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<i>Sub-Title:</i>	Report and Recommendations – Republic of Turkey
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## 1. Introduction

Turkey currently hosts both a mass-influx refugee population from neighbouring Syria and a surging number of individually arriving asylum seekers of other nationalities, most principally originating from Iraq, Afghanistan, Iran and Somalia, among other. These two populations of protection seekers are subject to two different sets of asylum rules and procedures. As such, the Turkish asylum system has a dual structure.

In April 2013 Turkey adopted a comprehensive, EU-inspired new Law on Foreigners and International Protection (LFIP), which establishes a dedicated legal framework for asylum in Turkey and affirms Turkey's obligations towards all persons in need of international protection, regardless of country of origin, at the level of binding domestic law. The new Law also created a brand new, civilian Directorate General of Migration Management (DGMM) mandated to take charge of migration and asylum. This new agency is currently still in the process of establishing full operational command on the asylum case load and building a full-fledged new asylum system from scratch. Turkey implements a “temporary protection” regime for refugees from Syria, which grants beneficiaries right to legal stay as well as some level of access to basic rights and services. The “temporary protection” status is acquired on a prima facie, group-basis, to Syrian nationals and Stateless Palestinians originating from Syria. DGMM is the responsible authority for the registration and status decisions within the scope of the “temporary protection” regime, which is based on Article 91 of the LFIP and the Temporary Protection Regulation (TPR) of 22 October 2014.

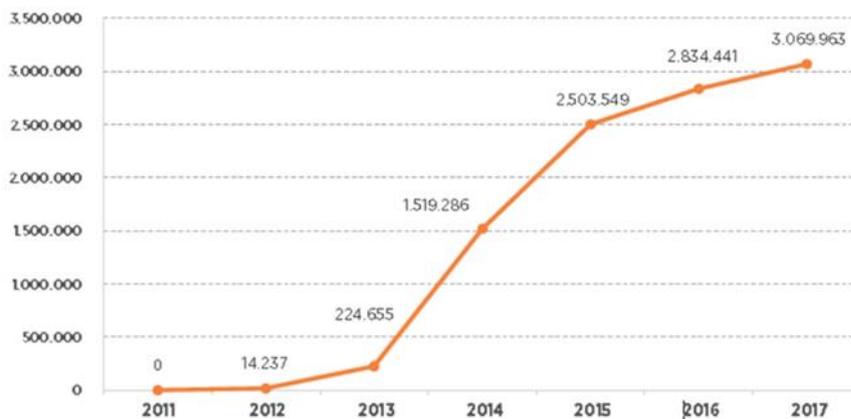
On the other hand, asylum seekers from other countries of origin are expected to apply for an individual “international protection” status under LFIP and are subject to a status determination procedure conducted by the DGMM. That said, the Provincial DGMM Directorates have only recently become fully operational and so far delivered only a small number of procedure and status decisions on “international protection”



applicants. While DGMM is still in the process of establishing the new national asylum procedure on the basis of LFIP, UNHCR assumes a key role in Turkey as a ‘complementary’ protection actor, and continues to undertake refugee status determination (RSD) activities of their own grounded in UNHCR’s Mandate and make resettlement referrals – ‘in tandem’ with the new Government “international protection” procedure. That said, UNHCR Mandate RSD decisions do not have any direct binding effect under LFIP, which firmly establishes DGMM as the sole decision maker in asylum applications.

The reflections of the humanitarian crisis in Syria since 2011 have been experienced all over the world in different ways. In this sense, Turkey’s experience with its open door policy, happened to be the country of hosting the highest number of refugees in the world and has created a living space for millions of Syrians. War in Syria has produced more refugees than any other conflict of the past two decades: around 4.6 million have fled the country, with an additional 7.6 million internally displaced. Over 3 million Syrians (Figure 1) have found refuge in Turkey, making it the largest refugee-hosting country worldwide. 1.5 million of the Syrians in Turkey are under the age of 18 and 1 million of them are school age children.

Figure :1 Number of registered Syrians in Turkey by years (2011-2017)



Source: Turkish Directorate General of Migration Management (DGMM), Migration Statistics, updated on 25.05.2017.

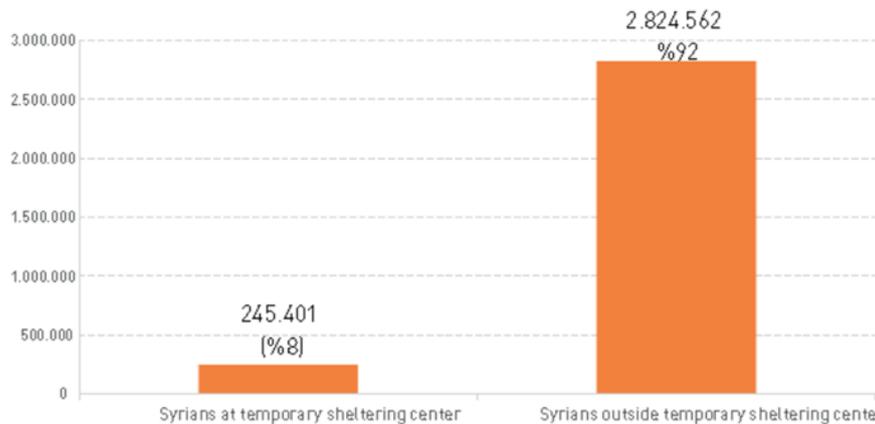
Turkey continues to lead the Syria refugee crisis response; The Temporary Protection Regulation provides Syrians in Turkey with access to education, health care and the labour market. Since it was launched countrywide in November 2016, the EU-funded Emergency Social Safety Net (ESSN) - or the Social Cohesion Programme as its title translates in Turkish - implemented in cooperation with the Ministry of Family and Social Policies (MoFSP), Disasters and Emergency Management Presidency (AFAD), Directorate General of Citizenship and Population Affairs (DGCPA), and Directorate General of Migration Management (DGMM), seeks to address basic needs among over



one million refugees across the country through the provision of multi-purpose, unrestricted cash.

As of September 2017, over 3.1 millions Syrians were registered in Turkey, out of whom 8 per cent were hosted in refugee camps, and 92 per cent were residing in urban, peri-urban and rural areas. This is an increase of over 292,301 people from the 2016 year-end registration figure. With Syrians taking refuge in Turkey, Temporary Sheltering Centers (TSCs) were initially built in cities that border with Syria, like Şanlıurfa, Gaziantep, Hatay, Mardin and Kilis. Later, TSCs were also established in cities like Kahramanmaraş, Adana, Adıyaman, Osmaniye and Malatya that are near the Syrian border. As Figure 2 indicates, 245,000 Syrians live at 23 TSCs in 10 cities. The remaining 2.8 million Syrians, on the other hand, live in various cities of Turkey. In other words, only 8% of the Syrians reside in TSCs.

**Figure 2.** Number of TSCs and the ratio of Syrians living outside these centers



While Turkey has been generous in providing emergency care for Syrian refugees since 2011, it now faces the issues of providing them with certain rights and opportunities that will facilitate their integration into the broader communities. Although Turkey has not granted Syrians official refugee status, in January 2016, the Regulation on the Work Permit of Foreigners Under Temporary Protection took effect. This regulation allows Syrians to apply to the Labour Ministry for work permits six months after their registration. Syrian refugees are now able to obtain a work permit and gain access to the vocational education and training system. By earning a living or acquiring a professional qualification, refugees have the opportunity to become active members of the Turkish economy rather than continuing to receive aid.

With the swift growth in the Syrian population in Turkey, TSCs turned inadequate. Some of the Syrians stayed with their relatives in Turkey at the very beginning of the war. However, as the war was prolonged, Syrians started to spread all across Turkey. As Figure 3 shows, Syrians mostly live in cities near the Syrian border and the largest cities in other regions like Istanbul, Ankara, İzmir and Bursa. Figure 3:

## DISTRIBUTION OF SYRIAN REFUGEES IN THE SCOPE OF TEMPORARY PROTECTION BY TOP TEN PROVINCE



Source: Turkish Directorate General of Migration Management (DGMM) 2017

## 2. Educational Background

In 2012, the policies regarding Syrian children's education were shaped according to the assumption that Syrians would be returning to their homes in the short term. Thus, the policies were related only to the educational activities within the camps. As the number of Syrians within Turkey increased in 2013 due to the raging war in Syria, MONE published two notices on April 26 and September 26 of the same year, trying to address the issues at an institutional level.

In 2014, when the Syrian population within Turkey reached almost 2 million, the Law on Foreigners and International Protection (YUKK) came into effect in April 2014, becoming the first extensive legal regulations on Syrians living in Turkey. With The Bylaw on Temporary Protection that came into effect in October 2014, Syrians were granted access to education, health and welfare services. The education to be provided to the Syrian children was guaranteed and standardized with a circular titled More importantly, hundreds and thousands of Syrians have transitioned from childhood to adulthood in Turkey over the last seven years. Uncertain stability in Syria means more Syrian children will continue to live in Turkey and become adults. Young people who enter work life without adequate skills and qualifications will have to work in low skill jobs with low wages. Schooling helps normalize the lives of children and overcome the effects of war and provides children with the skills and qualifications that they will need for their future professions.

"Education for Foreigners" published on September 23, 2014. Moreover, education for refugees is a subject which is to be included for the first time in MONE's 2015-2019 Strategic Plan. Turkey started to focus its efforts on schooling Syrian children from 2014 onwards and has accomplished the required institutional structure for it. With the



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establishment of Information System for Foreign Students (ISFS [YÖBİS]), Syrian students' registration, success and attendance are easily tracked. Syrian children are able to be educated at public schools and TECs (Temporary Education Centers). According to MoNE data of September 18 2017, there are 280,602 Syrian students receiving education at 370 TECs. While 201 TECs operate in public school buildings, others operate in buildings provided by various public institutions. Most of the expenses for Syrians' education are covered by Turkey. However, UNICEF provides support by covering equipment and infrastructure expenses of TECs along with the salaries of Syrian teachers. Moreover, countries like Korea and Taiwan support the construction of school buildings and classrooms.

In early 2015, the MoNE decided that educational needs of Syrian children would no longer be "temporary" and in the 2016-2017 school year began preparing students for enrollment in Turkish state schools. In 2016, the MoNE stopped offering first, fifth, and ninth grades in order to push students of these levels to enroll in a Turkish state school. In 2017, second, sixth, and tenth grades were also cut. The coastal province of Mersin has fully integrated, but in southern Turkey, Gaziantep and Sanliurfa provinces TECs are still in the transition process, which aims to be completed by 2020. Language has been one barrier for Syrian students in this framework for integration. In anticipation of this challenge, TECs have reduced the number of hours in Arabic to accommodate Turkish instruction; about 15 hours in Arabic and 15 hours in Turkish, up from seven hours in Turkish previously. This is done to prepare for fully Turkish language instruction once students are moved to state schools, which ideally would offer Syrian students diagnostic exams to properly assess their level of Turkish. Syrian students have learned Turkish at differing paces, and some have also taken private courses in addition to lessons at TECs, making some more proficient than others.

The ministry's planning for greater student integration and inclusivity also includes the "Promoting Integration of Syrian Children into Turkish Education System" (PICTES) initiative. The European Union financially and operationally supports this ongoing initiative, which includes Turkish language support and psychosocial provisions such as extracurricular courses in music and art. The project has supported students in 23 provinces of Turkey so far. Nearly 6,000 Turkish instructors have been assigned to learning centers, among them counsellors to support Syrian students. Not only do these counsellors help with bullying, but also with challenges at home that impact performance in school. Unfortunately, lack of contextual knowledge and language still posed barriers between students and support staff and further deepens the isolation some Syrian students face in new schools.



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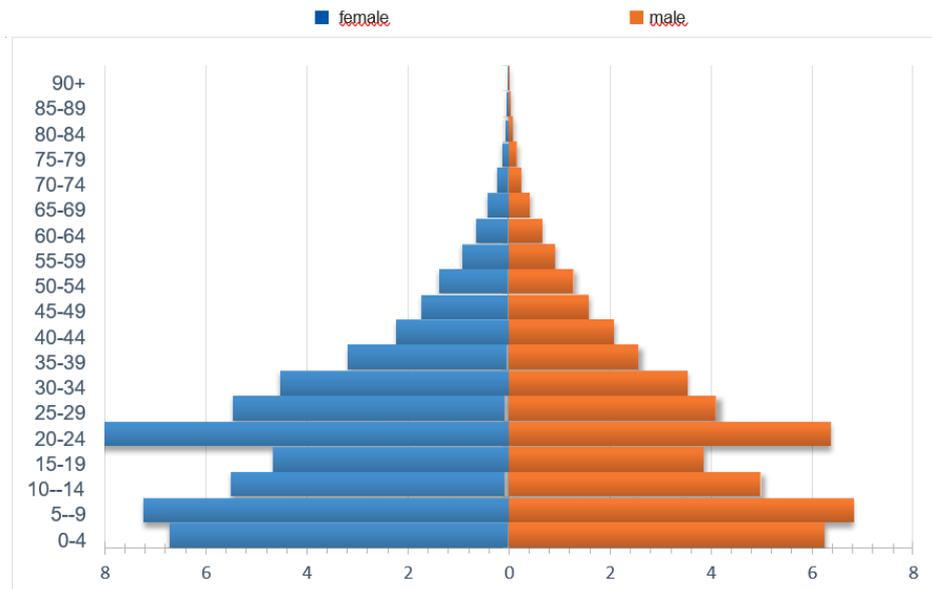
With support from other stakeholders, such as UNICEF and the European Union, the MoNE's policies and initiatives demonstrate Turkey's commitment to providing Syrians with a quality education. As more Syrian students integrate into Turkish state schools, additional advocacy efforts to boost commitment and interest from host communities can improve school cohesion, properly prepare Syrian teachers to contribute to the education workforce, and combat bullying and climbing dropout rates. Doing so through the renewal of these commitments made by the MoNE and the Turkish government is essential for the long-term success of school integration of Syrians in Turkey.

The school enrollment rate changes according to the education level. The highest school enrollment rate is in primary education. It decreases as the grades advance: it is at its highest in first grade and lowest in eleventh grade. The higher rate of enrollment in 12th grade is probably due to the proficiency exam prepared by the MoNE. The Syrian students are able to graduate from the TECs with this exam. There are two main factors which affect the school enrollment rate at high school level: male teenagers have to work in order to support their family, while female teenagers are subjected to early marriage.

Syrian children studying at public schools are subject to the curriculum and the weekly schedule. Arabic-medium education is provided at TECs. However, in 2016-2017 academic year, 15 out of 30 hours of classes were dedicated to Turkish language learning for primary education students; for secondary education students, on the other hand, 15 out of 35 hours of class was dedicated to Turkish language learning. As the main aim of the new academic year is the integration of Syrian children into the Turkish education system, Turkish language learning was prioritized.

Looking at the Syrian population in Turkey in terms of distribution by age groups, it could be seen that 45% of males and 47% of females consist of boys and girls under age 18. In other words, almost half of the Syrian population in Turkey is under age 18. The presence of such a large young population implies the importance of quality education.

Figure 5: Syrian population distribution by age groups



Source: General Directorate of Immigration Management, 2017.

A closer look at the age structure of the Syrian refugee population would help policy makers to better understand the challenges and opportunities they face and adjust new policies to suit their needs. Age distribution among the refugees reflects a young population, with the percentage of ages between 0-19 at 49 per cent, ages between 20-64 at another 49 per cent, and the per cent of Syrians at age 65 and above at only two per cent. It is estimated that the number of children aged between 0-4 is over 362,000, and more than half of them were born in Turkey.

The age make-up points out two important issues that should be addressed. First, there are a huge number of school age children. The small enrolment rates may be a problem once camp life comes to an end along the way of the integration process. There are numerous other complications that should also be addressed relating to school attendance. Secondly, the large share of working age population is an important source of human capital, signalling a lower number of initial applications than expected. Lastly, another way of looking at the age distribution is that the 40 per cent of the population (aged between 0-14 and age at 65 and older) is dependent on 60 per cent (aged between 15-64), which again reveals the fact that there is an urgent need for the inclusion of this 60 per cent to become a productive population that can provide and support their needs and the needs of their dependents if any.

## 2.1. MONE's response to the Education of Syrian Children

With the foundation of the Immigration and Emergency Education Department as a part of the General Directorate for Life Long Learning in May 16, 2016, a unit to manage Syrian children's education was established. Immigration and Emergency Education



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Department is tasked with planning, coordinating, applying and supervising education during emergencies. The term “emergency” has been expanded to include immigration. Thus, education of Syrians in Turkey has become a prominent working filed for the department. Procedures regarding Syrian children’s educations are handled by General Directorate for Life Long Learning and associated departments. For instance, EU-funded Project for Promoting Integration of Syrian Children into Turkish Education System (PICTES) is managed by Immigration and Emergency Education Department.

In addition to MoNE’s central administration, there is now an administrative structure at the local level as well. A particular circular has been delivered by MoNE to impose the foundation of provincial commissions in every city. Those commissions are now headed by provincial deputy directors of national education or by the chiefs of departments. In other words, there are provincial deputy directors of national education and department chiefs in every city that coordinate the education of Syrian refugees. This structure goes further into the district level. Founded under the local branches of Life Long Learning, the Immigration and Emergency Education Departments are the most prominent actors in Syrian children’s education at the local level. In addition, commissions founded under provincial and district directorates of national education make decisions on the placement of students to schools. These commissions are also responsible for providing certificates of equivalency and managing the applications.

In 2014, MoNE developed the system named YÖBİS in order to track the registry, success and absence of foreign students (including Syrian children) residing in Turkey. Working similarly with the system for Turkish students which has been in use for years (i.e. e-okul (e-school)), and used only in TECs, YÖBİS is an electronic media that allows the management, observation and assessment of Syrian children’s education digitally. Information regarding a Syrian child’s education is easily accessed through this system. Transfer of TEC students to public schools and procedures following their graduation from TECs are carried out over YÖBİS.

As it has become apparent that managing the education of Syrian refugees with temporary policies was no more functional, important initiatives were implemented by MoNE to increase the schooling rates among Syrian children as well as to ease the integration of school children with permanent policies. One of such initiatives is PICTES. This two-year project was implemented under the FRIT agreement signed between Delegation of the European Union to Turkey and MoNE on October 3, 2016. Within PICTES, EU has promised 300 million for Syrian children’s integration into Turkish education system. Covering 23 cities with the highest Syrian population, the project aims at such activities as language teaching, provision of teachers and supporting staff, counseling and monitoring-evaluation activities (General Directorate of Lifelong



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Learning, 2017). Turkish Lecturers and School Counselors were employed as temporary education personnel. These teachers and counselors who are contracted on yearly basis are working at official schools of MoNE, TECs and Public Education Centers (Halk Eğitim Merkezi). Salaries of these personnel are covered by PICTES. PICTES' activities are not limited to contributing to personnel employment; as part of the project, also the course materials are analyzed. Even though there are still issues in course materials and curriculum, many problems have been identified and eliminated with respect to the criteria set forth by Board of Education (BoE). Also, orientation of Turkish Lecturers and School Counselors were organized within PICTES. They were trained in subjects like language teaching methods, psycho-social support and sociology of immigration. Similarly, a workshop aiming to make up losses in school subjects, especially in Turkish language courses, was organized for Syrian children in summer. A call for tender has been announced for Syrian children's school supplies and the transportation of 30,500 Syrian children.

Various buildings and physical environments are utilized to help Syrian refugees access to education. Official schools of MoNE come first in terms of supplying classrooms and facilities. Public school facilities are used for two purposes. Firstly, they serve as TECs. Many school buildings have been arranged for double-shift sessions in neighborhoods heavily populated by Syrians. Those schools provide education to Turkish students in the first shift and Syrians in the second shift. Each of these schools are officially recorded with two names. For instance, there is a school named Vali Hilmi Tolun Secondary School in Kahramanmaraş. In the morning, Turkish students are provided education according to Turkish curriculum by Turkish teachers at this school. In the second shift, Syrian children are provided Arabic education by Syrian teachers, in addition to 15-hour Turkish language training. For this reason, the school is officially registered as Vali Hilmi Tolun Secondary School Temporary Education Center, referring to its second shift function. In other words, the second name is used in official affairs concerning TECs, while the first one is used in the official documents regarding the education of Turkish students. A total number of 201 public schools in Turkey used in this way. In addition to this, TECs operate in 46 buildings provided by Disaster and Emergency Management Center (DEMCC), 11 by municipalities, 20 by other public institutions, 25 by NGOs and in 84 privately owned buildings which are rented for the education of Syrians. In total, there are 432 TECs in Turkey devoted to the education of Syrian refugees (General Directorate of Lifelong Learning, 2017).

Inclusion of the Syrian children into the education system came in at a critical time when Turkey had to deal with the problems about the shortcomings in the total number of classrooms. What is more, cities hosting the highest number of Syrian refugees are the cities that double-shift education is more frequent. Turkey continues to build new



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classrooms with its own resources. In addition, actors and countries like UNICEF, Kuwait, New Zealand and Taiwan have pooled resources for the construction of a limited number schools and classrooms (General Directorate of Lifelong Learning, 2017).

## **Budget and finance**

A significant portion of the fund used for the education of Syrian students is provided by Turkey. Almost all of the expenses of these students, like school maintenance and teachers, are covered by MoNE. Syrian students continuing their education at public schools have the same rights with Turkish students. All students at public schools receive textbooks free of charge. Per the agreement between Turkey and EU, the framework FRIT was established for the transfer of 3 billion financial aid for Syrians. However, it is known that there are challenges in transferring the fund in question. So far, only 300 million has been transferred to Turkey through FRIT.

One of the most important component of TECs' budget is the employment and salaries of supporting staff. Janitorial services are especially crucial for TECs of double-shift schools. Another issue is the provision of school supplies to students studying at TECs and equipment aid to TECs. In this respect, UNICEF provides aid for the technological and physical infrastructure of TECs. Field interviews also reveal that supplies in the teacher's lounge and teaching materials at TECs are provided by UNICEF. In addition, school supplies were distributed to students by UNICEF. It was observed that national and international NGOs were especially helpful in providing school supplies and clothing to children. Though rarely and insufficient in total, foreign resources are mobilized to help the education of Syrian refugees. Korean government has distributed computers, photocopy machines, projectors and printers to 120 public schools with the highest population of Syrian students. In addition, 16% of PICTES (48 million) is dedicated to expenses for equipment, material and resources (General Directorate of Lifelong Learning, 2017).

Another fund for Syrian children is Conditional Cash Transfer for Education (CCTE). This project aims to increase the schooling rate of children with a small payment for children. With European Civil Protection and Humanitarian Aid Operations' (ECHO) 34 million contribution, this program is expected to reach 230,000 children by the end of 2017. 56,000 children had received conditional cash support until June 2017, when this report was being prepared. This program targets children being educated at both public schools and TECs. During the academic year, schoolgirls of preschool through 8th grade receive a stipend of TL40 per month, while boys receive TL35 per month. At the high school level, the amount increases to TL 60 for females and TL50 for male students. In addition, it is planned to make an extra one-time payment of TL100 for each child in September and January (Aile ve Sosyal Politikalar Bakanlığı [Ministry of Family and



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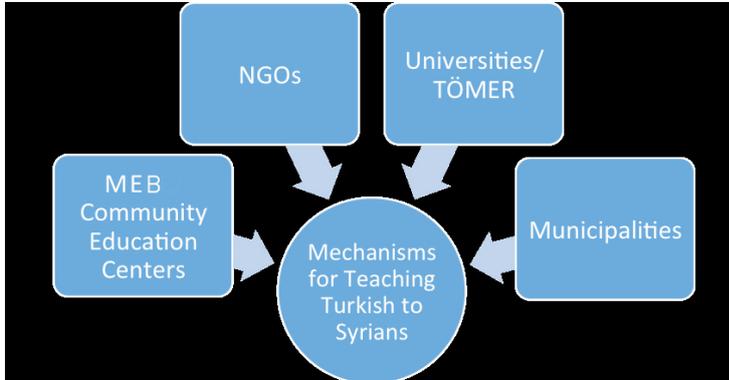
Social Policies], 2017; UNICEF, 2017). During the research, it was found that Tzu Chi Foundation started a program that targets the working children who are under age 14. It is hopeful to see that Tzu Chi Foundation was able to re-school 256 children from work, by providing a financial support of equal amount to the children's monthly earnings (TL400-800). Tzu Chi Foundation continues to provide this financial support to the children. International Organization for Immigration (IOM), supports Syrian children's transportation in Şanlıurfa and Konya. In addition, Tzu Chi Foundation provides transportation support to children in Sultangazi. Likewise, 10% of PICTES (30 million) is dedicated to transportation (General Directorate of Lifelong Learning, 2017). Various countries, international institutions along with national and international NGOs provide diverse supports for children. However, it is not possible to assert that these supports are adequate.

