRII\_Meso\_Izmir\_02\_EGA) conducted with the representative of an IGO on 14 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>46</sup> Interview (SRII-Meso\_Urfa\_06\_ZSM) conducted with the director of semi-state agency on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>47</sup> Interview (OZU-Meso\_Istanbul\_01\_SR) conducted with the international NGO on 01 October 2018 in Istanbul by Susan Rottmann.

<sup>48</sup> Interview (OZU-Meso\_Istanbul\_05\_SR) conducted with the representative of IOs on 21 November 2018 in Istanbul by Susan Rottmann.

<sup>49</sup> Interview (SRII\_Micro\_Izmir\_M01\_Syrian\_EGA) conducted with Syrian temporary protection beneficiary on 28 July 2018 in Izmir by N. Ela Gokalp Aras.

<sup>50</sup> Ibid.

<sup>51</sup> Interview (M20\_160818) conducted with the Syrian temporary protection beneficiary on 16 August 2018 in Istanbul by Ahmet Fahmy.

<sup>52</sup> Interview (M8\_270718) conducted with a Syrian temporary protection beneficiary on 27 July 2018 in Istanbul by Ahmet Fahmy.

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- <sup>53</sup> Interview (SRII\_Micro\_Izmir\_03\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 04 August 2018 in Izmir by Z. S. Mencutek
- <sup>54</sup> Interview (SRII\_Micro\_Urfa\_24\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 01 August 2018 in Sanliurfa by Z. S. Mencutek
- <sup>55</sup> Interview (SRII\_Micro\_Izmir\_02\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 04 August 2018 in Izmir by Z. S. Mencutek.
- <sup>56</sup> Interview (OZU\_Micro\_Istanbul\_10\_Syrian\_SR) conducted with the Syrian temporary protection beneficiary on 27 July 2018 in Istanbul by Susan Rottmann.
- <sup>57</sup> Interview (M10\_310718) conducted with a Syrian temporary protection beneficiary on 31 July 2018 in Istanbul by Ahmet Fahmy.
- <sup>58</sup> Interview (M14\_010818) conducted with a Syrian temporary protection beneficiary on 1 August 2018 in Istanbul by Ahmet Fahmy.
- <sup>59</sup> Interview (M19\_160818) conducted with a Syrian temporary protection beneficiary on 16 August 2018 in Istanbul by Ahmet Fahmy.
- <sup>60</sup> Interview (M1\_040618) conducted with a Syrian temporary protection beneficiary on 4 June 2018 2018 in Istanbul by Ahmet Fahmy.
- <sup>61</sup> Interview (M17\_160818) conducted with a Syrian temporary protection beneficiary on 16 August 2018 in Istanbul by Ahmet Fahmy.
- <sup>62</sup> Interview (SRII\_Micro\_Izmir\_F18\_Syrian\_EGA) conducted with a Syrian temporary protection beneficiary on 3 August 2018 in Izmir by N. Ela Gokalp Aras.
- <sup>63</sup> Interview (SRII\_Micro\_Izmir\_M16\_Syrian\_EGA) conducted with a Syrian temporary protection beneficiary on 3 August 2018 in Izmir by N. Ela Gokalp Aras.
- <sup>64</sup> Interview (SRII\_Micro\_Izmir\_M22\_Sudanese\_EGA) conducted with a Sudanese international protection beneficiary on 13 August 2018 in Izmir by N. Ela Gokalp Aras.
- <sup>65</sup> Interview (M18\_160818) conducted with a Syrian temporary protection beneficiary on 16 August 2018 in Istanbul by Ahmet Fahmy.
- <sup>66</sup> Interview (SRII\_Micro\_Izmir\_18\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 19 July 2018 in Izmir by Z. S. Mencutek
- <sup>67</sup> Interview (OZU\_Micro\_Istanbul\_01\_Syrian\_SR) conducted with the Syrian temporary protection beneficiary on 07 July 2018 in Istanbul by Susan Rottmann.
- <sup>68</sup> Interview (OZU\_Micro\_Istanbul\_10\_Syrian\_SR) conducted with the Syrian temporary protection beneficiary on 27 July 2018 in Istanbul by Susan Rottmann.
- <sup>69</sup> Interview (M18\_160818) conducted with a Syrian temporary beneficiary on 16 August 2018 in Istanbul by Ahmet Fahmy
- <sup>70</sup> Interview (SRII\_Micro\_Izmir\_F04\_Syrian\_EGA) conducted with a Syrian temporary protection beneficiary on 8 August 2018 in Izmir by N. Ela Gokalp Aras.