### **Turkish Language Education**

The most significant problem in the Syrian children's education and adaptation process is language education. It has been highlighted that both in public schools and in TECs it has not been possible to provide quality education due to the lack of educational material and methodology in the Turkish courses designed for Syrian children. One of the main reasons for this problem is that the teachers who are appointed by the Ministry of Education (MONE) do not have the training to teach Turkish to foreigners. Although public school teachers manage to teach reading and writing in Turkish, they have stated that the children remain weak in terms of comprehension. Language is an issue for parents as well, who have difficulties communicating with school administrators and teachers. This impairs the ability of the parent to support the educational process. It has been noted that Public Education Centers (PEC) have organized Turkish courses for parents. This has been viewed as a beneficial move, however, these courses were recorded as lacking quality and were not adequately advanced. Furthermore from the 3 million Syrians living in Turkey not even a 100,000 are attending Turkish language courses. The main issue underlying the hesitation of Syrian parents is their presumption that children who will learn Turkish will forget their native language, namely Arabic. Syrian students and parents have preferred TECs over public schools because of this issue. Syrian NGOs pointed out that learning Arabic is very difficult and that unless they learn Arabic first, they will have great difficulty in learning it after primary and middle school. Therefore they request a hybrid model in public schools which includes Arabic.



### Turkish Language Teaching Mechanisms:



There are Turkish language courses provided for foreigners through the Public Education Centers of MONE, NGOs, municipalities, universities, and the Turkish Learning, Research and Application Center (TÖMER). Since TÖMER mainly provides language education at the university level, there is no educational material or human resources for children who are at primary school level. Furthermore, language education at TÖMER is not preferred by Syrians who are in a weak socio-economic situation. Although NGOs have the human resources for language education, there is a shortage of material. Universities are expected to take more initiatives on this front and become more active in mobilizing their language education centers for Syrians. Another problem with language education is the lack of coordination and of a standardized program between institutions and associations.

### Vocational Education for Syrians

Especially female students and students who are experiencing financial problems should be provided with vocational education. Those Syrians, who speak Turkish, received “Turkish A1 Level” from public education centers or have passed the reading writing first level determination exam, are admitted as 9th grade students to the Anatolia Vocational Program of schools which have empty quotas. In this context a class can open with 10 Syrians who are under temporary protection. In the cases where this number is not met, the demands from the educational district can be combined. City or provincial education administrations will determine which schools will be combined in this case.

MONE is also providing apprenticeship opportunities. Syrian students have the opportunity to gain practical education in different sectors through internships and they receive the same general insurance and health insurance benefits as Turkish students.

***Vocational Training for Syrian Youth and Women Refugees in Turkey Using Apparel Skills Units Project*** trainings started in three camps with the cooperation of UNIDO,



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Disaster and Emergency Management Agency of Turkey (AFAD), Istanbul Ready-Made Garment and Apparel Exporters' Associations (IHKIB), and Ministry of National Education (MONE). This one year project is funded by the Government of Japan.

The main focus of the intervention is to provide real economic and employment/revenue-enhancing opportunities to the Syrian citizens in Turkey with specific emphasis on the youth and the women through technical training, technology and knowledge transfer. The training program is designed to include certain vocational skills to equip them with knowledge for employment, entrepreneurship and income generation both in Turkey and Syria, including apparel-making and business management.

This project aims to start the recovery for refugees that have lost their homes, their jobs and most of their belongings. 1.000 Syrian youth and female trainees will be provided with technical and business skills through on-site, group-based training sessions. As a result, jobs and income will be increased for youth and women refugees within and after the refugee camps. Currently there are four courses in three camps and 240 trainees are being trained for a two-month period in each course. The courses have been receiving positive feedback as it is going to give a chance to participating women to find a job and be self-sufficient.

### ***Project of Vocational training and employment for Syrian refugees and host communities***

German Federal Ministry for Economic Cooperation and Development (BMZ) and Turkish Prime Minister's Office.

The project works in collaboration with non-governmental organisations, public institutions, chambers and private sector partners to increase the range, number and quality of labour market services available. This includes support for business start-ups, courses in Turkish and careers advice. The measures aim to integrate the participants into the Turkish labour market more effectively. The project supports the development and implementation of measures designed to enable Syrian young refugees and disadvantaged Turkish population groups to access vocational training. Furthermore, teaching staff and vocational schools benefit from in-service training in conflict management and intercultural competence. At the beginning of 2016, Turkey amended its legislation so that refugees could take up employment legally. Syrian refugees are now able to obtain a work permit and gain access to the vocational education and training system. By earning a living or acquiring a professional qualification, refugees have the opportunity to become active members of the Turkish economy rather than continuing to receive aid.

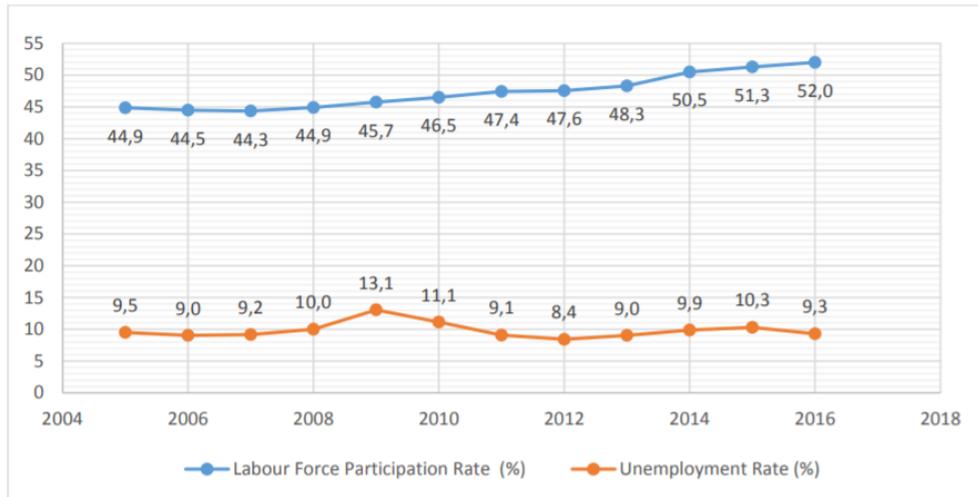


Until now, labour market institutions and vocational schools have been able to offer only a limited range of services to meet the needs of Syrian refugees. Many refugees do not have the necessary knowledge of Turkish. As a result of the war, they were unable to complete their training and are no longer in possession of their course certificates. Furthermore, they are not familiar with the Turkish labour market and the advisory services available. This situation is compounded by the fact that the Turkish border provinces most affected already had considerable economic problems even before the civil war, and these continue to impact on the local Turkish population. Absorbing a large number of Syrian refugees into the labour market therefore currently poses a major challenge for these provinces in particular.

***"Vocational and Technical Education Through Social and Economic Cohesion Project"*** KFW and MONE signed a protocol for 19 million EUR to meet the equipment requirements of around 170 vocational schools in seven provinces that have the highest Syrian population. In cooperation with the EU, the bank runs projects for Syrian refugees, providing teachers' salaries, school construction and organizing lessons. At least 25 vocational and technical workshops will be carried out under the agreement, 2,000 students will be helped with support packages and investment in infrastructure will be made.

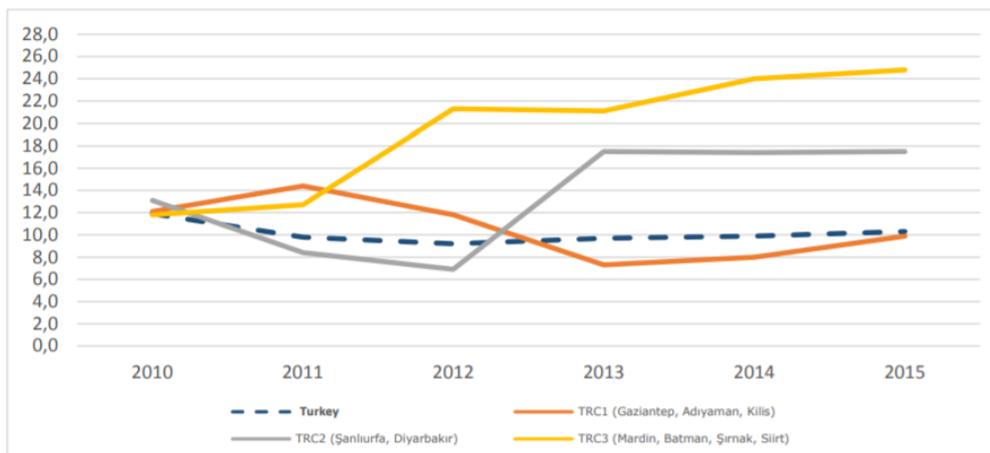
### **3. Employment Background**

The Turkish economy seems to follow a path of moderate and stable growth over the last two decades, even though it has experienced some ups and downs during this period, especially after the 2008 global crises. In order to better understand the impact of the mass migration and asylum flows and the channels into which refugees/migrants could be incorporated, it is important to first look at a general picture of the Turkish economy. The distribution of economic activity among different sectors does not seem to be very volatile over time. As of January 2017, the economy performs 18.3 per cent in the agriculture sector, 20.2 per cent in industry, 6.7 per cent in construction and 54.8 per cent in services. The national unemployment rate does not seem to be significantly changing over time (Figure 6) but the local unemployment rates for regions that host large populations of refugees and migrants tend to increase, especially after 2012. Figure 6:



Source: TURKSTAT, Labour Force Statistics. The April 2016 rates are used for the annual rate for 2016.

In terms of region, the southeast has the largest concentration of refugees, with the provinces of Gaziantep, Adıyaman, Kilis, Şanlıurfa, Diyarbakır, Mardin, Batman, Şırnak, Siirt housing a total of slightly more than one million Syrians. In other words, more than a third of the nearly three million Syrians in Turkey live in the southeast, mainly because of the region's proximity to the Syrian border. As the native population in these nine south-eastern provinces totals over eight million, incorporating a refugee population as big as one-eighth of its size would not be an easy task for the region. It appears that the unemployment rate in most parts of the southeast reaches 18-25 per cent in 2015, higher than any other region of the country and more than double the national average of 10.3%. Conversely, in early 2011 just before the start of the Syrian refugee flows, the unemployment rate in the southeast was only slightly over the national average. Figure 7: Unemployment Rates for South East Anatolian Region

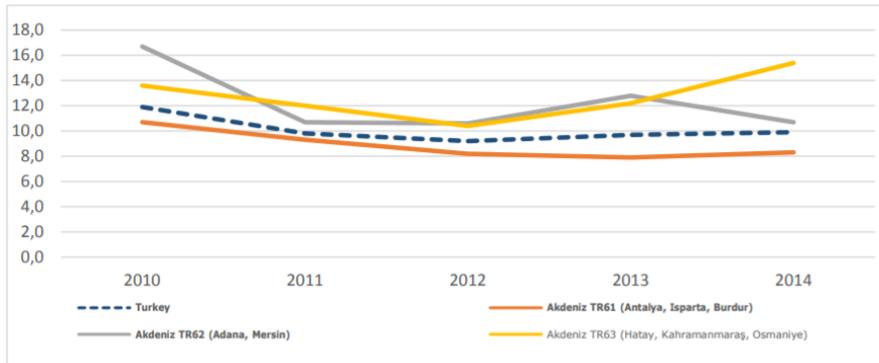


Somewhat similar trends are also observed in the eastern Mediterranean region, which also hosts a large number of refugees mainly coming from Syria due to the region's proximity to the border. The unemployment rates in the provinces of Hatay, Kahramanmaraş, Osmaniye, Adana and Mersin have an increasing trend since 2011.



Most of these provinces traditionally host internally mobile seasonal migrants, and now they have also started hosting sizeable Syrian refugee communities. It appears that provinces in the western Mediterranean region such as Antalya, Isparta and Burdur, which are traditionally less affected by the flow of migrants and refugees, have lower rate of unemployment over time, even below the national average.

Figure 8: Unemployment Rates for Mediterranean Region



### 3.1. Syrians in The Labor Market

Despite the legislative changes that facilitate access to formal job opportunities, the informal market still remains more attractive both for Syrians and employers. The number of work permits granted to Syrians is unexpectedly low due to major weaknesses and lack of incentives. According to the latest DGMM figures, there are more than 1.7 million (61% of the total) Syrians of working age (between 15 and 65) in Turkey. Yet, a total of 20,981 Syrian refugees have been granted work permits since 2011, accounting only for 1% of the total working age population according to the Ministry of Labor and Social Security.

Understanding the effects of the arrival of refugees on the labour market is an important task but is very difficult to analyse by the very nature of undocumented economic activities. There are some recent studies that examine the impact of Syrian refugees on Turkish labour market as it has created an unexpected shock to the labour market in the country. Studies support the observation that refugees are intensively employed in the informal sector, and therefore they have no significant effect in the formal unemployment rates and prices. Moreover, they support the idea that refugee workers are substituted for native workers in low-skilled sectors such as construction and agriculture. Another problem is child labor or young labor as some percentage is between 16-18 years old. The reason is that families who escape from their country could not afford their basic needs and did not have the right to work and therefore engage in informal activities such as having their children work. In order to prevent child and



young labour The Ministry of Family and Social Policies offers conditional cash transfers, a program that offers families who are eligible a fixed cash subsidy in exchange for the attendance of their child in school in cities. Officials follow the attendance of these children to avoid the misuse of this offer. On the formal sector side, there is significant interest in the foreign labour force in Turkey, with 64,547 work permits given to foreigners in 2015 alone. The top 5 nationalities granted work permits are Georgia (8,524), Ukrainian (6,023), Kyrgyzstan (4,274), Syria (4,019) and Turkmenistan (3,323). The low number of Syrian applications/permissions could be seen rather surprising when compared to the high number of Syrians living in the country. However, one must note that as it is noted earlier, the regulation on work permits for Syrians who are under “temporary protection” passed only very recently in January 2017. Those migrants coming from Ukrainian, Turkmenistan and Kyrgyzstan are mostly employed in the domestic sector and construction. They often stay in the country temporarily for a few years to save money and then go back to their home country. In addition to offering a potential labour force, refugee population also functions as consumers who need goods and services which in turn would increase the production and stimulate the economy. It is reported that there have been increasing economic activities and rising cash circulation in the provinces of the southeast Turkey where there is a heavy concentration of Syrian refugees for the last five years. Even though policy makers concentrate on the employment of refugees and its effects on labour markets, the integration practices in education and health began to gain importance. The recent concern in education originated with the increasing number Syrian refugee children who are out of school. According to DGMM the number of Syrians school age children is about 625,000 and 10 per cent of them are at the pre-school level, 35 per cent at the elementary, 27 per cent at middle school and 28 per cent at high school.

According to a recent research done by INGEV in May 2017 (İstanbul Labor Market Assessment) Retail, Textile, Construction, Hospitality, and Health sectors came forward as ‘action sectors’ which may offer employment opportunities for Syrian youth.

<b>Sector</b>	<b>Occupations in Higher Demand</b>
<b>Retail</b>	cashier, store attendant / sales personnel, warehouse worker, manual worker – carrying & handling, call center representative, driver, machine operator / laborer, electrician, forklift operator
<b>Textile</b>	sewing machine operator
<b>Construction</b>	ceramic tile installer, floor covering installer, plasterer, roofer
<b>Hospitality</b>	service personnel (hotel), cook, kitchen assistant, guest



relations, housekeeping, waiter / waitress, laundry personnel, bell team personnel, purchasing staff, motorized delivery personnel, office boy (organization company), IT and social media manager

**Health**

patient accompaniment / patient relations personnel, patient care / care support personnel, cleaning person, waiter / waitress at hospital cafe, patient transfer personnel, translator, call center representative

Istanbul hosts an estimated 539,062 Syrians registered under Temporary Protection. It is estimated that half of the settled Syrians are young people who are between the ages of 12 to 24, and have joined or will join the ranks of a social enclave within the urban poor demographic. Youth unemployment affects one fifth of young people and the labor market suffers from widespread informality and low-quality jobs, the competition fueled by Syrians inevitably increases social tension between the refugees and host communities.

As the latest figures from December 2016 demonstrate, there are 539,062 Syrians in Istanbul. This makes up the 17.5% of the overall Syrian population in Turkey.

**Number of Syrians by Their Status**

A survey based research submitted by INGEV to the World Humanitarian Summit in cooperation with İstanbul Metropolitan Municipality in April 2017, with 478 Syrians aged between 12-24, shows that;

- 73% of young Syrians were students of high school or lower level education in Syria while only 18% continue their education in Istanbul right now.
- 35% of the interviewed youth are at least primary school graduates. This is followed by junior high school graduates by 22%.
- Among the young Syrians 47% are working in certain level and 6 % is looking for a job. There is a key indicator showing also the current state of Syrian companies only 5% of these companies have social security.
- Another important insight for the future social development is the fact that the most desired future for youngsters is to become entrepreneurs; 26% want to have their own business which is followed by being teacher (16%)
- Both indications show that to support Syrian SME's are crucial with many aspects.



### Working Status of Syrians in Istanbul

Works in (%)	Overall	Overall 15-24	12-14 Age	15-19 Age	20-24 Age	Male	Female
Regular job: Uninsured employee	39	51	13	48	54	61	16
Regular job: Insured employee	5	6	3	7	5	9	1
Irregular job (seasonal job)	3	4	3	4	4	5	2
Student	29	14	60	24	3	14	44
Housewife	12	17	3	10	24	-	25
Unemployed - Looking for a job	6	7	2	6	9	8	3
Unemployed - Leisure	6	2	16	2	1	4	9

Source: INGEV 'Capacity building in support of young refugees in metropolitans' research, April 2016

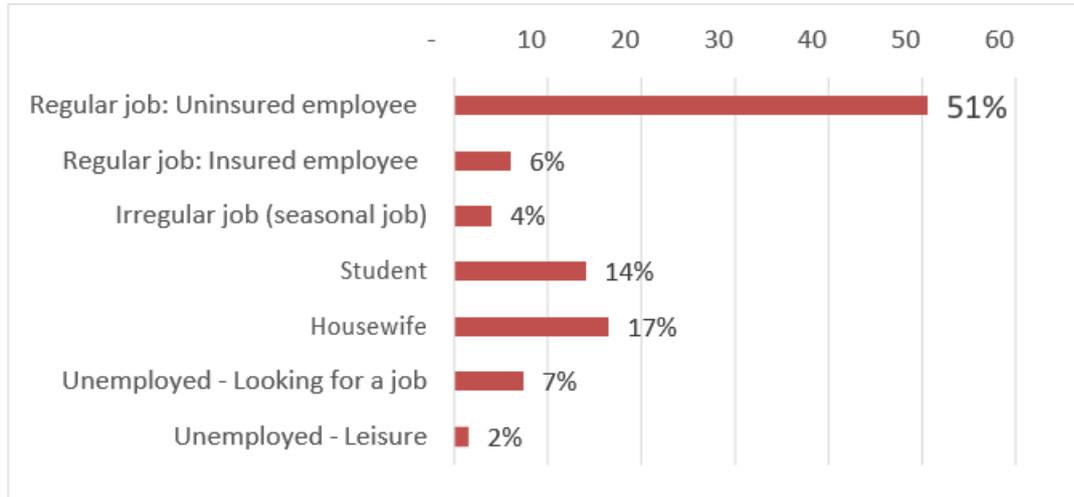
At every level of research lack of Turkish language was mentioned as a major challenge for employment, even for jobs which require limited communication. This gap is highly affecting employability situation of Syrians and locking them to very limited job opportunities with no future development possibilities.



Besides the lack of Turkish skills, another related issue emerged as participants from private sector and trade groups indicated Syrians has clear cultural differences are not adapted to the culture in Turkey which also affects their situation at the work places. That is why they thought it would be relevant to offer cultural orientation courses to them together with Turkish classes in order to increase their cultural adaptation.



### Working Status of Syrians in Istanbul (for 15-24 age group)



Source: INGEV 'Capacity building in support of young refugees in metropolitans' research, April 2016

Another issue emerged is the increasing rate of host community youth unemployment. Due to recent developments in Turkish economy and regressing trends, downsizing is observed and employers want to minimize their employee costs. In line with this, youth unemployment climbed up to 24.5% locally for 15-24 years old age group. Finally, potential conflict at the workplace by the local staff in case of employment of Syrians is another issue mentioned by the participants. Due to distrust to foreign workers at work places, there may be potential conflicts between local and Syrian staff.

During the reasearch, it is found that Arabic language is an asset needed by some of the sectors such as Hospitality and Health, which have the highest potential for Syrian youth employment. Health sector, also, is of a specific interest for creating a positive impact. Therefore, efforts for training programs can be directed towards these sectors and these sectors can be prioritized. Another opportunity is the government incentives for employment and vocational certificates. Especially for vocational qualification certificate (MYB) owners; lower labor costs are / will be appealing to employers and participants can be directed to receive such certificates through the skills training program. There are also job opportunities without skills requirements as on the job trainings are preferred by the employers. For example, Textile, Health and Hospitality sectors offer on the job training opportunities, therefore candidates for these sectors can be prepared by receiving S2S curriculum, cultural orientation and Turkish courses- without having a need for additional vocational courses.



Finally, a number of job opportunities which are hard to fill has been discovered. For example, sewing machine operator and cashier are some of these opportunities and it is difficult to fill these occupations with locals. This may be an opportunity for Syrian population. Syrians may also have a positive impact for work places with high turnover rates given their continuity and display of perseverance at such places once they are paid regularly.

### ***Mapping of Skills Training Eco-system and Certifications***

**İSMEK:** Operational since 1996, İstanbul Metropolitan Municipalities Life-Long Learning Department (İSMEK) is one of the most experienced trainers for vocational skills. Offering all their courses for free, they have 235 training centers which are dispersed all through İstanbul and offer a wide range of skills training in 540 branches (500 active branches). 62% of their participants are younger than 40 years old and 79% of the participants are women. In addition to the skills training, they try to provide links with jobs through their employment guidance department. İSMEK courses are open to anyone residing in İstanbul therefore they also accept Syrians. However, they offer their courses only in Turkish and are not open to offer through an interpreter. In order to access these courses, participants should register in September before the school term. Courses open once a year during the school term; they offer training at their premises only, no e-learning available.

**İŞKUR** (Turkish Employment Agency) is another public training provider which is specialized in vocational skills training. As being one of its legal responsibilities, İŞKUR tries to understand qualified staff needs of employers through annual assessments and tries to open courses for the skills demanded by private sector through contracted training providers. These courses are open to Syrians as well if they have an İŞKUR registration. İŞKUR courses are offered for free and Syrians can register with these



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courses through district branches. Participants of these courses also receive a per diem costing 25 TL. Besides these courses, in partnership with the employers İŞKUR offers on the job training opportunities. During this term, half of the salaries of the participants are paid by İŞKUR and if the employer is satisfied by the candidate, employment continues.

**KOSGEB:** Finally, for entrepreneurship topic, Small and Medium Industry Development Organization, KOSGEB is a well-known training provider by its Applied Entrepreneurship program. This training is a must for receiving government support for SMEs. These free trainings, which are offered through contracted training providers such as Life-Long Learning Centers of universities, take 32 hours and offered frequently. This training offers an official certificate and Syrian youth is also accepted to these trainings. However, only Turkish citizens can receive financial support for entrepreneurship. Especially women entrepreneurs are supported through this program.

**İstanbul University Continuing Education Center (İÜ SEM):** As part of İstanbul University, İÜ SEM is operational since 2001. They offer a wide range of trainings in order to answer the needs of their clients from private sector, NGOs and the government and individuals including Syrians. Most of their course teachers are the professors of the university. They open new courses as they receive requests. They adapt their existing training curriculums as per the needs of their clients. The student profile varies and training requirement changes as per the topic of the training. Their shortest course is 15 hours and the longest is 300 hours. Prices of the courses vary as per their length, the most expensive course they offer costs 3.500 TL. Their course completion rate is 100%. The maximum number of participants per class is 25 people. All the courses they offer provides an İÜ approved certificate for successful completion. The training center will receive recognition from Vocational Qualifications Institution for vocational skills such as construction related skills soon. The trainings they offer which may be suitable to Save the Children program are:

They use university facilities for their trainings but also offer trainings at the locations determined by their clients. They have never provided their trainings in Arabic medium but they are open to use interpreters during trainings. Unfortunately, this or any other training center mentioned in this mapping does not guarantee any links with the job market. However, they are open to partnership with NGOs for skills training programs.

**Online Training:** With the help of new technological developments and increase of access to internet services, education is no longer considered as the physical gathering of students and teachers in a classroom only. Especially during the last decade, many



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online training platforms emerged. Some of the trade groups embrace this new medium of training delivery as well. For example, as part of an Erasmus + project, Food Retailing Association (GPD) prepared a website for retail skills training. This online platform, <http://e-learnretail.org> offers free training in five different languages; Turkish, German, English, Portuguese and Finnish. General Secretary of GPD stated that this platform is open to Syrian youth too and training materials are open for translating to Arabic. During FGDs, private companies also stated their extensive use of this new training medium. For example, Dünya Göz Hospitals delivers 50 of its 57 annual staff trainings online.

These and many other online training options offered for free available via e-learning platforms can be accessed by İstanbul Metropolitan Municipality's Internet and Information Access Centers (BELNET) scattered throughout Istanbul. Currently, there are 36 centers in the European side and 23 in the Asian side of Istanbul. Information on the locations of these centers can be accessed from <http://belnet.ibb.gov.tr/avrupa-yakasi-subeleri/> and <http://belnet.ibb.gov.tr/anadolu-yakasi-subeleri/>

**Language Training and Certification:** The necessity of Turkish language skills even for professions that require less communication came forward various times during the research. It is also important for access to more skills training opportunities. For example, A2 level Turkish proficiency is being asked as a prerequisite to the courses of İSMEK. Therefore, a rapid Turkish language program should be part of any curriculum which will be delivered to the Syrian youth.

There are several options for Turkish courses. To begin with, İSMEK delivers free Turkish courses for foreigners via its 16 branches scattered through Istanbul. Public Education Centers supported by MoNE are another free option for these courses. As they are located in every district and can open new classes if 10 participants are found, their courses are easy to access. NGOs serving for Syrians refers their clients to these courses regularly.

In addition to them, there are other language school options which are specialized in Turkish courses for foreigners. İstanbul University Language Center is one of them. The center offers Turkish courses up to C2 level through its weekday and weekend programs. Regular weekday program is 440 hours and weekend or evening shift courses are 288 hours. Besides these courses, they also offer proficiency exams. These exams are offered every week and cost 100 €, so Syrians who already have some Turkish skills or received Turkish courses through community centers can take this exam to document their skill level. An alternative to İÜ Language Center is TÖMER. Having a similar structure, TÖMER courses are more costly; 250 hours course program costs 750 \$.



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## **Vocational Qualification Certificates (VQC/MYB) and Other Necessary**

**Certificates:** These VQC/MYB certificates, which are valid for 5 years and Europass recognized, are obtained through certification and testing centers authorized for specific qualifications. In order to receive these certificates, candidates should pass both theoretical and practical examination. These certificates are especially important for linking informal experience to formally recognized skills. Syrians can apply to these qualification tests and they will be provided with a translator during examination.

### ***Other Integration policies and practices***

Integration policies and practices are not limited to public activities. NGO projects and their practices are also active and became widely common during the last few years. But almost all the programs and practices predominantly target the Syrian population rather than all refugees. The main program areas of NGOs and INGOs for urban refugee population include humanitarian aid, cash assistance, psycho-social support, legal counselling, health care, education (including language courses, computer literacy courses, supporting schooling procedure of children), vocational training, culture and art activities, awareness raising campaigns, organization of conferences, workshops and trainings. There are programs that target the camp populations as well. Since the beginning of the crisis, the government of Turkey took full responsibility of funding and managing the camps through its national disaster agency AFAD (Disaster and Emergency Management Presidency). Under the overall guidance of AFAD, few NGOs, namely IHH (Humanitarian Relief Foundation) and Kızılay (Turkish Red Crescent) were given access to the camps along with UNHCR in 2012 and some other UN agencies on a very limited basis. Some of the examples on the practices of UNHCR is organizing events to raise awareness about work permit regulations and livelihoods opportunities. UNHCR supplies teaching material and child friendly school kits to community centres which the content of the material is developed by DGMM (Directorate General of Migration Management). UNHCR is also delivering wheelchairs and winterization items to the camps as well as urban settlements.

As part of EU's commitment to provide 3 billion euro in financial assistance to Turkey under the "Facility for Refugees in Turkey", 1.2 billion euro has been contracted to various UN Agencies and international organizations. Turkish civil society organizations are involved in the process mainly as sub-contractors. The EU Regional Trust Fund, in response to the Syrian crisis, has allocated 36 million euro to UNICEF, out of which 33 million has been spent on the education of Syrian refugee children. Another 2.7 million under the EU Trust Fund has been contracted to Deutscher Akademischer Austauschdienst (DAAD) for "providing opportunities and perspectives for Syrian refugees in higher and further education sectors (scholarships, credit-based courses,



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personal and virtual education and language classes)”. Under IPA funding, 300 million euro has been contracted directly with the Ministry of National Education to be spent for educational purposes such as language training in both Turkish and Arabic as well as providing stationery, educational materials, clothing and transportation services. Moreover, a measurement system will be developed to monitor the achievements of Syrian students. IPA funding also supports other projects on health services, socio-economic support, municipal infrastructure and project preparation facility.

As the crisis deepens and the numbers grow, tensions between refugee and host communities inevitably arise. To alleviate such tensions, it is imperative to ensure that the Syrian children and youth are not idle, but have access to education, leading to self-reliance over time. For young people in non-camp settings education is limited. The Disaster and Emergency Management Authority of Turkey estimates that within the camps 83% of Syrian youth have access to education.

### ***International Organisations’ Ongoing Works***

The European Commission has developed the EU Skills Profile Tool for Third Country Nationals, launched on the 20th of June 2017. The EU Skills Profile Tool for Third Country Nationals is part of the New Skills Agenda for Europe, which launches a number of actions to ensure that the right training, skills and support is available to people in the European Union. The EU Skills Profile Tool for Third Country Nationals is meant to support early identification of the skills of refugees, migrants and other third country nationals. The tool is intended for use by any service that may be offering assistance services to third country nationals and aims to get to know the individual, their skills and experiences and provide recommendations on next steps. The tool is not intended to recognise or authenticate skills. It is an off – and online web editor that will make it possible for non-EU nationals to present their skills, qualifications, and experiences in a way that is well understood by employers, education and training providers and organisations working with migrants across the whole European Union. The EU Skills Profile Tool for Third Country Nationals could inspire and be useful to adapt to fit Turkey’s institution work for the labour market integration for refugees and host communities in Turkey. The Skills Profile Tool is a first instrument for reception centres, integration services, public employment services and other organisations offering services to refugees and host community to make sure their skills and education are recognised, and to further guide them to training, education or employment. The tool helps to simplify the process of matching jobseekers to vacancies. It targets both those with a high level of education – who perhaps need help to get their qualifications recognised – and those with a low level of education and who need further education and training to obtain the skills needed in our labour market. The tool complements



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other tools for skills transparency in Turkey: such as Europass and the Turkey Qualifications Framework, which have both been developed in Turkey to allow employers, education and training providers and relevant authorities to compare Turkey qualifications across the EU and internationally. The tool can be found in BETA-EU Skills Profile Tool for third country nationals. Of course, it will be further developed and continually reviewed for the improvement the beta version of the tool. Turkey experience can be a great knowledge course for improving the tool.

**EU Delegation:** Recognizing the need for a coordinating mechanism to financially assist Turkey in its remarkable efforts, the Facility for Refugees in Turkey entered into force on March 2016. The Facility for Refugees in Turkey is the response to the EU Member States' call for significant additional funding to support refugees in the country. The Facility is designed to ensure that the needs of both refugees and host communities are addressed in a comprehensive and coordinated manner. The Facility is active in six priority areas: humanitarian assistance, migration management, education, health, municipal infrastructure, and socio-economic support. The implementation of actions financed from the Facility is being carried out by ECHO (European Commission's Humanitarian Aid and Civil Protection department) for humanitarian assistance, IPA (Instrument for Pre-Accession), IcSP (Instrument contributing to Stability and Peace), and the EUTF (EU Regional Trust Fund for Syrian Refugees) for non-humanitarian assistance. Within the scope of the Projects funded under the Facility (Annex 1), an important emphasis has been given to improve the employability of the Syrian refugees and host communities and facilitate their integration to the labour market. The projects includes activities on active labour market measure such as provision of job and vocational counselling, on the job training programs, vocational training programs, language training programs, cash for work programs, as well as skills profiling for Syrian refugees, certification of vocational qualifications, promotion and support of entrepreneurship. The projects also support Turkish authorities to improve their institutional capacity to support the labour market integration of Syrian refugees and host communities as well as the social integration among the communities.

**European Training Foundation (ETF):** works closely with Turkey Vocational Qualification Authority and MONE and the related institutions increasingly seeking to make qualifications more relevant to the workplace, as part of efforts to promote lifelong learning and to gain international recognition at a time of globalisation and population mobility. Turkey has gained momentum in reforming its qualifications systems. Turkey's qualifications framework (TQF) has been referenced to the EQF in April 2017 and is now in the process of implementation based on the TQF Action Plan. A specific focus is on development and implement a system for validation of non-formal and informal learning (VNFIL). It is within this framework that ETF has joint efforts with



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other partners on how to better use the Turkey Validation of Informal and Non- Formal Learning system for Refugees and hosting community in Turkey. Based on its expertise on EU and Turkey system for validation of non-formal and informal learning (VNFIL), ETF has developed a process chart on key routes towards labour market integration for refugees in Turkey.

**ILO:** The ILO has been implementing its strategy “ILO Response to the Syrian Refugee Crisis in Turkey” to address the impact of the Syrian refugee crisis in Turkey since 2014. The ILO strategy is based on three integrated pillars, further reinforced by crosscutting actions, to facilitate the early entry of Syrian refugees and Turkish workers from host communities into the labour market at the local level and to help them develop, strengthen and upgrade their skills and competences as required. In addition, the programme will support both communities where relevant through entrepreneurship training and business services development, supporting of active labour market policies, leveraging opportunities identified by regional development agencies, private sector actors and value chain analysis methodology. In implementing its strategy, ILO works closely with Ministry of Labour and Social Security, tripartite constituents, regional and local collaborates such as GAP Regional Development Administration, regional development agencies, training institutions, Chambers of Commerce and Industry, municipal authorities. One of the components of ILO strategy is the development of a framework for the validation of non-formal and informal learning of refugees who face with difficulties of having their qualifications, earned in Syria, validated in Turkey mostly due to absence of any proof of their formal qualifications or prior learning in the country of origin. Such a framework will offer opportunities for refugees, in particular Syrians, who have some knowledge or skill in a particular field but have no certificate or diploma. To that end, ILO, ETF and EBRD initiated a joint work to develop a model for the validation of non-formal and informal learning (VNFIL) leading to recognition of skills of refugees.

**EBRD:** In response to the Syrian Refugee Crisis, the European Bank for Reconstruction and Development (“EBRD”) has developed a Refugee Crisis Response Programme consisting of three pillars: access to services through infrastructure development, access to finance and Small and Medium Sized Enterprises (SMEs) support, and access to jobs and skills through economic inclusion. The economic inclusion pillar aims to support economic integration and resilience of communities hosting large number of refugees through EBRD’s established private sector economic inclusion approach. EBRD is supporting the accreditation and authorization of a new VocTest centre for assessment and certification of skills, based on occupational standards. This new VocTest Centre is established by the Gaziantep Chamber of Industry and is part of the existing infrastructure of over 70 VocTest Centres in Turkey that are accredited by the



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Vocational Qualifications Authority. The certificates issued by these centres are part of the Turkish Qualification Framework. Adana and Gaziantep harbour among the largest concentration of Syrian refugees. The VocTest Centres will assess and certify refugees but also Turkish citizens from the whole regions. Final aim is employment in the key economic sectors in the regions, construction, textile, mechanics and services.

**WORLD BANK:** The World Bank is implementing a EUR 50 million, allocated under the European Commission's Special Measure for Syrians under Temporary Protection. The project aims to improve the employability of Syrians under Temporary Protection as well as of Turks residing in selected communities with high presence of SuTP. The project has two components. The first component will support a sequence of employment services and ALMPs, prioritizing placement into jobs. The full sequence includes a skills assessment, counselling and matching, language training, on-the-job training, vocational training, and cash for work for those unable to find employment. Component 2 will provide institutional support to ISKUR (Turkish Employment Agency) and MoLSS (Ministry of Labour and Social Security) for delivery, monitoring, and evaluation. This will include project coordination, communication, monitoring and evaluation activities and IT support.

Skill assessment as well as skills upgrading are significant elements under the proposed project. Following registration with ISKUR, basic employment services including an assessment and counselling will be provided to all program participants. In the case of SuTP, the skills assessed will include language, a key barrier, basic cognitive skills of literacy and numeracy, as well as, to the extent possible, technical skills. Together with job preferences, and labor demand, Job and Vocational Counsellors (JVCs) to place SuTP in the various ALMPs financed under the project will use to this assessment.

#### **4. Conclusion and Way Forward**

While Turkey has been very generous in providing emergency care for the large inflow of refugees, it now faces the challenge that a vast majority of refugees no longer live in camps but rather in the wider settings of the Turkish neighbourhoods, and consequently they require employment opportunities in order to have a sustainable life and better hope for the future. Syrian refugees in Turkey have not been granted official refugee status, are labelled as "guests" who only enjoy temporary protection, and have been allowed to have work permits only very recently, in early 2016. On the other hand, non-Syrian refugees, who are exclusively from non-European countries and therefore are subject to Turkey's geographically limitation on the 1951 Convention, are supposed to resettle in third countries and have no or very limited socioeconomic rights and no formal access to labour markets. Consequently, although Syrian refugees have some



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obvious privileges, both Syrian and non-Syrian refugees have shared several severe structural barriers to immigrant employment. Hence, in the case of all refugees, this results in high levels of unemployment, long-term dependency on welfare benefits, and wide range of involvement to informal sector. Some common questions, such as the issues of recognition of qualifications and language proficiency, seem to be main obstacles for the refugees' labour market integration. Consequently, refugees, who are not able to find proper status in formal labour market, directly contribute to the enlargement of the informal sector.

As far as the impact the flood of refugees has had on the Turkish labour market is concerned, the consequences appears to be mixed. On the one hand, there is some evidence of large-scale displacement of Turkish workers in informal jobs, particularly replacing women, the low educated and workers in agriculture; on the other hand, there is also evidence for the creation of more formal, higher-paid jobs for Turkish workers due to the inflow of refugees. Problems with the labour market integration of refugees mean that the costs are being borne disproportionately by some of the vulnerable (low-skilled) native workers. They also mean that Turkey may gain the benefits that the most high-skilled and entrepreneurial refugees can bring. By experiencing these complexities and difficulties in the field of integration and employment of refugees, Turkey has faced with the challenges of developing a comprehensive integration program which considers the centrality of employment in refugee, or immigrant, integration. However, a few internal and external arrangements have to be made while Turkey is effectively developing and operating its own programs for the labour market integration of refugees. First, although it is easily understandable to see the historically and practically established dual system of the current refugee regime in the country which distinguishes Syrians from non-Syrians, regardless of this background, all refugees must gain rights to access the labour market. Second, integration strategies must be multifaceted and have to be supported by efforts in education.

Turkey put into force the regulation granting work permits to those under temporary protection five years after the outbreak of the Syrian crisis. As the country had missed the previous chances to take advantage of the influx of highly qualified labour force, it probably missed this chance as well. Highly qualified workforce has fled mostly to the Europe in these five years. Turkey hosts millions of Syrian refugees, and they need proper jobs for a dignified life. Previous studies and statistics related to the years before the regulation show that Syrians seek job opportunities, but they are mostly employed illegally. Syrians are considered as a cheap labour force by small firms in Turkey, and it is unlikely that new regulation urges these employers to employ Syrians legally. Syrians, especially with the lack of Turkish language, will be continue to be exploited. However, there are a lot of medium- and large-sized companies searching for qualified workers in



Turkey. Now these companies are able to hire Syrian workers through the regulation since they tend to employ workers legally. Currently, Syrians may be unaware of the regulation, but especially qualified workers will seek better and legal jobs sooner or later. The increase of supply in the informal labour market has prominently affected informal employment of natives. Moreover, the number of Syrians in Turkey has increased tremendously in the last years, and it has already started to affect formal employment of natives in some regions. Following the regulation, the labour supply in the formal labour market gradually increases; as a consequence, a decrease in wages and an increase in unemployment levels of natives can be expected. However, these effects might be smaller than expected because the regulation brings a 10% quota for the Syrian workforce.

Considering the labour market integration of refugees, at an economic level, it is recommended that policy makers in Turkey set up specific policies and practices that provide refugees with better access to education, training, and employment. There is a need for special training schemes that would enable refugees to adapt their knowledge and acquire new skills relevant to the economy in Turkey. There are also needs for investment for those refugees who can establish small businesses or engage in business ventures within the host communities.

Stressable Issues are:

- Partnership with İŞKUR (Turkish Employment Agency) and Private Recruitment Agencies
- Help Young Syrians with Receiving VQCs
- Generate or support generating funding for Work Permit
- Eliminate the Barrier of Turkish Language
- Choose Suitable Timing and Training Duration for Working Youth
- Help Overcoming Cultural Orientation
- Partnership with Training Schools

Entrepreneurial skills of Syrian refugees are noteworthy and should be facilitated by further support mechanisms such as establishing centers that provide one-to-one consultancy on how to start a business at the offices of Chamber of Commerce and encouraging entrepreneurship through low-interest loans. The civil society is highly engaged in providing livelihood opportunities for refugees through various activities and programs, usually implemented with the support of UN agencies. It is important to reach beyond cities like Istanbul, Gaziantep, and Şanlıurfa and make these activities accessible to Syrians and potential employers throughout the country. Increasing



funding opportunities for local NGOs in less targeted cities could facilitate access to less visible populations of refugees.

In the last couple of years, government institutions and civil society organizations have provided numerous vocational training opportunities. The effectiveness of these programs is dependent on the extent to which they take into account the acquired qualifications of Syrians and the labor market demands. In this regard, two recent initiatives are crucial: (1) data verification exercise of all registered Syrians conducted by UNHCR and DGMM, which is expected to meet the growing need for information regarding the occupational backgrounds of Syrians, and (2) the market assessment carried out by the Ministry of Labor and Social Security, World Bank, and İŞKUR which aims to analyze the needs of the labor market. Designing skills building programs based on the outcomes of these initiatives will both improve refugees' quality of life and contribute to the economy. It is also important to integrate language courses into vocational and skills building training programs to help refugees understand the terminology at the workplace. The involvement of private sector in livelihoods projects is very crucial in enabling Syrians' access to decent job opportunities.

It is recommended that Turkish policymakers remain open to collaborative and cooperative efforts by involving all stakeholders in the programming of activities by adopting a multi-level governance approach. Likewise, policies shaping the integration of refugees should be considerate of the multi-dimensional nature of integration so that the diverse circumstances of Syrians and locals are equally addressed.

#### Stakeholder Collaboration Suggestions:

##### Companies

- Develop a unified policy position on non-discrimination and exploitation of Syrian refugees
- Develop strategies for monitoring and detecting Syrian refugees in supply chain including undeclared subcontractors.
- Employ Arabic speakers in audit and monitoring teams
- Develop a unified approach to remediation recognizing that legislation will not be in place until after July at earliest.
- Work with NGOs to provide remediation service
- Explore the possibility of developing a fund for the payment of social security while Syrians cannot receive these benefits
- Remain informed on the changing legislation and the regional and sector specific guidance.



- Change policies and remediation strategies in line with legislation when it is implemented.
- Remain engaged on the topic

#### Unions

- Develop policies for social dialogue with Syrian refugees working with different stakeholders and platforms
- Work to inform Syrian refugees of their rights under the new legislation
- Ensure that Syrian workers are organized and can freely associate and bargain collectively alongside Turkish colleagues in line with Turkish legislation.

#### NGOs

- Create civil-society-based monitoring systems
- Develop networks of organizations to support Syrian rights at a national and international scale.
- Raise awareness of the issues and lobby stakeholders to create change.
- Provide services so Syrians can register to live in Turkey and access local services, education and healthcare under the Temporary Protection Legislation
- Work to communicate to Syrian workers their rights under new legislation.

#### Academics

- Undertake research on the needs of Syrian refugees, skills gaps and gaps in the services provided.
- Provide technical guidance to governments, brands, trade unions, civil society and other stakeholders
- Work with all stakeholders to ensure the lessons from research are shared and implemented.
- Develop platforms for tackling
- Remain engaged with the issues

#### Multi-Stakeholder Initiatives (MSI)

- Develop programs to highlight best practices and support a common approach taken by the private sector
- Develop networks of organizations to support Syrian rights at a national and international scale.
- Coordinate with all stakeholders to ensure lessons are learnt and best practices developed
- Work together with international unions, brands and governments to raise international awareness



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## Turkish Government

- Work to ensure that the legislation matches the needs of the Syrian refugees, takes in account stakeholder views and feedback.
- Work with NGOs and academics to get a better picture of the needs of the Syrian population
- Provide leadership to the Turkish people to emphasize the positive benefits to Turkey of hosting Syrian guests.
- Ensure agencies responsible for the registration of Syrians, and the issuing of work permits have the capacity to tackle the numbers of Syrians applying.
- Develop social inclusion programs to support the integration of Syrian and Turkish populations
- Provide education and vocational training to the Syrian refugees.
- Work with regional and international partners to share the burden
- Plan for Syrian refugees to be in Turkey for the next 10-15 years, and accept that many Syrian children will be born in Turkey.

## **Annexes:**

*Annex 1: EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed Status on 22/12/2017*

*Annex 2: Ministry of Interior, Law No. 6458 Foreigners and International Protection*

*Annex 3: Ministry of Labor and Social Security, Implementation Guide Regarding the Work Permits of Foreigners With Temporary Protection*

*Annex 4: Decision Number: 2016/8375 "Regulation on Work Permits of Foreigners under Temporary Protection" decided by the Council of Ministers on 11/1/2016.*

*Annex 5: Temporary Protection Regulation*



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## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

**More than EUR 2.65 billion has been contracted** under the EU Facility for Refugees in Turkey on humanitarian and non-humanitarian actions, out of which some EUR 1.7 billion has been disbursed.