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<sup>71</sup> Interview (M6\_250718) conducted with a Syrian temporary protection beneficiary on 25 July 2018 in Istanbul by Ahmet Fahmy.

<sup>72</sup> Interview (M11\_310718) conducted with a Syrian temporary protection beneficiary on 31 July 2018 in Istanbul by Ahmet Fahmy.

<sup>73</sup> Interview (SR11\_Micro\_Urfa\_16\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 16 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>74</sup> Interview (SR11\_Micro\_Urfa\_07\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 12 July 2018 in Sanliurfa by Z. S. Mencutek

<sup>75</sup> Interview (M16\_010818) conducted with a Syrian temporary protection beneficiary on 1 August 2018 in Istanbul by Ahmet Fahmy.

<sup>76</sup> Interview (M3\_240718) conducted with a Syrian temporary protection beneficiary on 24 July 2018 in Istanbul by Ahmet Fahmy.

<sup>77</sup> Interview (M2\_180618) conducted with a Syrian temporary protection beneficiary on 18 June 2018 in Istanbul by Ahmet Fahmy.

<sup>78</sup> Interview (SR11\_Micro\_Urfa\_09\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 12 July 2018 in Sanliurfa by Z. S. Mencutek

<sup>79</sup> Interview (SR11\_Micro\_Izmir\_03-05\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 05 August 2018 in Izmir by Z. S. Mencutek

<sup>80</sup> Interview (SR11\_Micro\_Urfa\_10\_Syrian\_ZSM) conducted with the Syrian temporary protection beneficiary on 12 July 2018 in Sanliurfa by Z. S. Mencutek

<sup>81</sup> Interview (SR11\_Micro\_Izmir\_M29\_SierraLeone\_EGA) conducted with a Sierra Leonean irregular migrant who was waiting for his deportation after being released from Izmir Harmandali Removal Centre on 19 August 2018 in Izmir conducted by N. Ela Gokalp Aras.

<sup>82</sup> Interview (SR11\_Meso\_Ankara\_01\_EGA) conducted with a representative of a national NGO on 12 November 2018 in Ankara by N. Ela Gokalp Aras.

<sup>83</sup> Ibid.

<sup>84</sup> Interview (SR11\_Meso\_Ankara\_02\_EGA) conducted with high-level of migration related state institution, 12 November, in Ankara by N. Ela Gokalp Aras.

<sup>85</sup> Ibid.

<sup>86</sup> Interview (SR11\_Meso\_Izmir\_11\_EGA) conducted with the representative of an IGO on 25 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>87</sup> Interview (SR11\_Meso\_Izmir\_01\_EGA) conducted with the high-level representative of law enforcement institution on 10 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>88</sup> Interview (SR11\_Meso\_Izmir\_08\_EGA) conducted with the representative of an IGO on 16 October 2018 in Izmir by N. Ela Gokalp Aras.

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<sup>89</sup> Interview (SRII\_Meso\_Ankara\_01\_EGA) conducted with a representative of a national NGO on 12 November 2018 in Ankara by N. Ela Gokalp Aras.

<sup>90</sup> Interview (SRII\_Meso\_Izmir\_03\_EGA) conducted with the representative of a national NGO on 15 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>91</sup> Interview (SRII\_Meso\_Izmir\_04\_EGA) conducted with the representative of a national NGO on 17 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>92</sup> Interview (SRII\_Meso\_Izmir\_11\_EGA) conducted with the representative of an IGO on 25 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>93</sup> Interview (SRII-Meso\_Urfa\_02\_ZSM) conducted with the regional director of NGO on 12 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>94</sup> Interview (SRII-Meso\_Urfa\_02\_ZSM) conducted with the regional director of NGO on 12 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>95</sup> Interview (SRII-Meso\_Urfa\_07\_ZSM) conducted with the expert working for an international organization on 13 July 2018 in Sanliurfa by Z. S. Mencutek

<sup>96</sup> Ibid.