Funding instrument	Applicant Name	Priority area	Description	Amount Committed/ Decided in €	Amount Contracted in €	Amount Disbursed in €
<b>ECHO</b> Humanitarian Implementation Plan (HIP) Turkey 2017 <sup>1</sup>	International Federation of the Red Cross Societies	Humanitarian Assistance Protection	Response to protection needs of refugees	9 157 929	9 157 929	7 326 342
<b>ECHO</b> HIP Turkey 2017	Médecins du monde	Humanitarian assistance Health	Strengthen the longer-term resilience of refugees and migrants by improving the level of their emotional, mental, and physical wellbeing	9 000 000	9 000 000	4 500 000
<b>ECHO</b> HIP Turkey 2017	UNICEF	Humanitarian Assistance Education in Emergencies	Increased access to non-formal learning programmes easing the way back to formal education for vulnerable refugee children	12 500 000	12 500 000	10 000 000
<b>ECHO</b> HIP Turkey 2017	WFP	Humanitarian Assistance Basic Needs	A continuation of the Emergency Social Safety Net (ESSN). The ESSN is a programme covering basic needs of refugees through monthly unrestricted cash transfers <sup>2</sup>	650 000 000	650 000 000	520 000 000
<b>ECHO</b> HIP Turkey 2017	UNICEF	Humanitarian Assistance Education in Emergencies Protection	A continuation of the 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 <sup>3</sup>	50 000 000	50 000 000	40 000 000
<b>ECHO</b> HIP Turkey 2017	UNHCR	Humanitarian Assistance Protection	Protection and improved access to services for refugees and asylum seekers in Turkey	25 000 000	25 000 000	20 000 000
<b>ECHO</b> HIP Turkey 2017	Welthungerhilfe	Humanitarian Assistance Protection	Provision of integrated protection services for vulnerable refugees in Mardin Province	2 700 000	2 700 000	1 350 000
<b>ECHO</b> HIP Turkey 2017	UNFPA	Humanitarian Assistance Protection	To promote access of the most vulnerable refugees to social services in Turkey	7 000 000	7 000 000	5 600 000

<sup>1</sup> [http://ec.europa.eu/echo/sites/echo-site/files/turkey\\_hip\\_2017.pdf](http://ec.europa.eu/echo/sites/echo-site/files/turkey_hip_2017.pdf)

<sup>2</sup> The follow-up contract for the ESSN has been counted as new additional project.

<sup>3</sup> The follow-up contract for the CCTE has been counted as new additional project.

## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

<b>ECHO</b> HIP Turkey 2017	Relief International	Humanitarian assistance Health	To improve access to mental health and psychosocial support services for refugees	3 000 000	3 000 000	1 500 000
<b>ECHO</b> HIP Turkey 2017	UNFPA	Humanitarian assistance Health	To support access to Sexual Reproductive Health (SRH) and Sexual and Gender Based Violence (SGBV) services for the most vulnerable refugees	14 000 000	14 000 000	11 200 000
<b>ECHO</b> HIP Turkey 2016 <sup>4</sup>	Danish Refugee Council	Humanitarian Assistance Protection	Reducing protection vulnerabilities of displaced populations through an integrated community-based protection response	8 000 000	8 000 000	4 000 000
<b>ECHO</b> HIP Turkey 2016	CARE	Humanitarian assistance Protection	Mitigating risks of key protection concerns of refugee population through targeted awareness raising, strengthening of referral systems and provision of specialized protection assistance	3 719 999	3 719 999	3 719 999
<b>ECHO</b> HIP Turkey 2016	World Vision	Humanitarian assistance Protection	Providing information and protection assistance to vulnerable refugees, and linking them to protection services	4 000 000	4 000 000	1 200 000
<b>ECHO</b> HIP Turkey 2016	International Medical Corps	Humanitarian Assistance Health, Protection	Provision of life-saving primary health care to the most vulnerable populations and strengthening of their resilience through MHPSS, rehabilitation activities, and protection support to GBV survivors	2 400 000	2 400 000	2 400 000
<b>ECHO</b> HIP Turkey 2016	Médecins du monde	Humanitarian assistance Health	Facilitation of access to health and psycho-social services for refugees	3 000 000	3 000 000	2 400 000
<b>ECHO</b> HIP Turkey 2016	WHO	Humanitarian assistance Health	Supporting adapted and culturally sensitive healthcare services to Syrian refugees	10 000 000	10 000 000	8 000 000
<b>ECHO</b> HIP Turkey 2016	Relief International	Humanitarian Assistance Health	Strengthening Access to Specialized Health Services for refugee populations	4 000 000	4 000 000	3 200 000
<b>ECHO</b> HIP Turkey 2016	UNICEF	Humanitarian Assistance Education in Emergencies	Providing Conditional Cash Transfer for Education with the aim to increase enrolment and improve attendance for refugee children	34 000 000	34 000 000	27 200 000
<b>ECHO</b> HIP Turkey 2016	Mercy Corps	Humanitarian Assistance Protection	Providing protection assistance to refugees and asylum seekers	680 071	680 071	680 071
<b>ECHO</b> HIP Turkey 2016	WFP	Humanitarian Assistance Basic Needs	The Emergency Social Safety Net (ESSN) is a multi-purpose cash transfer system to address the everyday needs of refugees	348 000 000	348 000 000	278 400 000
<b>ECHO</b> HIP Turkey 2016	Danish Refugee Council	Humanitarian Assistance Protection, Health	Proactive Actions to Prevent Sexual and Gender Based Violence in South East Turkey	1 000 000	1 000 000	800 000
<b>ECHO</b> HIP Turkey 2016	Diakonie	Humanitarian Assistance Protection and Winterization	Enhancing access to effective services and protection for people of concern	4 000 000	4 000 000	3 200 000

<sup>4</sup> [http://ec.europa.eu/echo/sites/echo-site/files/hip\\_turkey\\_2016.pdf](http://ec.europa.eu/echo/sites/echo-site/files/hip_turkey_2016.pdf)

## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

<b>ECHO</b> HIP Turkey 2016	International Medical Corps	Humanitarian Assistance Health	Provision of lifesaving health care and protection environment of vulnerable refugees	3 498 483	3 498 483	3 498 483
<b>ECHO</b> HIP Turkey 2016	UNICEF	Humanitarian Assistance Child Protection, Winterization, Basic Needs	Increased access to protection and basic needs support for vulnerable refugee children and families	8 000 000	8 000 000	6 400 000
<b>ECHO</b> HIP Turkey 2016	Federation Handicap	Humanitarian Assistance Health, Protection	Improved access to inclusive and quality services for the most vulnerable refugees including people with disabilities (Izmir and Istanbul city)	2 000 000	2 000 000	2 000 000
<b>ECHO</b> HIP Turkey 2016	Concern Worldwide	Humanitarian Assistance Education in Emergencies, Protection	Emergency Humanitarian Response for Syrian refugees	3 000 000	3 000 000	2 400 000
<b>ECHO</b> HIP Turkey 2016	UNHCR	Humanitarian Assistance Protection	Providing protection and durable solutions to refugees and asylum seekers	43 251 517	43 251 517	34 601 214
<b>ECHO</b> HIP Turkey 2016	UNFPA	Humanitarian Assistance Protection, Health	Support to most vulnerable refugee women and girls to access Sexual Reproductive health (SRH) and Sexual and Gender Based Violence (SGBV) services	9 000 000	9 000 000	7 200 000
<b>ECHO</b> HIP Turkey 2016	IOM	Humanitarian Assistance Winterisation, Special and Basic Needs, Protection, Education in Emergencies	Enhancing protection through better addressing basic needs, supporting access to education and integrated service provision	8 000 000	8 000 000	6 400 000
<b>ECHO</b> HIP Regional Syria Crisis <sup>5</sup>	WFP	Humanitarian Assistance Security and Livelihoods	Food assistance to vulnerable Syrians living in host communities and to beneficiaries currently living in camps	40 000 000	40 000 000	32 000 000
<b>ECHO</b> HIP Regional Syria Crisis	Diakonie	Humanitarian Assistance Protection, Food Security\Livelihoods	Multi-purpose cash assistance and protection for out-of-camp refugees and newcomer refugees	5 500 000	5 500 000	5 500 000
<b>ECHO</b> HIP Regional Syria Crisis	GOAL	Humanitarian Assistance Health, Protection	Preventing the deterioration of health and wellbeing of vulnerable Syrian refugees and marginalized migrants and to increase their protection	1 500 000	1 500 000	1 200 000
<b>ECHO</b> HIP Regional Syria Crisis	Danish Refugee Council	Humanitarian Assistance Protection	Protection of Syrian refugees and marginalized migrants	4 500 000	4 500 000	4 493 374
<b>ECHO</b> HIP Regional Syria Crisis	World Vision	Humanitarian Assistance Protection	Providing life-saving food, non-food and protection support to vulnerable refugees and host families	2 000 000	2 000 000	1 600 000
<b>ECHO</b> HIP Regional Syria Crisis	WHO	Humanitarian Assistance Health/Training	Supporting adapted and culturally sensitive healthcare services for Syrian refugees	2 000 000	2 000 000	1 600 000
<b>ECHO</b> HIP Regional	International Medical Corps	Humanitarian Assistance Health/MHPSS/Disabilities	Supporting Syrian refugees and vulnerable populations	3 000 000	3 000 000	2 961 875

<sup>5</sup> Humanitarian funding accounted for under the EU Facility for Refugees in Turkey was initially also made available both under HIP Syria Regional Crisis 2015 version 4 and HIP Syria Regional Crisis 2016 version 1 for implementation as of 1 January 2016: <http://ec.europa.eu/echo/files/funding/decisions/2016/HIPs/HIP%20V2%20FINAL.pdf>

## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

<b>Syria Crisis</b>						
<b>ECHO</b> HIP Regional Syria Crisis	CARE	Humanitarian Assistance Protection, Food Security, Information Management	Providing urgently needed basic humanitarian assistance for Syrian refugees	4 600 000	4 600 000	4 600 000
<b>ECHO</b> HIP Regional Syria Crisis	International Federation of the Red Cross Societies	Humanitarian Assistance Protection, Education, Food Security and Basic Needs	Providing food assistance and assistance with basic needs and services, as well as education support for Syrian refugees	8 000 000	8 000 000	8 000 000
<b>ECHO</b> HIP Regional Syria Crisis	Relief International	Humanitarian Assistance Health/MHPSS/Disabilities	Comprehensive health provision for Syrian refugees in Gaziantep and Sanliurfa	2 000 000	2 000 000	2 000 000
<b>ECHO</b> HIP Regional Syria Crisis	Federation Handicap	Humanitarian Assistance Health/MHPSS/Disabilities	Emergency intervention for the most vulnerable Syrian refugees	2 780 000	2 780 000	2 400 000
<b>ECHO</b> HIP Regional Syria Crisis	Welthungerhilfe	Humanitarian Assistance Protection, Food Security/Livelihoods	Improving the livelihood and protection of Syrian refugees through multipurpose cash card assistance and case management	2 600 000	2 600 000	2 600 000
<b>ECHO</b> HIP Regional Syria Crisis	Mercy Corps	Humanitarian Assistance, Protection, Food Security, WASH, Shelter	Improving the protective environment with tailored assistance of the refugees who are settled, roaming, transiting, or victims of failed sea crossings	3 000 000	3 000 000	3 000 000
<b>ECHO</b> HIP Regional Syria Crisis	IOM	Humanitarian Assistance Protection, Info Management	Humanitarian assistance to vulnerable Syrians and other refugees as well as migrants rescued at sea	1 900 000	1 900 000	1 520 000
<b>ECHO</b> HIP Regional Syria Crisis	Médecins du monde	Humanitarian Assistance Health/MHPSS	Providing health care services to refugees and migrants	3 000 000	3 000 000	2 977 918
<b>ECHO</b> HIP Regional Syria Crisis	Concern Worldwide	Humanitarian Assistance Food Security and Livelihoods	Emergency Humanitarian Response for Syrian Refugees	3 400 000	3 400 000	3 400 000
<b>Sub-total humanitarian assistance</b>				<b>1 371 687 999<sup>6</sup></b>	<b>1 371 687 999</b>	<b>1 099 029 277</b>
<b>Instrument for Pre- Accession (IPA) Special Measure April 2016</b>	Turkish Directorate- General for Migration Management (DGMM)	Migration Management	Supporting migrants upon their return to Turkey, covering food, health care, transport and accommodation expenses of returned migrants since 4 April 2016	60 000 000	60 000 000	12 000 000
<b>IPA Special Measure (SM) July 2016</b>	Turkish Ministry of National Education	Education	Providing almost half a million refugee children with access to education	300 000 000	300 000 000	270 000 000
<b>IPA SM July 2016</b>	Turkish Ministry of Health	Health	Giving two million people access to primary healthcare services and rehabilitative mental health services for up	300 000 000	300 000 000	120 000 000

<sup>6</sup> For a few projects the "committed" and "contracted" amounts will have been downscaled compared to previous versions of the table. This is because funding has been reallocated to other projects due to administrative or operational constraints.

## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

			to one million people			
<b>IPA SM July 2016</b>	Kreditanstalt für Wiederaufbau (KfW)	Education Infrastructure	Building and equipping new schools in provinces with a high concentration of refugees	255 000 000	95 000 000	60 000 000
<b>IPA SM July 2016</b>	World Bank	Education Infrastructure	Building and equipping new schools in provinces with a high concentration of refugees	150 000 000	150 000 000	53 000 000
<b>IPA SM July 2016</b>	World Bank	Socio-economic Support	Improving employability of refugees and host communities through <i>inter alia</i> language training, skills training, on-the-job training, cash for work	50 000 000	50 000 000	15 000 000
<b>IPA SM July 2016</b>	Kreditanstalt für Wiederaufbau (KfW)	Socio-economic Support	Improving the employability of refugees and host communities through technical and vocational training	50 000 000	20 000 000	7 000 000
<b>IPA SM July 2016</b>	World Bank	Socio-economic Support	Supporting the creation of entrepreneurship and employment opportunities for refugees and host communities	5 000 000	5 000 000	0
<b>IPA SM July 2016</b>	Council of Europe Development Bank	Health Infrastructure	Construction of a 300-bed hospital to facilitate access to health care for refugees and host communities in Kilis	50 000 000	50 000 000	0
<b>IPA SM July 2016</b>	Agence française de développement	Health Infrastructure	Construction of a 250-bed hospital to facilitate access to health care for refugees and host communities in Hatay	40 000 000	40 000 000	0
<b>EU Regional Trust Fund in Response to the Syrian Crisis (EUTF)<sup>7</sup></b>	UNICEF	Education	Supporting education of refugee children	36 950 286	36 950 286	33 255 257
<b>EUTF</b>	Deutscher Akademischer Austauschdienst (DAAD)	Education	Providing opportunities and perspectives for Syrian refugees in higher and further education sector (scholarships, credit-based courses, personal and virtual education and language classes)	2 700 000	2 700 000	1 500 000
<b>EUTF</b>	Gesellschaft für Internationale Zusammenarbeit (GIZ)	Socio-economic Support, Education	Strengthening resilience and livelihoods of refugee hosting countries in the education and social sector, in particular through community centres	18 207 812	18 207 812	4 741 960
<b>EUTF</b>	Stichting SPARK	Education	Providing access to higher, vocational and distance education	5 969 655	5 969 655	1 791 819
<b>EUTF</b>	Danish Red Cross	Health Socio-economic Support	Improving wellbeing, resilience and peaceful co-existence among vulnerable refugee and host communities	32 399 356	32 399 356	9 457 182

<sup>7</sup> Contributions from IPA Special Measure March 2016 (EUR 55 million), IPA Special Measure July 2016 (EUR 225 million), DCI (EUR 10 million) and ECHO (EUR 3 million).

Webpage: [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad_en)

## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

<b>EUTF</b>	WHO	Health	Increasing the capacity of Syrian health staff and improving access to quality and equitable health care for refugees and impacted host communities	11 500 000	11 500 000	0
<b>EUTF</b>	Association for Solidarity with Asylum Seekers and Migrants (ASAM)	Socio-economic Support	Promoting integration of refugees and asylum seekers, with a particular focus on Iraqi refugees, and strengthening capacity of local authorities	10 000 000	10 000 000	4 826 684,38
<b>EUTF</b>	Concern Worldwide	Education Socio-economic Support	Increasing the resilience and integration of vulnerable Syrian refugees through support to education and livelihoods opportunities	17 280 000	17 280 000	0
<b>EUTF</b>	UNDP	Socio-Economic Support	Strengthening the economic and social resilience of refugees, host communities and relevant institutions, including by providing vocational and language training to adults	50 000 000	50 000 000	40 405 173,81
<b>EUTF</b>	TOBB	Socio-Economic Support	Strengthening the economic and social resilience of refugees, host communities and relevant institutions	15 000 000	15,000,000	0
<b>EUTF</b>	UN Women	Socio-economic Support	Increasing access to basic services; improving protection; increasing access to work and enhancing participation of refugee women and girls and vulnerable women and girls in host communities	5 000 000	5 000 000	0
<b>EUTF</b>	UNICEF	Education	Increasing access to formal and non-formal education opportunities, as well as psychosocial well-being, and protective environment for refugee and vulnerable Turkish children	31 382 891	31 382 891	31 382 891
<b>EUTF</b>	ILO	Socio-Economic Support	Facilitating access to work for refugees and host communities through training, stimulating entrepreneurship opportunities and strengthening labour market institutions	11 610 000	11 610 000	0
<b>EUTF</b>	Stichting SPARK	Education	Providing access to higher education refugees through the delivery of Turkish language education; bachelor programmes; and overall support	5 000 000	5 000 000	0
<b>EUTF</b>	KfW	Education Infrastructure	Improving and securing the living conditions of refugees and host communities and contributing to climate protection by providing sustainable energy to public schools	40 000 000	40 000 000	0
<b>Instrument contributing to Stability and Peace</b>	IOM	Migration Management	Enhancing the capacity of the Turkish Coast Guard to carry out search and rescue operations	20 000 000	20 000 000	19 000 000

## EU Facility for Refugees in Turkey: projects committed/decided, contracted, disbursed – Status on 22/12/2017

IPA Support Measure	Various	Monitoring and Evaluation, Audit and Communication	Support Measure to ensure tracking and measuring results, verification of the proper use of funds, and communication on the implementation of funded interventions	14 300 000	906 508 <sup>8</sup>	74 910
<b>Sub-total non-humanitarian assistance</b>				<b>1 587 300 000</b>	<b>1 383 906 508</b>	<b>683 435 877</b>
<b>Total</b>				<b>2 958 987 999</b>	<b>2 755 594 507<sup>9</sup></b>	<b>1 782 465 154<sup>10</sup></b>

<sup>8</sup> Due to its nature this expenditure may be contracted also beyond 2017 during the implementation of the Facility.

<sup>9</sup> Funds transferred (committed) from the EU budget but not yet implemented by the EUTF are not included.

<sup>10</sup> Including disbursements under projects implemented by the EUTF, but not yet charged to the EU budget.



REPUBLIC OF TURKEY  
MINISTRY OF INTERIOR  
DIRECTORATE GENERAL OF  
MIGRATION MANAGEMENT



# **LAW ON FOREIGNERS AND INTERNATIONAL PROTECTION**





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# **LAW ON FOREIGNERS AND INTERNATIONAL PROTECTION**

REPUBLIC OF TURKEY MINISTRY OF INTERIOR  
DIRECTORATE GENERAL OF MIGRATION MANAGEMENT

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# **LAW**

## **LAW ON FOREIGNERS AND INTERNATIONAL PROTECTION**

**Law No. 6458**

**Date on Adoption 4/4/2013**

**PART ONE**  
**PURPOSE, SCOPE, DEFINITIONS**  
**AND NON-REFOULEMENT**

**SECTION ONE**  
**Purpose, Scope and Definitions**

Purpose

**ARTICLE 1 –**

- (1) The purpose of this Law is to regulate the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey, and the establishment, duties, mandate and responsibilities of the Directorate General of Migration Management under the Ministry of Interior.

Scope

**ARTICLE 2 –**

- (1) The provisions of this Law apply to the activities and actions related to foreigners; the international protection to be extended in cases of individual protection claims of foreigners at borders, the border gates or within Turkey; the immediate temporary protection

to be provided to foreigners in cases when there is a large influx into Turkey and where they cannot return back to the country they were forced to leave; and, the structure, duties, mandate and responsibilities of the Directorate General of Migration Management.

- (2) This Law shall be implemented without prejudice to provisions of international agreements to which Turkey is party to and specific laws.

## Definitions

### ARTICLE 3 –

- (1) In implementation of this Law, the following definitions shall apply:
  - a) Family members: the spouse, the minor child and the dependent adult child of the applicant or the beneficiary of international protection;
  - b) European Countries: Member States of the Council of Europe as well as other countries to be determined by the Council of Ministers;
  - c) Minister: the Minister of Interior;
  - ç) Ministry: the Ministry of Interior;
  - d) Applicant: a person who made an international protection claim and a final decision regarding whose application is pending;
  - e) Child: a person who is under the age of 18 and has not yet attained majority;
  - f) Sponsor: a Turkish citizen or a foreigner legally staying in Turkey who undertakes the expenses of foreigners who would come to Turkey for the

- purpose of family reunification and who is referenced as the supporter in the application by the residence permit applicant;
- g) Director General: the Director General of Migration Management;
  - ğ) Directorate General: the Directorate General of Migration Management;
  - h) Entry and exit controls: the controls carried out at border gates;
  - ı) Migration: regular migration whereby foreigners' legally enter into, stay in or exit from Turkey as well as irregular migration whereby foreigners enter into, stay in or exit from Turkey through illegal channels and work in Turkey without a permit; as well as international protection;
  - i) Residential address: the domicile recorded in Turkey in the address based registration system;
  - j) Residence permit: the permit issued for the purpose of staying in Turkey;
  - k) Consulate: the consulate generals, consulates or the embassy consular offices of the Republic of Turkey;
  - 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;
- m) Unaccompanied minor: a child who arrives at Turkey without the attendance of an adult who by law or custom is responsible for him/her or, is left unaccompanied after entry into Turkey, unless he/she is not taken under the active care of a person responsible for him/her;
  - n) Travel document: a document substituting a passport;
  - o) Border gates: the border crossing points designated by a Council of Ministers Decree for entry into and exit from Turkey;
  - ö) Final decision: with regard to decisions concerning the claim of an applicant or the status of an international protection beneficiary; the decision of the Directorate General, where administrative review request or an appeal before the judiciary has not been made; or in case of an appeal, judicial decision which can no longer be appealed;
  - p) Convention: the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the 1967 Protocol Relating to the Status of Refugees;
  - r) International protection: the status granted for refugee, conditional refugee, and subsidiary protection;
  - s) Country of citizenship: the country of which the foreigner holds the citizenship or, in case of

- more than one citizenship, each of the countries of which the foreigner is a citizen;
- §) Stateless person: a person who does not hold the citizenship of any state and who is considered as foreigner;
  - t) Visa: a permission that entitles stay up to a maximum of ninety days in Turkey or to transit through Turkey;
  - u) Visa exemption: the regulation waiving the visa requirement;
  - ü) Foreigner: a person who does not have citizenship bond with the Republic of Turkey;
  - v) Foreigner identification number: the identification number issued to foreigners pursuant to Population Services Law № 5490 of 25/04/2006.

## **SECTION TWO**

### **Non-refoulement**

#### **Non-refoulement**

#### **ARTICLE 4 –**

- (1) No one within the scope of this of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.

**PART TWO**  
**FOREIGNERS**

**SECTION ONE**  
**Entry into Turkey and Visas**

Entry into and exit from Turkey

**ARTICLE 5 –**

- (1) Entry into and exit from Turkey shall be through the border gates with a valid passport or travel document.

Document checks

**ARTICLE 6 –**

- (1) Foreigners should submit their passport or, travel document or documents to the officials at the time of entry into and exit from Turkey.
- (2) Document checks regarding border crossings can also be carried out on vehicles while they are on route.
- (3) Foreigners using transit areas at airports may be subject to [document] checks by the competent authorities.

- (4) At the time of entry into Turkey, checks shall be carried out to determine whether or not the foreigner falls within the scope of Article 7.
- (5) In the implementation of this article, persons regarding whom a comprehensive check is required may only be held for a maximum of four hours. Within this period, the foreigner may either return to his country at any time or may wait for the completion of the actions for admission into the country, not limited with the four-hour period. The principles and procedures governing comprehensive control actions shall be stipulated in a Directive.

Foreigners who shall be refused to enter into Turkey

#### **ARTICLE 7 –**

- (1) Foreigners who shall be refused to enter into Turkey and turned are those:
  - a) who do not hold a passport, a travel document, a visa or, a residence or a work permit or, such documents or permits has been obtained deceptively or, such documents or permits are false;
  - b) whose passport or travel document expires sixty days prior to the expiry date of the visa, visa exemption or the residence permit;
  - c) without prejudice to paragraph two of Article 15, foreigners listed in paragraph one of Article 15 even if they are exempted from a visa.
- (2) Actions in connection with this Article shall be notified to foreigners who are refused entry. This notifi-

cation shall also include information on how foreigners would effectively exercise their right of appeal against the decision as well as other legal rights and obligations applicable in the process.

Implementation regarding international protection claims

#### **ARTICLE 8 –**

- (1) The conditions stipulated in Articles 5, 6 and 7 shall not be construed and implemented to prevent the international protection claim.

Entry ban to Turkey

#### **ARTICLE 9 –**

- (1) The Directorate General, when necessary and upon consultation with the relevant government departments and institutions, may impose an entry ban against foreigners whose entry into Turkey is objectionable for public order, public security or public health reasons.
- (2) The Directorate General or governorates shall impose an entry ban for foreigners who are deported from Turkey.
- (3) The entry ban to Turkey shall not exceed five years. However, in cases where there is a serious public order or public security threat, this period may be extended for a maximum of an additional ten years by the Directorate General.
- (4) The entry ban to Turkey for foreigners whose visa or residence permit has expired and who has applied

to the governorates to exit from Turkey before their situation is established by the competent authorities upon which a removal decision has been taken, shall not exceed one year.

- (5) Among those who have been invited to leave Turkey pursuant to Article 56, an entry ban might not be imposed for those who leave the country within the specified period of time.
- (6) The Directorate General may revoke an entry ban or, allow the foreigner to enter into Turkey for a given period of time, without prejudice to the entry ban.
- (7) For reasons of public order or public security, the Directorate General may introduce advance clearance conditions for the admission of certain foreigners' to Turkey.

### Notification of the entry ban to Turkey

#### **ARTICLE 10 –**

- (1) The entry ban shall be notified to foreigners who are within the scope of paragraph one of Article 9 by the competent authority at the border gate when they arrive to enter into Turkey, whereas, foreigners who are within the scope of paragraph two of Article 9 shall be notified by the governorates. The notification shall also include information on how foreigners would effectively exercise their right of appeal against the decision as well as other legal rights and obligations applicable in the process.

## Visa requirement, visa applications and competent authorities

### ARTICLE 11 –

- (1) Foreigners wishing to stay in Turkey for up to ninety days shall obtain a visa that indicates the purpose of their visit from the consulates of the Republic of Turkey in their country of citizenship or legal stay. The period of stay in Turkey provided by the visa or visa exemption cannot exceed ninety days within a period of one hundred and eighty days.
- (2) In order for visa applications to be assessed, it is required to lodge the applications in compliance with the procedure.
- (3) Visas shall not confer an absolute right of entry.
- (4) Visas shall be issued by the consulates and, in exceptional cases by the governorates in charge of the respective border gates. [The assessment of] applications lodged with consulates shall be determined within ninety days.
- (5) Visas for diplomats of foreign countries may be issued ex officio to by the embassies of the Republic of Turkey. Such visas shall immediately be reported to the Ministry and the Foreign Ministry in accordance with the general visa procedures. These visas are not subject to fee.
- (6) When necessary in view of the national interests of Turkey, a visa may exceptionally be issued ex officio by the ambassadors' of the Republic of Turkey. Vi-

visas issued for such purposes shall immediately be reported to the Ministry and the Foreign Ministry in accordance with the general visa procedures. These visas are not subject to fee.

- (7) The principles and procedures governing visa types and processes shall be stipulated in a Directive.

### Visa exemption

#### ARTICLE 12 –

- (1) Visa for entry into Turkey shall not be required from those foreigners who are:
- a) exempt from visa obligation pursuant to agreements to which the Republic of Turkey is party to or with a Council of Ministers' decree;
  - b) holders of a residence or a work permit valid on the date of entry into Turkey;
  - c) holders of a valid "reserved for foreigners" passport issued pursuant to Article 18 of the Passport Law N° 5682 of 15/07/1950;
  - ç) within the scope of Article 28 of the Turkish Citizenship Law N° 5901 of 29/05/2009.
- (2) Visa requirement for entry into Turkey may not be sought from those foreigners who:
- a) disembark at a port city from a carrier, which has been obliged to use Turkish air and sea ports due to force majeure;
  - b) arrive at seaports for the purpose of touristic visits to the port city or nearby cities, provided

that their visit does not exceed seventy two hours.

Border visa [Visas issued at border gates]

### **ARTICLE 13 –**

- (1) On exceptional cases, foreigners arriving at border gates without a visa, may be issued a visa provided that they document their [intended] departure from Turkey within due time.
- (2) Border visa shall be issued by the governorates in charge of the respective border gates. Governorates may delegate this authority to the law enforcement unit stationed at the border. Such visas shall authorise stay in Turkey for a maximum of fifteen days, unless a different duration is determined by the Council of Ministers.
- (3) The medical insurance requirement may be waived for humanitarian reasons for persons issued a visa at the border.

Airside transit visas

### **ARTICLE 14 –**

- (1) Foreigners who shall be transiting through Turkey may be required to obtain an airside transit visa. Airside transit visas shall be issued by the consulates, to be used no later than six months.
- (2) Foreigners who would be required to obtain an airside transit a visa shall be jointly determined by the Ministry and Ministry of Foreign Affairs.

## Foreigners who shall be refused a visa

### ARTICLE 15 –

- (1) Visa shall be refused for those foreigners whose/ who:
- a) passport or travel document is not valid at least sixty days beyond the expiry date of the visa requested;
  - b) are banned from entering Turkey;
  - c) are considered undesirable for reasons of public order or public security;
  - ç) are identified to have a disease posing public health threat;
  - d) are suspects of or, are convicted of, a crime(s) that are subject to extradition pursuant to agreements to which the Republic of Turkey is a party to;
  - e) are not covered with a valid medical insurance for the duration of their stay;
  - f) fail to supply proof of the reason for their purpose of entry into, transit from or stay in Turkey;
  - g) do not possess sufficient and sustainable resources [for the duration of their stay]
  - ğ) would refuse to pay receivables, originating from overstaying the duration of visa or a previous residence permit duration or, that should be enforced and collected pursuant to the Law on the Procedure of Collection of Public Receivables № 6183 of 21/07/1953 or, debts and fines

enforced pursuant to the Turkish Penal Code N° 5237 of 26/09/2004.

- (2) Nevertheless if it is deemed to be of interest to issue a visa to such a foreigner who falls within the scope of this article, a visa may be granted subject to the Minister's approval.

### Cancelation of visas

#### **ARTICLE 16 –**

- (1) Visa shall be cancelled by the issuing authorities or the governorates in cases when/where:
- a) it is determined that the visa is exploited for fraudulent purposes;
  - b) there is erasure, scraping or alteration detected [on the visa sticker];
  - c) the visa holder is banned to entry Turkey ;
  - ç) there is strong doubt as to the foreigner may commit a crime;
  - d) the passport or travel document is false or has expired;
  - e) the visa or the visa exemption is used outside its purpose;
  - f) the circumstances or documents on the grounds of which the visa was issued are determined to be not valid.
- (2) In case of a removal decision issued with regards to the foreigner within the duration of the visa, the visa shall be cancelled thereof.

## Notification of visa processes

### **ARTICLE 17 –**

- (1) The processes related to the refusal of a visa application or cancelation of the visa shall be notified to the visa applicant.

## Authority of the Council of Ministers related to visa and passport procedures

### **ARTICLE 18 –**

- (1) The Council of Ministers is authorised to;
  - a) Enter into agreements determining the passport and visa procedures; and under circumstances when considered necessary, unilaterally waive the visa requirement for citizens of certain states; facilitate visa procedures, including exemption from visa fee; and, determine the duration of visas.
  - b) Introduce terms and conditions for [the using of] passports belonging to foreigners [with regard entry into or stay in or exit from Turkey], in case of war or other extraordinary circumstances to cover a region of or the entire country.
  - c) Take all measures setting specific conditions or restrictions regarding entry of foreigners into Turkey.

## SECTION TWO

### Residence

#### Residence permit

#### ARTICLE 19 –

- (1) Foreigners who would stay in Turkey beyond the duration of a visa or a visa exemption or, [in any case] longer than ninety days should obtain a residence permit. The residence permit shall become invalid if not used within six months.

#### Exemption from residence permit

#### ARTICLE 20 –

- (1) A residence permit shall not be required from those foreigners listed below:
  - a) who have arrived with a valid visa or by virtue of visa exemption for a stay up to ninety days, within the period of the visa or the visa exemption;
  - b) holders of Stateless Person Identity Card;
  - c) members of the diplomatic and consular missions in Turkey;
  - ç) family members of diplomatic and consular officers, provided they are notified to the Ministry of Foreign Affairs;
  - d) members of the representations of international organisations in Turkey whose status has been determined by virtue of agreements;

- e) who are exempt from a residence permit by virtue of international agreements which Turkey is a party to;
  - f) who fall within the scope of Article 28 of Law № 5901;
  - g) holders of the documents listed in paragraph seven of article 69 as well as the first paragraphs of Articles 76 and 83.
- (2) Foreigners listed in subparagraphs (c), (ç), (d) and (e) of the first paragraph shall be issued a document of which the format and content shall be jointly determined by the Ministry and the Ministry of Foreign Affairs. In cases where these foreigners wish to stay in Turkey, after the end of their status that entitled them to exemption from a residence permit, shall apply with the governorates within ten days to obtain a residence permit.

#### Application for residence permit

#### **ARTICLE 21 –**

- (1) Applications for residence permits shall be lodged with the consulates in the foreigner's country of citizenship or legal stay.
- (2) Foreigners applying for a residence permit shall be required to hold a passport or a travel document valid at least sixty days beyond the duration of the requested residence permit.
- (3) Where the information and documents required for the application is incomplete, the assessment of the application may be postponed until such information

and documents are submitted. The applicant shall be informed of the missing information and documents.

- (4) The consulates shall convey the residence permit applications, together with their remarks, to the Directorate General. The Directorate General shall, after finalising [the assessment of] the applications, inform the consulate to issue a residence permit or refuse the application, seeking the opinion of the relevant institutions when it deems it necessary.
- (5) [The assessment of] the applications shall be finalised no later than ninety days.
- (6) The actions related to the refusal of a residence permit application shall be notified to the applicant.

Applications for residence permits to be lodged in Turkey

## **ARTICLE 22 –**

- (1) Applications for residence permits may exceptionally be lodged with the governorates in following cases:
  - a) pursuant to decisions of or requests from judicial or administrative authorities;
  - b) when it is not reasonable or possible for the foreigner to leave Turkey;
  - c) for long-term residence permits;
  - ç) for student residence permits;
  - d) for residence permits on humanitarian grounds;
  - e) for residence permits for victims of human trafficking;
  - f) while changing from a family residence permit to a short-term residence permit;

- g) by either parent, holding a residence permit in Turkey, for their children born in Turkey;
- ğ) for a residence permit which conforms to the new reason of stay, in cases where the reason for which the valid residence permit was issued no longer apply or has changed;
- h) for residence permit applications lodged within the scope of paragraph two of Article 20;
- ı) when foreign students who have completed higher education in Turkey transfer to a short-term residence permit.

#### Issuance and format of residence permits

##### **ARTICLE 23 –**

- (1) Residence permits shall be issued separately for every foreigner depending on the purpose of stay, [in any case] for a period sixty days shorter than the validity period of the passport or travel document.
- (2) The Ministry shall determine the format and content of the residence permit whereas the format and content of the work permit that would substitute as a residence permit shall be jointly determined by the Ministry and relevant institutions.

#### Renewal of residence permits

##### **ARTICLE 24 –**

- (1) The duration of residence permits may be extended by the governorates.

- (2) Applications for renewal shall be made to the governorates within sixty days prior to the expiration of the residence permit and, in any case, before the expiration of the residence permit. Those who apply for the extension of the duration of the residence permit shall be issued a document not subject to fee. Such foreigners may reside in Turkey by virtue of this document pending a decision regarding their application, even if their residence permits have expired.
- (3) The renewed residence permits shall take effect as from the expiry date of [applying] legal permits.
- (4) [Assessment of] applications for renewal shall be finalised by the governorates.

Refusal, cancelation or non-renewal of residence permit applications lodged in Turkey

#### **ARTICLE 25 –**

- (1) The refusal of an application lodged in Turkey, non-renewal or cancelation of a residence permit and notification of such actions shall be done by the governorates. The decision on the residence permit may be postponed in consideration of elements such as the foreigner's family ties in Turkey, the duration of residence, situation in the country of origin and the best interest of the child during these actions.
- (2) Refusal, non-renewal or cancelation of the application shall be notified to the foreigner or, to his/her legal representative or lawyer. This notification shall also include information on how foreigners would effectively exercise their right of appeal against the

decision as well as other legal rights and obligations applicable in the process.

Other provisions concerning residence permits

#### **ARTICLE 26 –**

- (1) Time spent as a prisoner or detainee in prison or under administrative detention in removal centres [beyond the expiry date of the residence permit] shall not be considered as a breach of the time limit of the residence permit. Residence permits, if any, held by such persons may be cancelled. Any such person, who does not have one, may be issued a foreigner identity number without the requirement of holding a residence permit.
- (2) Foreigners arriving Turkey with a residence [or] a work permit issued by the consulates should register with the address based registration system no later than twenty working days as of the date of arrival.

Work permit as residence permit

#### **ARTICLE 27 –**

- (1) A valid work permit as well as Work Permit Exemption Confirmation Document issued pursuant to Article 10 of the Law on Work Permits of Foreigners, N<sup>o</sup> 4817 of 27/02/2003, shall be considered a residence permit. Pursuant to the Law on Fees, N<sup>o</sup> 492 of 02/07/1964, a residence permit fee equivalent to the duration of their work permit shall be collected from

foreigners granted a work permit or Work Permit Exemption Confirmation Document.

- (2) The foreigner should not fall within the scope of Article 7 in order for a work permit to be issued or renewed.

Interruption of residence

#### **ARTICLE 28 –**

- (1) For the purposes of this Law, any stay outside of Turkey exceeding a total of six months within one year or a total of one year within the last five years for reasons other than compulsory public service, education or health shall be considered interruption of residence. In cases where there is an interruption of residence, the previous residence durations shall not count towards a residence permit application or changing to another residence permit.
- (2) In the computation of continues residence permits, half the duration of student resident permits while the full duration of all other types of residence permits shall be calculated.

Transfer between residence permits

#### **ARTICLE 29 –**

- (1) In cases where the reason, on the grounds which the residence permit is issued, no longer apply or a different reason appears foreigners may lodge an application for a residence permit which conforms to the new reason for their stay.

- (2) The principles and procedures governing transfers between residence permits shall be stipulated in a Directive.

## Residence permit types

### **ARTICLE 30 –**

- (1) Types of residence permits are the listed below:
  - a) short-term residence permit;
  - b) family residence permit;
  - c) student residence permit;
  - ç) long-term residence permit;
  - d) humanitarian residence permit;
  - e) victim of human trafficking residence permit.

## Short-term residence permit

### **ARTICLE 31 –**

- (1) A short-term residence permit may be granted to those foreigners listed below who:
  - a) arrives to conduct scientific research;
  - b) owns immovable property in Turkey;
  - c) establishes business or commercial connections;
  - ç) participates in on-the-job training programmes;
  - d) arrives to attend educational or similar programmes as part of student exchange pro-

- grammes or agreements to which the Republic of Turkey is a party to;
- e) wishes to stay for tourism purposes;
  - f) intends to receive medical treatment, provided that they do not have a disease posing a public health threat;
  - g) is required to stay in Turkey pursuant to a request or a decision of judicial or administrative authorities;
  - ğ) transfers from a family residence permit;
  - h) attends a Turkish language course;
  - ı) attends an education programme, research, internship or, a course by way of a public agency;
  - i) applies within six months upon graduation from a higher education programme in Turkey.
- (2) Short-term residence permits shall be issued with maximum one year duration at a time.
- (3) Residence permits within the scope of subparagraph (h) of the first paragraph shall only be issued twice.
- (4) Residence permits within the scope of subparagraph (i) of the first paragraph shall only be issued once with maximum one year duration.

Conditions for short-term residence permit

#### **ARTICLE 32 –**

- (1) The following conditions shall apply when issuing short-term residence permits:

- a) to apply, claiming one or more of the reasons stipulated in paragraph one of Article 31 and submit supporting information and documents regarding the application;
- b) not to fall within the scope of Article 7;
- c) to live in accommodation conditions that conform to general health and safety standards;
- ç) upon request, to present criminal record certificate issued by the competent authorities in their country of citizenship or legal residence;
- d) submit information on their address of stay in Turkey.

Refusal, non-renewal or cancelation of short-term residence permits

### **ARTICLE 33 –**

- (1) Under the following cases a short-term residence permit shall not be granted, shall be cancelled if has been issued, and shall not be renewed when:
  - a) one or more of the conditions provided for in Article 32 are not met or no longer apply;
  - b) it is established that the residence permit is used outside the purposes of those it is issued for;
  - c) [the foreigner] lived outside of Turkey for longer than one hundred and twenty days in total during the preceding year;

- ç) there is a current removal decision or an entry ban to Turkey in respect to the foreigner.

## Family residence permit

### ARTICLE 34 –

- (1) A family residence permit for a maximum duration of two years at a time may be granted to the:
  - a) foreign spouse;
  - b) foreign children or foreign minor children of their spouse;
  - c) dependent foreign children or dependent foreign children of their spouse;

of Turkish citizens, persons within the scope of Article 28 of Law N° 5901 or, foreigners holding one of the residence permits as well as refugees and subsidiary protection beneficiaries. However, the duration of the family residence permit cannot exceed the duration of the sponsor's residence permit under any circumstances whatsoever.

- (2) In cases of a polygamous marriage pursuant to the regulation in the [foreigner's] country of citizenship, only one of the spouses shall be issued a family residence permit. However, a family residence permit may be granted to the foreigner's children from other spouses.
- (3) For family residence permits issued to children, if any, the consent of the mother or the father who lives abroad and who shares custody shall be sought.

- (4) Family residence permits shall entitle the holder right of education in primary and secondary educational institutions until the age of 18 the without obtaining a student residence permit.
- (5) Any person reaching the age of 18 who has immediately before resided in Turkey for a minimum of three years on a family residence permit may, upon application transfer to a short-term residence permit.
- (6) In the event of divorce, a short-term residence permit may be issued to a foreign spouse of a Turkish citizen, provided that [he or she] resided on a family residence permit for at least three years. However, in cases where it is established by the relevant court that the foreign spouse has been a victim for reasons of domestic violence, the condition for three years residence shall not be sought.
- (7) In the event of the death of the sponsor, a short-term residence permit may be issued without any [minimum residing] time condition attached to those who have resided on a family residence permit in connection with the sponsor.

### Conditions for family residence permits

#### **ARTICLE 35 –**

- (1) With regard to family residence permit applications, the following conditions shall apply to the sponsor to:
  - a) have a monthly income in any case not less than the minimum wage in total corresponding not

- less than one third of the minimum wage per each family member;
  - b) live in accommodation conditions appropriate to general health and safety standards corresponding to the number of family members and to have medical insurance covering all family members;
  - c) submit proof of not having been convicted of any crime against family during the five years preceding the application with a criminal record certificate;
  - ç) have been residing in Turkey for at least one year on a residence permit;
  - d) have been registered with the address based registration system.
- (2) Subparagraph (ç) of the first paragraph shall not apply to holders of residence permit or work permit for the purposes of scientific research; who are within the scope of Article 28 of Law № 5901; or foreigners who are married to Turkish citizens.
- (3) The following conditions shall apply to foreigners applying for a family residence permit to stay with a sponsor in Turkey:
- a) to submit information and documents that they are within the scope of paragraph one of Article 34;
  - b) to assert that they live or intend to live together with those persons listed in paragraph one of Article 34;

- c) not to have entered into the marriage for the purpose of obtaining a family residence permit;
  - ç) to be over 18 years of age for each spouse;
  - d) not to fall within the scope of Article 7.
- (4) The conditions set forth in first paragraph of this Article may not be sought for refugees and subsidiary protection beneficiaries who are in Turkey.

Refusal, cancelation or non-renewal of family residence permits

#### **ARTICLE 36 –**

- (1) Under the following cases a family residence permit shall not be granted, shall be cancelled if has been issued, and shall not be renewed when:
- a) conditions set out in paragraphs one and three of Article 35 are not met or no longer apply;
  - b) short-term residence permit [application] is refused when the conditions for obtaining a family residence permit no longer apply;
  - c) there is a valid removal decision or an entry ban to Turkey in respect to the foreigner;
  - ç) it is determined that the family residence permit is used for purposes other than of those it is issued for;
  - d) [the foreigner] lived outside of Turkey for longer than one hundred and twenty days in total during the year preceding the application.

## Applications for family residence permit through marriage of convenience

### **ARTICLE 37 –**

- (1) Where there is reasonable doubt prior to granting or renewing a family residence permit the governorates shall investigate whether the marriage have been entered into solely for the purpose of obtaining a family residence permit.

When it is so determined upon investigation family residence permit shall not be granted or, cancelled if has been issued.

- (2) Following the issuance of a family residence permit the governorates may carry out inspections in order to establish whether the marriage is of convenience.
- (3) Residence permits obtained through a fraudulent marriage and cancelled later, shall not count towards the summing of residence durations stipulated in this Law.

## Student residence permit

### **ARTICLE 38 –**

- (1) A student residence permit shall be granted to foreigners who shall attend an associate, undergraduate, graduate or postgraduate programme in a higher education institution in Turkey.
- (2) To foreigners who shall receive primary and secondary education and whose care and expenses shall be covered by a natural or legal person, subject to

the consent of their parents or legal guardian a one year student residence permit shall be granted and renewed throughout the course of their study.

- (3) The student residence permit shall not entitle the parents as well as more distant family members of the foreigner the right of obtaining residence permit.
- (4) In cases where the period of study is less than one year, the duration of the residence permit shall not exceed the period of study.

#### Conditions for student residence permit

#### **ARTICLE 39 –**

- (1) The following conditions shall apply to student residence permit:
  - a) submitting the information and documents within the scope of Article 38;
  - b) not to fall within the scope of Article 7;
  - c) providing an address in Turkey.

#### Refusal, cancelation or non-renewal of student residence permits

#### **ARTICLE 40 –**

- (1) Under the following cases a student residence permit shall not be issued, cancelled if has been issued, refused renewal when:
  - a) the requirements of Article 39 are not met or no longer apply;

- b) evidence exists that the studies are possibly not to be continued;
- c) it is determined that the student residence permit has been used for a purpose other than that it is issued for;
- ç) there is a current removal decision or an entry ban to Turkey with respect to the foreigner.

### Right of work for [foreign] students

#### **ARTICLE 41 –**

- (1) [Foreign] students attending an associate, undergraduate, graduate or postgraduate programme in Turkey may work, provided that they obtain a work permit. However the right of work for associate or undergraduate students starts after the first year [of their study] and the weekly [working hours] shall not exceed maximum twenty-four hours.
- (2) The principles and procedures governing the right of work for associate or undergraduate students shall be jointly regulated by the Ministry and the Ministry of Labour and Social Security within the framework of the principles to be determined by the Migration Policies Board.

### Long-term residence permit

#### **ARTICLE 42 –**

- (1) A long-term residence permit shall be issued by the governorates, upon approval of the Ministry, to

foreigners that have continuously resided in Turkey for at least eight years on a permit or, foreigners that meet the conditions set out by the Migration Policies Board.

- (2) Refugees, conditional refugees and subsidiary protection beneficiaries as well as persons under temporary protection or humanitarian residence permit holders are not entitled to the right of transfer to a long-term residence permit.

Conditions for long-term residence permit

#### **ARTICLE 43 –**

- (1) With regard to the issuing long-term residence permit the following conditions shall apply:
  - a) having continues residence in Turkey for at least eight years;
  - b) not having received social assistance in the past three years;
  - c) having sufficient and stable income to maintain themselves or, if any, support their family;
  - ç) to be covered with a valid medical insurance;
  - d) not to be posing a public order or public security threat.
- (2) Subject to subparagraph (d), the conditions stipulated in the first paragraph shall not apply to foreigners who are considered appropriate for a long-term residence permit due to meeting the conditions determined by the Migration Policies Board.

## Rights conferred by a long-term residence permit

### ARTICLE 44 –

- (1) Without prejudice to acquired rights with respect to social security, and subject to conditions stipulated in applicable legislation governing the enjoyment of rights, foreigners holding a long-term residence permit shall benefit from the same rights as accorded to Turkish citizens with the exception of the provisions in laws regulating specific areas, and of:
  - a) compulsory military service;
  - b) the right of vote and be elected;
  - c) entering public service;
  - ç) exemption from customs duties when importing vehicles.
- (2) The Council of Ministers is authorised to partially or completely restrict the rights listed in the first paragraph.