<sup>97</sup> Interview (SRII-Meso\_Urfa\_05\_ZSM) conducted with the lawyer from bar association on 12 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>98</sup> Interview (SRII\_Meso\_Izmir\_19\_EGA) conducted with the representative of a national NGO on 18 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>99</sup> Interview (SRII-Meso\_Urfa\_27\_ZSM) conducted with the protection officer of INGO on 24 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>100</sup> Ibid.

<sup>101</sup> Interview (SRII-Meso\_Urfa\_07\_ZSM) conducted with the expert working for an international organization on 13 July 2018 in Sanliurfa by Z. S. Mencutek

<sup>102</sup> Interview (SRII-Meso\_Urfa\_27\_ZSM) conducted with the protection officer of INGO on 24 July 2018 in Sanliurfa by Z. S. Mencutek

<sup>103</sup> Interview (SRII-Meso\_Urfa\_06\_ZSM) conducted with the director of semi-state agency on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>104</sup> Interview (SRII-Meso\_Urfa\_14\_ZSM) conducted with the head of Syrian NGO on 18 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>105</sup> Interview (SRII-Meso\_Urfa\_27\_ZSM) conducted with the protection officer of INGO on 24 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>106</sup> Interview (SRII\_Meso\_Izmir\_13\_EGA) conducted with the high-level officer at the migration related state institution on 25 October 2018 in Izmir by N. Ela Gokalp Aras.

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<sup>107</sup> Interview (SRII\_Meso\_Izmir\_04\_EGA) conducted with the representative of a national NGO on 17 August 2018 in Izmir by N. Ela Gokalp Aras.

<sup>108</sup> Interview (SRII\_Meso\_Izmir\_22\_EGA) conducted with the representative on a national NGO on 26 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>109</sup> Interview (SRII-Meso\_Urfa\_07\_ZSM) conducted with the expert working for an international organization on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>110</sup> Interview (M14\_010818) conducted with the Syrian temporary protection beneficiary on 1 August in Istanbul by Ahmet Fahmy.

<sup>111</sup> Interview (SRII-Meso\_Urfa\_07\_ZSM) conducted with the expert working for an international organization on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>112</sup> Interview (Bilgi\_Istanbul\_M10\_281118) conducted with a lawyer working in the field of asylum and migration on 28 November 2018 in Istanbul by Ayhan Kaya.

<sup>113</sup> Interview (SRII\_Meso\_Izmir\_10\_EGA) conducted with the representative of an IGO on 19 October 2018 in Izmir by N. Ela Gokalp Aras.

<sup>114</sup> Ibid.

<sup>115</sup> Interview (SRII-Meso\_Urfa\_07\_ZSM) conducted with the expert working for an international organization on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>116</sup> Interview (Bilgi\_Istanbul\_M10\_281118) conducted with a lawyer working in the field of asylum and migration on 28 November 2018 in Istanbul by Ayhan Kaya.

<sup>117</sup> Ibid.

<sup>118</sup> Interview (SRII-Meso\_Urfa\_08\_ZSM) conducted with the director of INGO on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>119</sup> Interview (Bilgi\_Istanbul\_M1\_020518) conducted with the representative of a national NGO on 2 May 2018 in Istanbul by Ayhan Kaya.

<sup>120</sup> Interview (SRII-Meso\_Urfa\_05\_ZSM) conducted with the lawyer from bar association on 12 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>121</sup> Interview (SRII-Meso\_Urfa\_18\_ZSM, conducted with the IOs and Municipality representatives on 20 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>122</sup> Interview (SRII-Meso\_Urfa\_08\_ZSM) conducted with the director of INGO on 13 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>123</sup> Ibid.

<sup>124</sup> Interview (SRII-Meso\_Urfa\_14\_ZSM) conducted with the head of Syrian NGO on 18 July 2018 in Sanliurfa by Z. S. Mencutek.

<sup>125</sup> Interview (SRII-Meso\_Urfa\_02\_ZSM) conducted with the regional director of NGO on 12 July 2018 in Sanliurfa by Z. S. Mencutek.