## Cancelation of long-term residence permits

### ARTICLE 45 –

- (1) Under the following cases a long-term residence permit shall be cancelled when the foreigner:
  - a) poses a serious public security or public order threat;
  - b) stays out of Turkey continuously for more than one year for reasons other than health, education and compulsory public service in his/her country.

- (2) The principles and procedures governing the re-application for a long-term residence permit and assessment of the applications of foreigners whose long-term residence permit has been cancelled pursuant to subparagraph (b) of the first paragraph shall be stipulated in a Directive.

### Humanitarian residence permit

#### **ARTICLE 46 –**

- (1) Under the following cases, upon approval of the Ministry, a humanitarian residence permit with a maximum duration of one year at a time may be granted and renewed by the governorates without seeking the conditions for other types of residence permits:
  - a) where the best interest of the child is of concern;
  - b) where, notwithstanding a removal decision or ban on entering Turkey, foreigners cannot be removed from Turkey or their departure from Turkey is not reasonable or possible;
  - c) in the absence of a removal decision in respect of the foreigner pursuant to Article 55;
  - ç) where there is a judicial appeal against the actions carried out pursuant to Articles 53, 72 and 77;
  - d) throughout the removal actions of the applicant to the first country of asylum or a safe third country;
  - e) in cases when foreigners should be allowed to enter into and stay in Turkey, due to emergency

or in view of the protection of the national interests as well as reasons of public order and security, in the absence of the possibility to obtain one of the other types of residence permits due to their situation that precludes granting a residence permit;

- f) in extraordinary circumstances.
- (2) Foreigners that are granted humanitarian residence permit should get registered with the address based registration system no later than twenty working days as of the issuance date.

Cancellation or non-renewal of humanitarian residence permits

#### **ARTICLE 47 –**

- (1) The humanitarian residence permit shall be cancelled and shall not be renewed by the governorates in cases where the compelling conditions no longer apply, subject to the approval of the Ministry.

Residence permits for victims of human trafficking

#### **ARTICLE 48 –**

- (1) A residence permit valid for thirty days shall be granted, by the governorates, to foreigners who are victims of human trafficking or where there is strong circumstantial evidence that they might be victims with a view to allow them to break from the impact of their [negative] experience and reflect on whether to cooperate with the competent authorities.

- (2) Conditions attached to other types of residence permits shall not be sought while issuing these residence permits.

Renewal and cancelation of residence permits for victims of human trafficking

#### **ARTICLE 49 –**

- (1) The residence permit granted to allow for recovery and reflection may be renewed for six months periods for reasons of safety, health or special circumstances of the victim. However, the total duration shall not exceed three years under any circumstances whatsoever.
- (2) The residence permit shall be cancelled in cases where it is determined that foreigners who are victims of trafficking or might be victims of human trafficking have re-connected with the perpetrators of the crime through their own volition.

### **SECTION THREE Stateless Persons**

Determination of statelessness

#### **ARTICLE 50 –**

- (1) The statelessness status shall be determined by the Directorate General. Stateless persons shall be issued a Stateless Person Identification Document, which entitles such persons the right to legally reside

in Turkey. Persons, who are in the process of being considered as stateless in another country shall not benefit from this right.

- (2) Stateless persons shall obtain a Stateless Person Identification Document. The governorates shall issue this document, upon approval of the Directorate General. This document shall substitute a residence permit and shall be renewed by the governorates every two years without subject to any fee. The Stateless Person Identification Document shall bear the foreigner identification number.
- (3) The duration of stay in Turkey with a Stateless Person Identification Document shall count towards the total duration of residence.
- (4) The Stateless Person Identification Document shall no more be valid upon acquisition of the nationality of another country.
- (5) The principles and procedures concerning the determination of statelessness and the issuance of the Stateless Person Identification Document shall be stipulated in a Directive.

Rights and guarantees granted to stateless persons

#### **ARTICLE 51 –**

- (1) Persons holding a Stateless Person Identification Document:
  - a) may apply to obtain any of the residence permits set out in this Law;

- b) shall not be deported unless they pose a serious public order or public security threat;
- c) are not be subject to the reciprocity requirement sought in procedures concerning foreigners;
- ç) are subject to the provisions of the Law N° 4817 in activities and actions regarding work permit;
- d) are entitled to the provisions of Article 18 of the Law N° 5682.

## **SECTION FOUR**

### **Removal**

#### Removal

#### **ARTICLE 52 –**

- (1) Foreigners may be removed to their country of origin or a transit country or a third country by virtue of a removal decision.

#### Removal decision

#### **ARTICLE 53 –**

- (1) A removal decision shall be issued either upon instructions of the Directorate General or ex officio by the governorates.
- (2) The [removal] decision together with its reasons shall be notified to the foreigner, in respect of whom a removal decision has been issued or, to his/her legal representative or lawyer. If the foreigner, in respect of whom the removal decision has been issued, is

not represented by a lawyer, the foreigner or his/her legal representative shall be informed about the consequence of the decision, procedures and time limits for appeal.

- (3) Foreigner, legal representative or lawyer may appeal against the removal decision to the administrative court within fifteen days as of the date of notification. The person who has appealed against the decision to the court shall also inform the authority that has ordered the removal regarding the appeal. Such appeals shall be decided upon within fifteen days. The decision of the court on the appeal shall be final. Without prejudice to the foreigner's consent, the foreigner shall not be removed during the judicial appeal period or until after the finalisation of the appeal proceedings.

Persons subject to a removal decision

#### **ARTICLE 54 –**

- (1) A removal decision shall be issued in respect of those foreigners listed below who/whose:
  - a) are deemed to be removed pursuant to Article 59 of the Turkish Penal Code № 5237;
  - b) are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation;
  - c) submit untrue information and false documents during the entry, visa and residence permit actions;

- ç) made their living from illegitimate means during their stay in Turkey;
- d) pose a public order or public security or public health threat;
- e) has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled;
- f) residence permits are cancelled;
- g) overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;
- ğ) are determined to be working without a work permit;
- h) breach the terms and conditions for legal entry into or exit from Turkey;
- ı) are determined to have entered into Turkey despite an entry ban to Turkey;
- i) international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Turkey after the final decision.
- j) fail to leave Turkey within ten days in cases where their residence permit renewal application has been refused.

- (2) A removal decision may be issued in respect of applicants or international protection beneficiaries solely when there are serious reasons to believe that they pose a threat to national security of the Turkey or if they have been convicted upon a final decision for an offence constituting a public order threat.

### Exemption from removal decision

#### **ARTICLE 55 –**

- (1) Removal decision shall not be issued in respect of those foreigners listed below regardless of whether they are within the scope of Article 54:
  - a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to;
  - b) who would face risk due to serious health condition, age or, pregnancy in case of travel;
  - c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition;
  - ç) victims of human trafficking, supported by the victim's assistance programme;
  - d) victims of serious psychological, physical or sexual violence, until their treatment is completed.
- (2) Assessment within the scope of the first paragraph shall be made on case by case basis. These persons

may be asked to reside at a given address and report to authorities in form and periods as requested.

## Summons to leave Turkey

### **ARTICLE 56 –**

- (1) Where a removal decision has been issued, foreigners shall be granted a period no less than fifteen days and up to thirty days to leave Turkey, provided that this period is stated in the removal decision. However, this period shall not be granted to foreigners who: bear the risk of absconding or disappearing; have breached the terms and conditions of legal entry and exit; used false documents; attempted to obtain or are determined to have obtained a residence permit with false documents; pose a public order, public security, public health threat.
- (2) A Leave Permit shall be issued to persons for whom a period to leave Turkey is granted. This document shall not be subject to any fees, without prejudice to the visa and residence permit fees as well as obligations related to penalties thereof.

## Administrative detention and duration of detention for removal purposes

### **ARTICLE 57 –**

- (1) Where foreigners within the scope of Article 54 are apprehended by law enforcement units, they shall immediately be reported to the governorate for a decision to be made concerning their status. With

respect to those where a removal decision is considered necessary it shall be issued by the governorate. The duration of assessment and decision-making shall not exceed forty-eight hours.

- (2) 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 to 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. Foreigners subject to administrative detention shall be taken to removal centres within forty-eight hours of the decision by the [same] law enforcement unit that apprehended them.
- (3) The duration of administrative detention in removal centres shall not exceed six months. However, in cases where the removal cannot be completed due to the foreigner's failure of cooperation or providing correct information or documents about their country [of origin], this period may be extended for a maximum of six additional months.
- (4) The need to continue the administrative detention shall be regularly reviewed monthly by the governorates, and when consider it necessary. For those foreigners where administrative detention is no longer considered necessary, the administrative detention shall immediately be ended. These foreigners may be required to comply with administrative obligations

such as to reside at a given address and report to the authorities in form and periods to be determined.

- (5) The administrative detention decision, the extension of the administrative detention period and the results of the monthly regular reviews together with its reasons shall be notified to the foreigner or, to his/her legal representative or lawyer. If the person subject to administrative detention is not represented by a lawyer, the person or his/her legal representative shall be informed about the consequence of the decision, procedure and time limits for appeal.
- (6) The person placed under administrative detention or his/her legal representative or lawyer may appeal against the detention decision to the Judge of the Criminal Court of Peace. Such an appeal shall not suspend the administrative detention. In cases where the petition is handed to the administration, it shall immediately be conveyed to the competent Judge of the Criminal Court of Peace. The Judge of the Criminal Court of Peace shall finalise the assessment within five days. The decision of the Judge of the Criminal Court of Peace shall be final. The person placed under administrative detention or his/her legal representative or lawyer may further appeal to the Judge of the Criminal Court of Peace for a review should that the administrative detention conditions no longer apply or have changed.
- (7) Those who appeal against an administrative detention action but do not have the means to pay the attorney's fee shall be provided legal counsel upon

demand, pursuant to the Legal Practitioner's Law N<sup>o</sup> 1136 of 19/03/1969.

## Removal centres

### **ARTICLE 58 –**

- (1) Foreigners subject to administrative detention shall be held in removal centres.
- (2) The removal centres shall be operated by the Ministry. The Ministry may have these centres operated by public institutions and agencies, the Turkish Red Crescent Association or non-profit associations with expertise in the field of migration by means of a protocol.
- (3) The principles and procedures related to the establishment, management, outsourcing, inspection of removal centres and the transfer of foreigners subject to administrative detention to removal centres for removal purposes shall be regulated with a Directive.

## Services provided in removal centres

### **ARTICLE 59 –**

- (1) In the removal centres:
  - a) emergency and primary healthcare services of which the foreigner is unable to cover the cost shall be provided free of charge;
  - b) the foreigner shall be allowed access to and given the opportunity to meet with their relatives, the

- notary public, his/her legal representative and the lawyer, as well as access to telephone services;
  - c) the foreigner shall be given the opportunity to meet with the visitors, consular official of their country of citizenship, and officials of the United Nations High Commissioner for Refugees;
  - ç) the best interest of the child shall be considered, and families and unaccompanied minors shall be accommodated in separate areas;
  - d) the Ministry of National Education shall take the necessary measures to ensure that children have access to education.
- (2) Representatives of the relevant non-governmental organisations with expertise in the field of migration may visit the removal centres upon permission of the Directorate General.

### Implementation of the removal decision

#### **ARTICLE 60 –**

- (1) The foreigners at removal centres shall be taken to border gates by law enforcement unit.
- (2) Foreigners to be removed without being required to transfer to removal centres shall be taken to the border gates by law enforcement units through coordination of the provincial units of Directorate General.
- (3) Foreigners to be removed shall cover their own travel costs. In cases where foreigners are unable to cover such costs, the full or remaining cost of travel shall be

met from the budget of the Directorate General. A ban on entering Turkey may be imposed on such foreigners as long as the costs are not reimbursed.

- (4) The Directorate General may cooperate with international organisations, the authorities in the relevant country, and non-governmental organisations to carry out the removal.
- (5) Passports or other documents belonging to foreigners may be retained until the foreigners are removed and their tickets may be cashed for use in the removal.
- (6) Natural or legal persons are responsible for covering the costs related to the removal of foreigners whose stay and return they have guaranteed. Subparagraph three of Article 21 of Law N<sup>o</sup> 4817 shall apply to employers or agents of employers that employ the foreigner without a work permit with respect to their obligations in the removal of such foreigners.

**PART THREE**  
**INTERNATIONAL PROTECTION**

**SECTION ONE**  
**Types of International Protection, Exclusion from  
International Protection**

Refugees

**ARTICLE 61 –**

- (1) A person who as a result of events occurring in European countries and owing to 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.

Conditional refugees

**ARTICLE 62 –**

- (1) A person who as a result of events occurring outside European countries and owing to 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 fear, is unwilling to return to it, shall be granted conditional refugee status upon completion of the refugee status determination process. Conditional refugees shall be allowed to reside in Turkey temporarily until they are resettled to a third country.

## Subsidiary Protection

### **ARTICLE 63 –**

- (1) 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:
  - 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.

## Exclusion from international protection

### **ARTICLE 64 –**

- (1) The applicant shall be excluded from international protection if:
  - (a) receiving protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees;
  - (b) recognised by the authorities of the country of [former] residence as having the rights and obligations which are attached to the nationals of that country;
  - (c) there is strong evidence to believe that they are guilty of offences specified in paragraph one of Article 1 of the Convention.
- (2) When protection or assistance for a person who falls within the scope of sub-paragraph (a) of the first paragraph is no longer available for any reason whatsoever, such person may benefit from protection provided for by this Law, unless a final solution to is reached on their status on the basis of UN General Assembly resolutions.

- (3) In cases where there is evidence to believe that the applicant, prior to international protection claim, have committed inhuman acts for any reason whatsoever outside of Turkey, the assessment shall be done pursuant to subparagraph (c) of the first paragraph.
- (4) Applicants that instigate or otherwise participate in committing the crimes or acts mentioned in subparagraph (c) of the first paragraph or third paragraph shall be excluded from international protection.
- (5) In addition to circumstances mentioned in subparagraph (c) of the first paragraph and in third and fourth paragraphs, a foreigner or a stateless persons in respect of whom there are serious indications of posing a public order or public security threat, as well as a foreigner or a stateless person outside the scope of subparagraph (c) of the first paragraph who has previously committed a serious crime for which imprisonment would have been ordered if committed in Turkey, and have left his/her country of origin solely to avoid punishment for that crime, shall be excluded from subsidiary protection.
- (6) Exclusion of the applicant from international protection shall not require the exclusion of their family members provided that none of the reasons for exclusion applies to other family members.

## SECTION TWO

### General Procedures

#### Application

#### ARTICLE 65 –

- (1) International protection applications shall be lodged with the governorates in person.
- (2) In cases where an application is lodged with law enforcement units within the country or at the border gates, the application shall immediately be reported to the governorates. The governorates shall carry-out the actions related to the application.
- (3) Every foreigner or stateless person is entitled to apply on their own behalf. Applicant may apply on behalf of accompanying family members whose applications are on the same grounds. In such cases, consent of the adult family members shall be required for applications made on their behalf.
- (4) Persons who apply to the governorates for international protection within a reasonable period of time on their own accord shall not be subjected to criminal action for breaching the terms and conditions of legal entry into Turkey or illegally staying in Turkey, provided that they shall provide acceptable reasons for such illegal entry or presence.
- (5) International protection application lodged by persons whose freedom has been restricted shall imme-

diately be reported to the governorates. The receipt and assessment of applications shall not prevent the enforcement of other judicial or administrative actions, measures, and sanctions.

## Unaccompanied children

### ARTICLE 66 –

- (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.
  - ç) 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].

## Persons with special needs

### **ARTICLE 67 –**

- (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.

## Administrative detention of applicants

### **ARTICLE 68 –**

- (1) Applicants shall not be subject to administrative detention solely for lodging an international protection claim.
- (2) Subjecting applicants to administrative detention is an exceptional action. Applicants only be subject to administrative detention only under the following cases:
  - a) for the purpose of determination of the identity or nationality in case there is serious doubt as to the accuracy of the information provided;
  - b) for the purpose of being withheld from entering into the Turkey in breach of terms [and conditions] of entry at the border gates;

- c) when it would not be possible to identify the elements of the grounds for their application unless subjected to administrative detention;
  - ç) when [the person] poses a serious public order or public security threat.
- (3) The requirement for administrative detention shall be assessed on case by case basis. With respect to cases mentioned in the second paragraph, prior to an administrative detention, priority shall be given during the assessment to whether the residence and notification obligation stipulated in Article 71 shall be sufficient. The governorates may determine alternatives for administrative detention. Where such measures are not sufficient, administrative detention shall be applied.
  - (4) The administrative detention decision, including its reasons and duration shall be notified to the person subject to administrative detention or, to his/her legal representative or lawyer in writing. If the person subject to administrative detention is not represented by a lawyer, the person or to his/her legal representative shall be informed of the consequences of the decision and the appeal procedures.
  - (5) The period of administrative detention for applicants shall not exceed thirty days. The actions related to applicants subject to administrative detention shall be finalised as soon as possible. Administrative detention shall immediately be ended when its conditions no longer apply.
  - (6) At every stage of the administrative detention, it may be lifted by the authority that has issued the decision

and [the person] may be asked to fulfil the obligations stipulated in Article 71 or other measures.

- (7) The person placed under administrative detention or his/her legal representative or lawyer may appeal against the detention decision to the Judge of the Criminal Court of Peace. Such an application shall not suspend the administrative detention. In cases where the petition is handed to the administration, it shall immediately be conveyed to the competent Judge of the Criminal Court of Peace. The Judge of the Criminal Court of Peace shall finalise the assessment within five days. The decision of the Judge of the Criminal Court of Peace shall be final. The person placed under administrative detention or, his/her legal representative or lawyer may further appeal before the Judge of the Criminal Court of Peace should the administrative detention conditions no longer apply or have changed.
- (8) The person subject to administrative detention pursuant to second paragraph may receive visitors, where the relevant principles and procedures shall be stipulated in a Directive. The person subject to administrative detention shall be granted access to legal representative, lawyer, notary public and United Nations High Commissioner for Refugees officials.

Registration and control

#### **ARTICLE 69 –**

- (1) International protection applications shall be registered by the governorates.
- (2) The applicant shall report identity information truly and, if available, submit identification and travel doc-

uments to the competent authorities at the time of the registration. The applicant and his/her belongings may be searched to this end.

- (3) Where there is no documentation regarding the identity of the applicant at the time of registration, 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.
- (4) At the time of registration, information pertaining to the applicants' reasons for leaving their country of origin or [former] habitual residence; their experience following departure, and events that led to the application; their way, means of transportation and routes of entering Turkey and, in cases where applicants have previously applied for or are a beneficiary of international protection in another country, information and documentation regarding this application or protection shall be taken.
- (5) At the time of registration the applicant shall be informed of the time and place of the interview.
- (6) An applicant who is assessed to be posing a public health threat shall undergo medical screening.
- (7) At the time of registration, the applicant shall be issued a registration document valid for thirty days indicating the international protection application and containing identity information. The registration document would be extended with thirty days validity

periods when necessary. The registration document shall enable applicant to stay in Turkey and shall be issued without being subject to any fee.

Information and translation services provided to applicants

#### **ARTICLE 70 –**

- (1) At the time of the registration, applicant shall be informed about the procedures to be followed regarding the application, his/her rights and obligations, how to comply with these obligations and the possible consequences of failing to comply with these obligations or cooperate with the authorities, and about the procedures and time limits for appeal.
- (2) Upon request of the applicant, translation [and/or interpretation] service shall be provided during personal conversations at stages of application, registration, and interview.

Residence and reporting obligations

#### **ARTICLE 71 –**

- (1) Administrative obligations may be imposed upon the applicants such as to reside in the designated reception and accommodation centres, a specific location or a province as well as to report to authorities in the form and intervals as requested.
- (2) The applicant shall register with the address based registration system and report domicile address to the governorate.

## Inadmissible applications

### ARTICLE 72 –

- (1) Applications shall be considered inadmissible if the applicant:
  - a) repeats the same application without providing a different reason;
  - b) following a consent for an application to be lodged on his/her behalf, has separately applied at any stage of the [previous] application without presenting a well-founded reason or, after the refusal of the application without presenting any different reason;
  - c) has arrived from a country within the scope of Article 73;
  - ç) has arrived from a country within the scope of Article 74;
- (2) When the circumstances provided for in the first paragraph become known during any stage of the assessment of the application, the assessment shall be terminated.
- (3) The decision on the inadmissibility of the application shall be notified to the concerned or to his/her legal representative or lawyer. If the concerned person is not represented by a lawyer, the person or his/her legal representative shall be informed of the consequences of the decision as well as the procedures and time limits for appeal.

## Applicants arriving from the first country of asylum

### **ARTICLE 73 –**

- (1) In cases where it is established that applicant has arrived from a country in which he or she has previously been recognised as a refugee and can still avail himself or herself of that protection or, has arrived from a country where the possibility to enjoy sufficient and effective protection including protection against refoulement, their applications shall be considered inadmissible and the actions for the applicant's removal to the first country of asylum shall be initiated. However, the applicant shall be allowed to stay in Turkey until the date when the removal takes place. This situation shall be notified to the applicant. In case the applicant is not admitted by the first country of asylum, the actions regarding the application shall be resumed.

## Applicants arriving from a safe third country

### **ARTICLE 74 –**

- (1) In cases where it is established that applicant has arrived from a safe third country in which he/she has lodged an [international protection] application or in which it would have been possible to lodge an international protection claim that could have resulted in the granting of appropriate protection in compliance with the Convention, the application shall be considered inadmissible and the actions for their removal to the safe third country shall be initiated. However, the applicant shall be allowed to stay in Turkey until

the date when the removal takes place. This situation shall be notified to the applicant. In case the applicant is not admitted by the safe third country, the actions regarding the application shall be resumed.

- (2) Countries meeting the below stated criteria shall be considered as a safe third country:
  - a) the lives or freedoms of persons are not under threat on account of their race, religion, nationality, membership of a particular social group or, political opinion;
  - b) implement the principle of non-refoulement with regard to countries where persons may be subjected to torture, inhuman or degrading punishment or treatment;
  - c) provide the opportunity to apply for refugee status, and when the person is granted refugee status, the possibility to provide appropriate protection in compliance with the Convention;
  - ç) ensure that there is no risk of being subject to serious harm
- (3) The assessment of whether or not a country is a safe third country for the applicant shall be made on case by case basis for each applicant, including the assessment of connections between the person and the country according to which it would be reasonable to return the applicant to the third country concerned.

## Interview

### ARTICLE 75 –

- (1) An in person interview shall be conducted with the applicant within thirty days from the date of registration, with a view to reach an effective and fair decision. The applicant shall be given the opportunity to express him or herself in the best possible manner while confidentiality shall be respected. However, where the presence of family members is required, the interview may be conducted with the participation of family members, upon consent of the applicant. Upon request of the applicant, his/her lawyer may attend the interview as an observer.
- (2) The applicant shall cooperate with the officials, and submit all information and documents in support of the application to receive international protection.
- (3) Special circumstances of applicants with special needs shall be taken into consideration during interviews with them. Interviews with minors may be conducted in the presence of a psychologist, child development specialist, social worker or, their parent or legal representative.
- (4) In case the interview cannot be conducted, a new interview date shall be scheduled and notified to the applicant. The interval between interviews shall be at least ten days.

- (5) Additional interviews may be conducted with applicants when considered necessary.
- (6) Interviews may be recorded visually or audibly. In such cases the interviewed persons shall be informed. At the end of each interview, an interview report shall be drafted and a copy shall be handed to the person interviewed.

Identity document for international protection applicant

#### **ARTICLE 76 –**

- (1) Upon completion of the interview, the applicant and, if any, accompanying members of his family, shall be issued an International Protection Applicant Identity Document valid for six months indicating the international protection application and bearing foreigner identification number. For those when the [assessment of the] application could not be finalised, the identity document shall be extended for a validity period of six months.
- (2) Identity document shall not be issued to those whose applications are subject to the provisions of Articles 72 and 79 and to their family members.
- (3) The form and content of the identity document shall be determined by the Directorate General.
- (4) The identity document shall substitute a residence permit and shall not be subject to any fee.

## Withdrawal of the application or considered withdrawn

### ARTICLE 77 –

- (1) The application shall be considered withdrawn and the assessment shall be terminated in following cases where the applicant:
  - a) declares the application withdrawn in writing;
  - b) does not appear at the interview three consecutive times without excuse;
  - c) absconds from the place where held under administrative detention;
  - ç) fail to comply with the reporting obligation three consecutive times without excuse, do not show up in the designated place of residence or, leave the place of residence without permission;
  - d) objects to the collection of personal data;
  - e) does not comply with his/her obligations at registration and interview.

## Decision

### ARTICLE 78 –

- (1) The [assessment of the] application shall be finalised no later than six months as of the date of its registration by the Directorate General. Where a decision cannot be reached within this period the applicant shall be informed.
- (2) Decisions shall be made on individual consideration. Without prejudice to paragraph six of Article 64, an application lodged on behalf of a family shall be eval-

uated as a single application and the decision shall apply to the whole family.

- (3) The personal circumstances of the applicant and current general conditions in the country of origin [nationality] or former [habitual] residence shall be taken into consideration in making the decision;
- (4) When the applicant can be provided with protection against the threat of persecution or serious harm in a certain region of the country of citizenship or former residence, and if the applicant is in a condition to safely travel to and settle in that region of the country, it may be decided that the applicant does not need international protection.
- (5) Emergence of the circumstances defined in paragraph four does not prevent the application from undergoing a full assessment.
- (6) The decision shall be notified to the concerned or, to his/her legal representative or lawyer. The notification of refusal shall include the material reasons and legal grounds for such decision. If the concerned person is not represented by a lawyer, the person or his/her legal representative shall be informed of the consequence of the decision, procedures and time limits for appeal.

#### Accelerated procedure

#### **ARTICLE 79 –**

- (1) Applications shall be evaluated under accelerated procedure in cases where the applicant:

- a) has never mentioned elements that would require international protection when presenting reasons while lodging the application;
  - b) misled the authorities by presenting untrue or misleading information or documents or, by withholding information or documents that might negatively impact the decision;
  - c) has destroyed or disposed of identity or travel documents in bad faith in order to make determination of identity or citizenship difficult;
  - ç) has been placed under administrative detention pending removal;
  - d) has applied solely to postpone or prevent the implementation of a decision that would lead to his/her removal from Turkey;
  - e) pose a public order or public security threat or, has previously been removed from Turkey on such grounds;
  - f) repeats the application after the [initial] application is considered to have been withdrawn.
- (2) Applicant whose application is evaluated under accelerated procedure shall be interviewed no later than three days as of the date of application. The [assessment of the] application shall be finalised no later than five days after the interview.
- (3) Of those applications evaluated pursuant to this article the ones that would need a longer assessment, might be removed from the accelerated procedure.

- (4) Applications by unaccompanied children shall not be evaluated under accelerated procedure.

## Administrative review and judicial appeal

### ARTICLE 80 –

- (1) The following provisions shall apply in cases where an administrative review or judicial appeal is sought against the decisions made pursuant to the provisions stipulated in this Part:
  - a) The concerned person, his/her legal representative or lawyer may appeal to the International Protection Assessment Commission within ten days as of the notifications. However, decisions pursuant to articles 68, 72 and 79 can only be subject to judicial appeal.
  - b) The decision on the administrative review shall be notified to the concerned, to his/her legal representative or lawyer. In case of a negative decision, and if the concerned person is not represented by a lawyer, the person or his/her legal representative shall be informed about the outcome of the decision, procedures and time limits for appeal.
  - c) The Ministry may regulate the administrative review procedures against the decisions.
  - ç) Save for the judicial appeal mechanism provided for in Article 68, the concerned person, his/her legal representative or lawyer may appeal against the decisions made pursuant to Articles

72 and 79 within fifteen days following the notification of the decision, and within thirty days following the notification of other administrative decisions and actions before the competent administrative court.

- d) Applications before the court under Articles 72 and 79 shall be decided within fifteen days. The decision of the court shall be final.
- e) The person shall be allowed to stay in the Turkey until the completion of the review process or judicial proceedings.

#### Legal services and counselling

#### **ARTICLE 81 –**

- (1) Applicants and international protection beneficiaries may be represented by a lawyer regarding activities and actions stipulated in this Part, provided that the [attorney's] fee is covered by them.
- (2) In cases where the applicant and international protection beneficiary is unable to afford the attorney's fee for their judicial appeals regarding actions and activities stipulated in this Part, legal assistance shall be provided pursuant to the provisions on legal assistance stipulated in the Attorneyship Law № 1136.
- (3) Applicant and international protection beneficiary may make use of counselling services provided by non-governmental organisations.

## Residence of conditional refugees and subsidiary protection beneficiaries

### **ARTICLE 82 –**

- (1) For reasons of public security and public order, the Directorate General may require conditional refugees and subsidiary protection beneficiaries to reside at a given province and report to authorities in accordance with determined procedures and periods.
- (2) Such persons shall register with the address based registration system and report their residence address to the governorate.

## Identity document for international protection beneficiaries

### **ARTICLE 83 –**

- (1) An identity document bearing the foreigner identification number shall be issued to persons granted refugee status, with three years validity period at a time.
- (2) Persons granted conditional refugee or subsidiary protection status shall be given an identity document bearing the foreigner identification number issued with one year validity period at a time.
- (3) The identity documents set out in first and second paragraphs shall substitute a residence permit and shall not be subject to any fee. The Directorate General shall determine the format and content of the identity documents.

## Travel documents

### **ARTICLE 84 –**

- (1) Refugees shall be issued the travel document stipulated in the Convention by the governorates.
- (2) Travel document requests by conditional refugees and subsidiary protection beneficiaries shall be evaluated within the scope of Article 18 of Law № 5682.

## Termination of the international protection status

### **ARTICLE 85 –**

- (1) The international protection status shall terminate in cases where the beneficiary if/when:
  - a) voluntarily re-avail themselves of the protection in their country of citizenship;
  - b) voluntarily regain the citizenship that they have been deprived of;
  - c) acquired a new nationality, and enjoy the protection of the country of their new nationality;
  - ç) voluntarily returned to the country from which they have fled or stayed outside of due to fear of persecution;
  - d) would avail himself or herself of the protection of the country of citizenship as the circumstances on which the status had been granted no longer apply;
  - e) having been a stateless person would be able to return to the country of former habitual residence

as the circumstances on which the status had been granted no longer apply.

- (2) In the assessment under subparagraphs (d) and (e) of the first paragraph, it shall be taken into account whether the circumstances upon which the status was granted no longer apply or have changed significantly and permanently.
- (3) The subsidiary protection status shall also be terminated when the circumstances upon which the status has been granted no longer apply or have changed to an extent that the protection is no longer needed. [Nevertheless] whether the changes in the circumstances that led to the granting of subsidiary protection are of a significant and permanent nature shall be taken into account.
- (4) Where the circumstances stipulated in first and third paragraphs arise, the status may be re-assessed. The re-assessment of the status shall be notified to the person together with its reasons in writing, following which the person shall be given the opportunity to present the reasons for the need of continuation of the status, verbally or in writing
- (5) The decision to terminate the international protection status, together with the material reasons and legal grounds, shall be notified to the concerned, to his/her legal representative or lawyer. If the concerned person is not represented by a lawyer, the persons or his/her legal representative shall be informed of the

consequence of the decision, procedures and time limits for appeal.

### Cancellation of the international protection status

#### **ARTICLE 86 –**

- (1) The international protection status shall be cancelled in cases where beneficiaries:
  - a) by way of presenting false documents, fraud, deceit or, withholding facts that led to the granting of the status;
  - b) following the granting of the status, are found to be among those who should have been excluded under Article 64.
- (2) The decision to cancel the international protection status, together with the material reasons and legal grounds, shall be notified to the concerned, to his/her legal representative or lawyer. If the concerned person is not represented by a lawyer, the person or his/her legal representative shall be informed of the consequence of the decision, procedures and time limits for appeal.

### Support for voluntary return

#### **ARTICLE 87 –**

- (1) Material and financial support may be provided to those applicants and international protection beneficiaries who would wish to voluntarily return,

- (2) The Directorate General may carry out the voluntary repatriation activities in cooperation with international organisations, public institutions and agencies, and civil society organisations.

### **SECTION THREE** **Rights and Obligations**

General principles concerning rights and obligations

#### **ARTICLE 88 –**

- (1) International protection beneficiaries shall not be subject to the reciprocity principle.
- (2) The rights and benefits granted to applicants, persons whose application has been refused or international protection beneficiaries shall not be construed to provide more rights and benefits than those accorded to Turkish Citizens.

Access to assistance and services

#### **ARTICLE 89 –**

- (1) Applicant or international protection beneficiary and family members shall have access to primary and secondary education.
- (2) Access to social assistance and services may be renewed to applicants or international protection beneficiaries who are in need.
- (3) For those applicants or international protection beneficiaries who:

- a) are not covered with any medical insurance and do not have financial means [to afford medical services] provisions of the Social Security and Universal Medical Insurance Law Nº 5510 of 31/05/2006 shall apply. For the payment of the premiums on behalf of persons to benefit from the universal medical insurance, funds shall be allocated to the budget of the Directorate General. Persons, whose premiums are paid by the Directorate General, shall be asked to contribute fully or partially in proportion to their financial means.
  - b) those who at a later date would be found to already have had medical insurance coverage or the financial means or, to have applied [for asylum] for the sole purpose of receiving medical treatment shall be reported to the Social Security Authority within ten days at the latest for termination of their universal health insurance and the expenditures related to the treatment and medication shall be reimbursed from them.
- (4) With respect to access to the labour market:
- a) an applicant or a conditional refugee may apply for a work permit after six months following the lodging date of an international protection claim.
  - b) the refugee or the subsidiary protection beneficiary, upon being granted the status, may work independently or be employed, without prejudice to the provisions stipulated in other legislation restricting foreigners to engage in certain jobs and

professions. The identity document to be issued to a refugee or a subsidiary protection beneficiary shall also substitute for a work permit and this information shall be written on the document.

- c) access of the refugee and the subsidiary protection beneficiary to the labour market may be restricted for a given period, where the situation of the labour market and developments in the working life as well as sectoral and economic conditions regarding employment necessitate, in agriculture, industry or, service sectors or a certain profession, line of business or, administrative and geographical areas. However, such restrictions shall not apply to refugees and subsidiary protection beneficiaries who have been residing in Turkey for three years; are married to Turkish citizens; or, have children with Turkish citizenship.
  - ç) the principles and procedures governing the employment of applicants or international protection beneficiaries shall be determined by the Ministry of Labour and Social Security in consultation with the Ministry.
- (5) Other than those falling under Articles 72 and 79, an applicant that would be determined to be in need may be provided with an allowance with the assent of the Ministry of Finance, in accordance with the principles and procedures to be determined by the Ministry.

## Obligations

### ARTICLE 90 –

- (1) In addition to the obligations stipulated in this Part, applicant and international protection beneficiary shall:
  - a) report their most current employment status within thirty days;
  - b) report their income as well as [possession of] any movable and immovable property within thirty days;
  - c) report any changes in their address, identity, and civil status within twenty days;
  - ç) fully or partially reimburse the costs of any services, assistance and other benefits provided, where it is determined to have been unjustly received;
  - d) comply with the requirements of the Directorate General pursuant to the provisions of this Part.
- (2) Save for the right of access education and right of primary health care, restriction to enjoy other rights may be imposed on those who do not abide by the obligations set out in this Part and on those whose international protection claim has been refused. Such restrictions shall be evaluated on a case by case basis. The decision shall be notified to the concerned or to his/her legal representative or lawyer in writing. If the concerned person is not represented by a lawyer, the concerned person or his/her legal representative shall be informed of the consequence of the decision, procedures and time limits for appeal.

## **SECTION FOUR**

### **Other Provisions on Temporary Protection and International Protection**

#### Temporary protection

#### **ARTICLE 91 –**

- (1) Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.
- (2) The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations shall be stipulated in a Directive to be issued by the Council of Ministers.

#### Cooperation in international protection procedures

#### **ARTICLE 92 –**

- (1) The Ministry may cooperate with the United Nations High Commissioner for Refugees, International Organisation for Migration, and other international organisations and non-governmental organisations

for issues related to the international protection procedures set out in this Part, within the framework of the Law on the Implementation and Coordination of International Relations N<sup>o</sup> 1173 of 05/05/1969.

- (2) The necessary cooperation shall be undertaken with United Nations High Commissioner for Refugees with regard its duty to supervise the implementation of the provisions of the Convention. The Ministry is authorised to determine actions regarding international protection, application, assessment, and decision-making within the scope of this Law and, to this end, to conclude protocols with the United Nations High Commissioner for Refugees that are not of an international agreement nature, in consultation with the Ministry of Foreign Affairs.
- (3) The United Nations High Commissioner for Refugees access to international protection applicants, including at border gates shall be facilitated and, subject to the consent of the applicant, to the information concerning the concerned application shall also be facilitated. The United Nations High Commissioner for Refugees may submit its views to the authorities at every stage of the application.

Country of origin information

#### **ARTICLE 93 –**

- (1) In assessing international protection claims, up-to-date information shall be compiled from United Nations High Commissioner for Refugees and other sources with respect to the countries of origin, residence and transit in order to determine the accuracy

of the claims put forward by applicants to ensure an effective and fair decision.

- (2) The establishment of the country of origin information system; collection and storage of information; operation of the system; and access permissions of the relevant public institutions and agencies shall be carried out in line with the principles and procedures to be determined by the Directorate General.

### Confidentiality and access to personal files

#### **ARTICLE 94 –**

- (1) All information and documents pertaining to applicants and international protection beneficiaries shall be confidential.
- (2) However, applicants and international protection beneficiaries as well as their legal representative or lawyer may examine or obtain a copy of the documents in the personal file pertaining to the applicant or international protection beneficiary. Documents relating to the protection of national security and public order and prevention of crime cannot be examined and handed over.

### Reception and accommodation centres

#### **ARTICLE 95 –**

- (1) Applicants and international protection beneficiaries shall provide their own accommodation.
- (2) The Directorate General may establish reception and accommodation centres to meet the accommoda-

- tion, food, healthcare, social and other needs of applicants and international protection beneficiaries.
- (3) Priority shall be given to the accommodation of persons with special needs.
  - (4) The governorates shall operate the reception and accommodation centres. The Directorate General may outsource the operation of these centres to public institutions and agencies, the Turkish Red Crescent Association or, non-profit associations that have expertise in the field of migration through a protocol.
  - (5) Applicants or international protection beneficiaries and their family members residing outside of the reception and accommodation centres may be availed of the services provided at such centres.
  - (6) Services provided at reception and accommodation centres may also be outsourced.
  - (7) The unity of families staying at the centres shall be preserved to the extent possible.
  - (8) Representatives of non-governmental organisations that have expertise in the field of migration may visit the reception and accommodation centres upon permission of the Directorate General.
  - (9) The principles and procedures related to the establishment, management and operation of reception and accommodation centres shall be stipulated in a Directive.

**PART FOUR**  
**COMMON PROVISION REGARDING FOREIGNERS  
AND INTERNATIONAL PROTECTION**

Harmonization

**ARTICLE 96 –**

- (1) The Directorate General may, to the extent that Turkey's economic and financial capacity deems possible, plan for harmonization activities in order to facilitate mutual harmonization between foreigners, applicants and international protection beneficiaries and the society as well as to equip them with the knowledge and skills to be independently active in all areas of social life without the assistance of third persons in Turkey or in the country to which they are resettled or in their own country. For these purposes, the Directorate General may seek the suggestions and contributions of public institutions and agencies, local governments, non-governmental organisations, universities and international organisations.
- (2) Foreigners may attend courses where the basics of political structure, language, legal system, culture and history of Turkey as well as their rights and obligations are explained.
- (3) The Directorate General shall promote the courses related to access to public and private goods and services, access to education and economic activi-

ties, social and cultural communications, and access to primary healthcare services and, awareness and information activities through distant learning and similar means in cooperation with public institutions and agencies and non-governmental organisations,.

Obligation to respond to a summons

#### **ARTICLE 97 –**

- (1) Foreigners, applicants and international protection beneficiaries may be summoned to the relevant governorate or Directorate General for reasons of:
  - a) examining their entry into or stay in Turkey;
  - b) possible removal decision to be issued;
  - c) notification of actions concerning the implementation of this Law.

In cases where foreigners do not respond to summons or, where there are strong reasons to believe that they will not respond, law enforcers may hold such foreigners without a prior summons. This action shall not be considered as administrative detention and the period for information gathering shall not exceed four hours.

Responsibility of carriers

#### **ARTICLE 98 –**

- (1) Carriers shall be responsible with:
  - a) returning the foreigners that they have transported to the border gates for entry into or

transit from Turkey, in cases where foreigners are refused entry into or transit to Turkey for any reason whatsoever, to the country they came from or to a country where they shall definitely be admitted;

- b) ensuring the travel to and from of escorts in cases where escorting the foreigner is considered necessary;
  - c) checking the documents and permissions of the persons they carry.
- (2) The Directorate General may request carriers that bring passengers to the border gates to provide their passenger details prior to their departure for Turkey.
- (3) The principles and procedures concerning the responsibilities listed in the first and the second paragraphs shall be stipulated in a Directive to be jointly determined by the Ministry and the Ministry of Transport, Maritime and Communications.

Personal data

#### **ARTICLE 99 –**

- (1) The Directorate General or governorates shall collect, protect, store and use personal data pertaining to foreigners, applicants and international protection beneficiaries pursuant to the relevant legislation and international agreements to which Turkey is a party to.

## Notification

### **ARTICLE 100 –**

- (1) The notification actions formalities related to this Law shall be carried out pursuant to the provisions of the Notifications Law № 7201 of 11/02/1959.
- (2) The principles and procedures concerning the implementation of this Article shall be stipulated in a Directive, taking into consideration that the concerned persons are foreigners and, if any, their special circumstances.

## Authorized administrative courts

### **ARTICLE 101 –**

- (1) In cases where the implementation of this Law is appealed to an administrative court and if there is more than one administrative court in a given location, the Supreme Council of Judges and Prosecutors shall determine the competent administrative court for such appeals.

## Administrative fines

### **ARTICLE 102 –**

- (1) Where other applicable laws do not provide for a higher penalty, the following administrative fines shall be imposed:
  - a) Two thousand Turkish Liras to foreigners that, in violation of Article 5, illegally enter into or exit from Turkey or, attempt to do so;

- b) One thousand Turkish Liras to those who have entered into Turkey despite an entry ban to Turkey issued according to the first and second paragraphs of Article 9;
  - c) One thousand Turkish Liras to those that do not leave Turkey within the period stipulated in the first paragraph of Article 56;
  - ç) One thousand Turkish Liras to those who have escaped during the actions set out in Articles 57, 58, 60 and 68.
- (2) Where a misdemeanour punishable by an administrative fine is committed again within one calendar year the fine shall increase by one half.
  - (3) The enforcement of the administrative fines set out in this Article shall not prevent the enforcement of other administrative measures stipulated in this Law.
  - (4) The governorates or law enforcement units shall enforce the administrative fines in this article. Administrative fines shall be paid within thirty days of the date of notification.

**PART FIVE**  
**DIRECTORATE GENERAL OF**  
**MIGRATION MANAGEMENT**

**SECTION ONE**  
**Establishment, Duties and Mandate**

Establishment

**ARTICLE 103 –**

- (1) The Directorate General of Migration Management has been established under the Ministry of Interior in order to implement migration policies and strategies, ensure coordination among relevant agencies and organisations, and carry-out functions and actions related to the entry into, stay in and exit from of foreigners in Turkey as well as their removal, international protection, temporary protection and the protection of victims of human trafficking.

Duties and Mandate

**ARTICLE 104 –**

- (1) The duties and mandate of the Directorate General of Migration Management are to:
  - a) develop legislation and administrative capacity and carry-out work on 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;
- b) provide secretariat services for the Migration Policies Board and follow up on the implementation of the decisions of the Board;
  - c) carry-out activities and actions related to migration;
  - ç) carry-out duties assigned to the Ministry pursuant to the Settlement Law N° 5543 of 19/09/2006;
  - d) carry-out activities and actions for the protection of victims of human trafficking;
  - e) determine stateless persons in Turkey and carry-out activities and actions related to such persons;
  - f) carry-out activities and actions related to harmonization;
  - g) carry-out activities and actions related to temporary protection;
  - ğ) 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;
  - h) assist public institutions and agencies in scheduling and developing projects related to migration, evaluate and approve project propos-

als, monitor the work and on-going projects, support the implementation of such work and projects to ensure their compliance with international standards; and,

- 1) carry-out other duties assigned through legislation.
- (2) The Directorate General is authorised to ensure cooperation and coordination with public institutions and agencies, universities, local governments, non-governmental organisations, and private and international organisations in relation to its duties.
- (3) The relevant agencies and organisations shall, without delay, respond to the requests to provide any information and documents by the Directorate General pursuant to this Law.

## **SECTION TWO**

### **Migration Policies Board**

Migration Policies Board and its duties

#### **ARTICLE 105 –**

- (1) The Migration Policies Board operates under the chairmanship of the Minister and is comprised of the undersecretaries of the Ministry of Family and Social Policies, Ministry for European Union, Ministry of Labour and Social Security, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Culture and Tourism, Ministry of Finance, Ministry of National Education, Ministry of Health, and Ministry of Transport, Mari-

time and Communications as well as the President of the Presidency of the Turks Abroad and Related Communities and the Director General for Migration Management. Depending on the agenda of the meeting, representatives from the relevant ministries, other national or international agencies and organisations, and non-governmental organisations may be invited to the meetings.

- (2) The Board shall convene at least once a year upon the call of the Chairman. In cases when considered necessary, the Board may convene extraordinarily upon the call of the Chairman. The Chairman shall determine the agenda of the meeting in consultation with the members. The Directorate General shall serve as the secretariat of the Board.
- (3) The Board shall:
  - a) determine Turkey's migration policies and strategies and follow up on their implementation;
  - b) develop strategy documents as well as programme and implementation documents on migration;
  - c) identify methods and measures to be employed in case of a mass influx;
  - ç) determine principles and procedures concerning foreigners to be admitted en mass to Turkey on humanitarian grounds, as well as the entry into and stay of such foreigners in Turkey;
  - d) determine principles concerning the foreign labour force needed in Turkey, in line with the

- suggestions of the Ministry of Labour and Social Security, as well as the foreign seasonal workers to be employed in agriculture, pursuant to views of the Ministry of Food, Agriculture and Livestock;
- e) determine conditions of the long-term residence permits to be issued to foreigners;
  - f) determine framework for effective cooperation in the field of migration with foreign countries and international organisations and the relevant studies in this field;
  - g) make decisions to ensure coordination among public institutions and agencies working in the field of migration.

### **SECTION THREE**

#### **Central, Provincial and Overseas Organisations, Service Units**

Organisation

#### **ARTICLE 106 –**

- (1) The Directorate General is comprised of the central, provincial and overseas organisations.
- (2) The central organisation of the Directorate General is provided in annex Table (I).

## Director General

### ARTICLE 107 –

- (1) The Director General is the most senior official at the Directorate Generals and reports directly to the Minister.
- (2) The Director General shall:
  - a) manage the Directorate General pursuant to the legislation, and in accordance with Government programme and policies;
  - b) carry-out necessary legislative work within mandate of the Directorate General, and to manage the Directorate General in accordance with the defined strategies, objectives and performance criteria;
  - c) inspect the activities and actions carried out by the Directorate General, review the management systems, supervise the effectiveness of the organisational structure and management procedures, and ensure the improvement of the management;
  - ç) determine medium and long term strategies and policies of the Directorate General, and, to this end, ensure cooperation with international organisations, universities and non-governmental organisations;
  - d) ensure cooperation and coordination with public institutions and agencies for areas within its mandate.

- (3) Two Deputy Director Generals may be appointed to assist the Director General in the management and coordination of the Directorate General. The Deputy Director Generals shall undertake the duties assigned by the Director General and shall report to the Director General.

## Departments

### **ARTICLE 108 –**

- (1) The departments of the Directorate General and their duties are as follows:
  - a) Foreigners Department shall:
    - 1) carry-out activities and actions related to regular migration;
    - 2) carry-out activities and actions related to irregular migration;
    - 3) carry-out duties assigned to the Ministry pursuant to Law N° 5543;
    - 4) carry-out activities and actions related to stateless persons in Turkey;
    - 5) ensure combating irregular migration through coordination among law enforcement and relevant public institutions and agencies, develop measures and follow up on the implementation of these measures;
    - 6) implement the provisions related to third country nationals and stateless persons

- set out in readmission agreements to which Turkey is a signatory;
- 7) carry-out other tasks assigned by the Director General.
- b) International Protection Department shall:
  - 1) carry-out activities and actions related to international protection;
  - 2) carry-out activities and actions related to temporary protection;
  - 3) collect and update information on countries of origin;
  - 4) carry-out other tasks assigned by the Director General.
- c) Department of Protection of Victims of Human Trafficking shall:
  - 1) carry-out activities and actions related to combating human trafficking and protecting victims of trafficking;
  - 2) implement projects related to combating human trafficking and protecting victims of trafficking;
  - 3) establish, operate or outsource the operation of hotlines for victims of human trafficking;
  - 4) carry-out other tasks assigned by the Director General.
- ç) Migration Policy and Projects Department shall:

- 1) carry-out studies to determine policies and strategies in the field of migration, and monitor and coordinate the implementation of the policies and strategies;
  - 2) serve as the secretariat of the Migration Policies Board, and follow up on the implementation of the decisions of the Board;
  - 3) carry-out projects related to migration;
  - 4) assist public institutions and agencies in scheduling and developing projects related to migration, evaluate and approve project proposals, monitor the work and projects being implemented, and support the implementation of such work and projects to ensure their compliance with international standards;
  - 5) carry-out or contract migration reviews, studies and impact analyses;
  - 6) publish statistics on migration, anti-trafficking and the protection of victims, in cooperation with the Turkish Institute of Statistics;
  - 7) prepare and publish an annual migration report;
  - 8) carry-out other tasks assigned by the Director General.
- d) Harmonization and Communications Department shall:

- 1) carry-out activities and actions related to the social harmonization of foreigners;
  - 2) inform the public on matters related to the mandate of the Directorate General and raise social awareness;
  - 3) plan and carry-out media and public relations activities;
  - 4) carry-out other tasks assigned by the Director General.
- e) Information Technologies Department shall:
- 1) establish, operate and ensure the operation of information systems within the mandate of the Directorate General;
  - 2) carry-out the infrastructural activities and actions related to the collection, protection, storage and use of personal data covered in this Law;
  - 3) ensure communication between departments of the Directorate General, register, classify and distribute electronic documents, procure, create and develop software to meet IT and communication needs;
  - 4) carry-out other tasks assigned by the Director General.
- f) International Affairs Department shall:
- 1) ensure communication and cooperation; develop necessary connection and coordination, carry-out studies to create new

- areas of cooperation with other countries and international organisations on matters within the mandate of the Directorate General;
- 2) ensure continued relations with the European Union on matters within the mandate of the Directorate General;
  - 3) carry-out the actions related to the temporary overseas assignment of Directorate General personnel;
  - 4) schedule visits of foreign delegations and officials, organise and coordinate international meetings, conferences, seminars and similar events with respect to the mandate of the Directorate General;
  - 5) monitor the activities and developments taking place abroad on matters within the mandate of the Directorate General;
  - 6) liaise with diplomatic mission officials dealing with migration matters;
  - 7) carry-out other tasks assigned by the Director General.
- g) Strategy Development Department shall:
- 1) carry-out tasks assigned to the strategy development and financial services units pursuant to the Public Financial Management and Control Law Nº 5018 of 10/12/2003 and Article 15 of the Law Concerning Amendments to the Public Financial Management

- and Control Law, Other Laws and Decree Laws N<sup>o</sup> 5436 of 22/12/2005;
- 2) carry-out other tasks assigned by the Director General.
- g) Legal Counsellor shall:
- 1) carry-out tasks assigned to the legal units pursuant to the provisions of the Decree Law Concerning the Provision of Legal services in General Budgeted Public Administrations and Special Budgeted Administrations N<sup>o</sup> 659 of 26/09/2011;
  - 2) carry-out other tasks assigned by the Director General.
- h) Human Resources Department shall:
- 1) develop human resources policy, plans, and human resources system of the Directorate General as well as establish performance criteria and make suggestions in this respect;
  - 2) carry-out assignment, transfer, promotion, retirement and similar actions for the Directorate General personnel;
  - 3) carry-out other tasks assigned by the Director General.
- I) Support Services Department shall:
- 1) lease and procure as well as deliver or out-source services such as cleaning, security, lighting, heating, maintenance, and trans-

- port pursuant to the provisions of Law № 5018;
- 2) manage the moveable and immovable properties that belong to the Directorate General;
  - 3) organise and carry-out general documentation and archiving work;
  - 4) plan and carry-out civil defence, mobilisation, natural disaster and emergency services of the Directorate General;
  - 5) take necessary measures to respond to information requests made pursuant to the Law on the Right of Information № 4982 of 09/10/2003 in an effective, swift and accurate manner;
  - 6) establish, operate or ensure the operation of centres as well as shelters for victims of human rights trafficking;
  - 7) carry-out other tasks assigned by the Director General.
- i) Training Department shall:
- 1) plan and implement training activities within to the mandate of the Directorate General;
  - 2) issue academic publications;
  - 3) organise workshops, symposia, conferences and similar activities;

- 4) keep track of and compile national and international publications, legislation, court rulings and other information and documentation, and disseminate these to the relevant departments;
- 5) carry-out other tasks assigned by the Director General.

### Provincial organisation

#### **ARTICLE 109 –**

- (1) The Directorate General is authorised to establish provincial organisations pursuant to the provisions of the applicable legislation.

### Overseas organisation

#### **ARTICLE 110 –**

- (1) The Directorate General is authorised to establish overseas organisations pursuant to the Decree Law on the Overseas Organisations of Public Institutions and Agencies Nº 189 of 13/12/1983.
- (2) The migration counsellors appointed to the embassies shall:
  - a) ensure cooperation and coordination between the Directorate General and the agencies and institutions in the country of posting;
  - b) keep track of the developments related to matters within the mandate of the Direc-

- torate General and inform the Directorate General accordingly;
  - c) monitor the implementation of the migration legislation both in the country where they are posted and in Turkey;
  - ç) establish necessary contacts and connections in the countries to which irregular migrants shall be removed or voluntarily returned in order to facilitate such procedures;
  - d) carry-out actions related to complying countries of origin information;
  - e) carry-out tasks assigned by the Directorate General to combat human trafficking and protect victims;
  - f) suggest and prepare joint project proposals on migration, counter trafficking and the protection of victims of trafficking, and follow up on the projects being implemented;
  - g) carry-out other tasks assigned by the Directorate General.
- (3) The migration attachés appointed to the consulates shall:
- a) receive and finalise visa and residence permit applications lodged to the consulates;
  - b) collect information and documents related to the applications; request missing information and documents from the applicants; assess the

- applicants when necessary by conducting an interview and record such interviews;
- c) report visa applications that can be finalised by the consulate directly to the Consul for approval; report residence permit and visa applications that require the prior decision of the Directorate General, to the Consul for approval following the decision of the Directorate General;
  - ç) provide assistance for the activities and actions related to foreigners to be removed from Turkey or voluntarily returned, in the countries of destination;
  - d) monitor developments on migration in the country of posting and prepare annual reports;
  - e) carry-out other tasks related to migration to be assigned by the consuls;
  - f) carry-out other tasks assigned by the Directorate General.

### Working groups and regulatory authority

#### **ARTICLE 111 –**

- (1) The Directorate General may establish working groups, for the implementation of services, at the central organisation upon proposal of its department heads and the approval of the Director General. The groups shall operate under the coordination of an expert to be appointed by the Director General.

- 2) The Directorate General is authorised to issue administrative regulations on matters within its duties, mandate and responsibilities.

Responsibilities of managers and transfer of authority

#### **ARTICLE 112 –**

- (1) Managers at different levels of the Directorate General shall report to senior levels in performing their tasks pursuant to the legislation, strategic plans and programmes, performance criteria and service quality standards.
- (2) The Director General and managers of all levels at the Directorate General may transfer some of their powers to subordinate levels, provided that the limits are clearly defined in writing. The transfer of powers shall be communicated to the relevant parties using appropriate means.

### **SECTION FOUR**

#### **Permanent Boards and Committees and Temporary Committees**

Permanent boards and committees

#### **ARTICLE 113 –**

- (1) The permanent boards and committees of the Directorate General include:
  - a) Migration Advisory Board;

- b) International Protection Assessment Committee;
  - c) Coordination Board on Combating Irregular Migration.
- (2) The eligibility criteria for permanent board and committee members, the dates and venues of their ordinary and extraordinary meetings, their working and decision-making principles and procedures as well as other matters relating to the boards and committees shall be stipulated in a Directive.
  - (3) The Directorate General shall provide the secretariat and support services for the permanent boards and committees.

## Migration Advisory Board

### ARTICLE 114 –

- (1) The Migration Advisory Board, chaired by the Ministry's Undersecretary or a deputy undersecretary to be assigned by the Undersecretary, shall consist of the representatives of the Turkish Human Rights Institution, Ministry for European Union, Ministry of Labour and Social Security, Ministry of Foreign Affairs, that are at least at the level of head of department, the Director General, Deputy Director Generals, the heads of the Foreigners, International Protection, Protection of Victims of Human Trafficking, Harmonization and Communications, Migration Policies and Projects Departments, the representative of United Nations High Commissioner for Refugees in Turkey, the rep-

representative of International Organisation for Migration in Turkey, five scholars specialised on migration matters, and the representatives of five non-governmental organisations operating in the field of migration. The Chairman of the board may invite migration experts from Turkey or abroad to their meetings to consult their opinion. The Board shall hold ordinary meetings twice a year. The Board may hold extraordinary meetings upon the call of the Chairman. The Chairman shall determine the agenda of the meeting.

- (2) The scholars and representatives of non-governmental organisations shall be selected pursuant to the principles and procedures to be determined by the Ministry.
- (3) The Board shall:
  - a) monitor the migration practices and make recommendations;
  - b) consider new regulation in planning in the field of migration;
  - c) study regional and international developments in the field of migration policies and law and assess their implications for Turkey;
  - ç) consider legislation and implementation related to migration;
  - d) establish sub-committees in the field of migration, and assess reports resulting from their deliberations.

- (4) The recommendations of the Board shall be taken into consideration by the Directorate General and public institutions and agencies.

## International Protection Assessment Committee

### **ARTICLE 115 –**

- (1) The International Protection Assessment Committee, chaired by a representative of the Directorate General, shall consist of representatives designated by the Ministry of Justice and Ministry of Foreign Affairs, and a migration expert. United Nations High Commissioner for Refugees representative in Turkey may be invited to the committee as an observer. One or more committees may be established at the central or provincial organisation of the Directorate General. The representative of the Directorate General and migration expert shall be assigned for a period of two years whereas other members shall be assigned for a minimum of one year as permanent and substitute members. No additional task shall be assigned to the Chairman and members of the Committee during their tenure.
- (2) The Committee shall:
  - a) assess and decide on appeals against decisions an international protection claims as well as other decisions concerning applicants and international protection beneficiaries, with the exception of administrative detention decision, decisions related to inadmissible applications,

- and decisions made as a result of accelerated procedure;
- b) assess and decide on appeals against decisions concerning the cancellation of international protection.
- (3) The Committees shall work directly under the coordination of the Directorate General.

### Coordination Board on Combating Irregular Migration

#### **ARTICLE 116 –**

- (1) The Coordination Board on Combating Irregular Migration, chaired by the Undersecretary of the Ministry or a deputy undersecretary to be assigned by the Undersecretary, shall consist of representatives from the General of Staff, Ministry of Labour and Social Security, Ministry of Foreign Affairs, Undersecretariat of the National Intelligence Undersecretariat, and the relevant law enforcement units that are at least at the level of head of department, and the Directorate General.
- (2) Representatives of the central and provincial units of relevant public institutions and agencies, non-governmental organisations and international organisations as well as relevant experts may be invited to the Board meetings. The Board shall convene every six months with an agenda. The Board may also convene ad hoc upon the call of the Chairman. The Chairman shall determine the agenda of the meeting by consulting its members.

- (3) The Board shall:
  - a) ensure coordination among law enforcement units and relevant public institutions and agencies to effectively combat irregular migration;
  - b) determine the routes for illegal entry into and exit from Turkey and develop counter measures;
  - c) improve the measures against irregular migration;
  - ç) plan the development of legislation related to combating irregular migration and monitor its implementation.
- (4) Public institutions and agencies shall primarily take the decisions of the Board in consideration.

#### Temporary committees

#### **ARTICLE 117 –**

- (1) The Directorate General may establish temporary committees upon approval of the Minister and with the participation of public institutions and agencies, non-governmental organisations, international organisations and relevant experts to carry-out work within its mandate.
- (2) The composition of the temporary committees, the number of members, their appointment and eligibility criteria, the date and venue of its ordinary and extraordinary meetings, working and decision-making principles and procedures as well as other matters concerning the boards shall be stipulated in a Directive.

## **SECTION FIVE**

### **Provisions on Appointment and Personnel**

Appointments and assignments

#### **ARTICLE 118 –**

- (1) Appointment of the Director General and Deputy Director Generals shall be through a joint decision, and appointments to other positions shall be made upon proposal of the Director General. All appointments shall be subject to the Minister's approval.
- (2) Personnel working at public institutions and agencies may be temporarily assigned to the Directorate General, with their consent of and that of their institutions, in order to work in areas within the mandate of the Directorate General. Assignments shall be made provided that the relevant personnel's institution covers the salary, allowance, salary increases and compensation as well as other remuneration and social benefits. Personnel assigned as such shall be considered to be on paid leave from their own institutions. Their service at the Directorate General shall count towards their seniority. Such personnel shall continue to work under their actual position. Such personnel shall be promoted in due time without further formalities. The number of personnel assigned as such cannot exceed thirty per cent of the current number of personnel.

## Provisions pertaining to personnel

### **ARTICLE 119 –**

- (1) Migration Experts and Assistant Migration Experts may be employed in the central organisation of the Directorate General, and Provincial Migration Experts and Provincial Assistant Migration Experts may be employed for the provincial units.
- (2) In order to be appointed as an Assistant Migration Expert and Provincial Assistant Migration Expert, in addition to satisfying the conditions set out in Article 48 of the Civil Servants Law № 657 of 14/07/1965, persons shall have graduated from a faculty providing at least four years of education in the fields of law, political science, economics, business administration and international relations or from a faculty stipulated in the Directive or, from a higher education institution in Turkey or abroad, the equivalence of which has been recognised by the Higher Education Board, and shall have passed the relevant competitive test. The competitive test to become an Assistant Migration Expert and Provincial Assistant Migration Expert shall be comprised of written tests and interviews.
- (3) The provisions stipulated in Article 41 of Law № 657 shall apply to the recruitment of Assistant Migration Experts, the relevant competitive tests, dissertations, proficiency exams as well as their appointment as experts.

- (4) Those appointed as Provincial Assistant Migration Expert shall be entitled to take the proficiency test provided that they have worked de facto for at least three years. Those who fail the test or do not take the test without a valid excuse shall be given a second right to retake the test within one year. Those who fail or do not take the second test shall be stripped of their title as a Provincial Assistant Migration Expert and shall be appointed to an appropriate clerical position. The principles and procedures governing the recruitment of Provincial Migration Experts and Provincial Assistant Migration Experts, the relevant competitive test, the establishment and composition of the committees, the proficiency tests, the appointment and assignment of personnel as well as other matters shall be stipulated in a Directive.
- (5) Foreign experts may be employed at the Directorate General on a contractual basis for positions that require special knowledge and expertise. The Director General shall determine the net monthly wage of such personnel, provided that the amount does not exceed the net monthly wage paid to a Grade I Migration Expert in accordance with their remuneration rights. Such personnel shall be considered to be social insurance holders pursuant to the subparagraph (a) of the first paragraph of Article 4 of Law № 5510. The number of personnel to be employed as such cannot exceed one per cent of the total number of personnel at the Directorate General. The principles

and procedures regarding their recruitment shall be stipulated in a Directive.

- (6) The Director General and Deputy Directors General, the heads of the Migration Policies and Projects, Harmonization and Communications, External Affairs, Strategy Development, and Support Services Departments, and migration advisors at the Directorate General shall be appointed or assigned from among the civil administration services class personnel.

## Positions

### **ARTICLE 120 –**

- (1) The determination, formation, use and cancellation of positions at the Directorate General as well as other matters related to the positions shall be regulated pursuant to the provisions of the Decree Law on General Positions and Related Procedures N<sup>o</sup> 190 of 13/12/1983.

## **SECTION SIX**

### **Miscellaneous Provisions**

## Directive

### **ARTICLE 121 –**

- (1) The principles and procedures related to the implementation of this Law shall be stipulated in a Directive.

## Provisions referenced

### ARTICLE 122 –

- (1) References made to the Law on the Residence and Travel of Foreigners in Turkey N° 5683 of 15/07/1950 in other legislation shall be considered as made to this Law. The term “residence missive” used in the context of foreigners in other legislation shall be construed to mean “residence permit” as laid down in this Law.

## Provisions amended

### ARTICLE 123 –

- (1) The phrase “to citizens and foreigners” in Article 34 of the Passport Law No 5682 has been amended as “to citizens”.
- (2) The following subparagraphs have been added to the first paragraph of Article 88 of the Law on Legal Fees N° 492 of 02/07/1964:
  - “f) long-term residence permit holders;
  - g) victims of the crime of human trafficking.”
- (3) In the Civil Servants Law N° 657 of 14/07/1965:
  - a) In the eleventh subparagraph of paragraph (A) of the section titled “Common Provisions” of Article 36, “Assistant Migration Experts, Provincial Assistant Migration Experts” has been added to follow “Energy and Natural Resources Assistant Experts”, and “Migration Expert, Provincial Mi-

- gration Expert” has been added to follow “Energy and Natural Resources Expert”;
- b) In sub section titled “II– Indemnities” of section titled “A– Special Service Indemnity” of subparagraph (ğ) of Article 152: “Migration Experts” has been added to follow “Higher Education Council Experts”; in subparagraph (h): “Provincial Migration Experts” has been added to follow “Ministry of Interior Provincial Planning Experts”.
  - c) In Annex I, in subparagraph (g) of the Additional Indicator Table “I– General Administrative Services Grades”: the expression “Migration Experts” has been added to follow “EU Affairs Experts”; in subparagraph (h): the expression “Provincial Migration Experts” has been added to follow “Ministry of Interior Planning Experts”.
- (4) The following subparagraph has been added to follow the subparagraph (d) of the first paragraph of Article 29 in Law on the Organisation and Duties of the Ministry of Interior N° 3152 on 14/02/1985:
- “e) Directorate General for Migration Management.”
- (5) In the Law on Work Permits for Foreigners N° 4817 of 27/02/2003:
- a) in the first paragraph of Article 5 “the duration of the residence permit” has been removed from the text.
  - b) the following subparagraph has been added to follow the first paragraph of Article 8:

- “1) To foreigners and stateless persons that have claimed international protection and have been granted a conditional refugee status by the Ministry of Interior,”
  - c) The first paragraph of Article 12 has been amended to read as follows:

“Foreigners shall make the first application for a work permit to the consulates of the Republic of Turkey in their country of residence. The consulate shall assess the applications, in consultation with the relevant authorities, and forward these applications directly to the Ministry. The Ministry shall assess the applications according to Article 5, and issue work permits to eligible foreigners. Foreigners may stay and work in Turkey for the duration specified in the work permits issued by the consulates.”
  - ç) Subparagraph (c) of Article 14 (1) is amended to read as follows:

“c) In case the Ministry of Interior expresses a negative opinion,”
  - d) Subparagraph (a) of Article 16 (1) is amended to read as follows:

“a) In case a removal decision or entry ban to Turkey has been issued in respect of the foreigner,”
- (6) The line “55) Directorate General for Migration Management” has been added to follow line 54 in Table (I)

annexed to the Law on Public Financial Management and Control N° 5018 of 10/12/2003.

(7) In the Demographic Services Law N° 5490 of 25/04/2006:

a) subparagraph (çç) of the first Paragraph of Article 3 is amended to read as follows:

“çç) Foreigners registry: is the registry where the records of persons in Turkey that have been issued a Stateless Person Identity Document or granted a residence permit valid for a minimum of ninety days for whatever reason as well as foreigners who are legally staying in Turkey and have made a request to get foreigners identification number.”

b) first Paragraph of Article 8 has been amended to read as follows:

“(1) The Directorate General shall register foreigners in Turkey that have been issued a residence permit valid for a minimum of ninety days for whatever reason in the foreigners’ registry. Foreigners who are legally staying in Turkey shall also be registered in the foreigners’ registry upon their request. Foreigners registered in the registry shall declare all changes in their civil status to the population registry offices. This provision shall not apply to members of diplomatic missions.”

- (8) In the Social Security and Universal Medical Insurance Law Nº 5510 of 31/05/2006:
- a) subparagraph (27) of the first paragraph of Article 3 has been amended as follows:  
“27) International protection applicant or beneficiary of such status and stateless person: persons who are recognised as an applicant, refugee, subsidiary protection or conditional refugee status beneficiary or stateless by the Ministry of Interior,”
  - b) subparagraph (2) of subparagraph (c) of the first paragraph of Article 60 has been amended as follows:  
“2) Persons recognised as applicants or international protection beneficiaries and stateless persons,”
  - c) The phrase “regarded as stateless persons and asylum seekers” in subparagraph (b) of the first paragraph of Article 61 has been amended as “regarded as having applied for or acquired the status of an international protection beneficiary or a stateless person”.
- (9) The positions listed in the annexed Tables (1), (2) and (3) have been created and added to Table (I) annexed to the Decree Law Nº 190 under the section titled “Directorate General for Migration Management”.
- (10) “Migration Management” has been added to follow “Media and Information” in line 9 in Table (II) annexed to the Decree Law Nº 375 of 27/06/1989.

## Legislation repealed

### **ARTICLE 124 –**

- (1) The Law on the Residence and Travel of Foreigners in Turkey N° 5683 of 15/07/1950 and Articles 4, 6, 7, 8, 9, 10, 11, 24, 25, 26, 28, 29, 32, 33, 35, 36, 38, additional Article 5, first and second paragraphs of Article 5, and the second sentence of the first paragraph of Article 34 of the Passport Law N° 5682 of 15/07/1950 have been repealed.

## Interim provisions

### **PROVISIONAL ARTICLE 1 –**

- (1) The dossiers, hard or soft records and other documents as well as information systems, electronic projects and databases related to the mandate of the Directorate General that are kept by the Turkish National Police shall gradually be transferred to the Directorate General and the relevant provincial units. A protocol shall be concluded between the Turkish National Police and the Directorate General for such transfer within six months of the publication of this Article which shall become effective upon approval of the Minister.
- (2) One year following the publication of this Law, the movable property belonging to the reception and accommodation centres as well as the removal centres shall be considered transferred to the Directorate General and the immovable property shall be considered allocated to the Directorate General

without further formalities. The actions carried out for transfer purposes shall be exempt from fees, and the documents issued shall be exempt from stamp duty. For the purposes of this Law, the Minister shall be authorised to remedy any problem that may arise in connection with the transfer of movable property, the allocation of immovable and the like.

- (3) The allocation needs to cover the Directorate General's expenses in 2013 fiscal year shall be met in accordance with subparagraph (ç) of the first paragraph of Article 6 of the Law on the Central Administration Budget for 2013, N<sup>o</sup> 6363 of 20/12/2013. Personnel appointments may be made without the restrictions applicable in Law N<sup>o</sup> 6363, provided that such appointments do not exceed fifty per cent of the positions created for the Directorate General of Migration Management until 31/12/2014.
- (4) The units and personnel currently carrying-out the relevant duties and services shall continue to do so until the provincial organisation of the Directorate General is completed pursuant to the principles stipulated in this Law. Pursuant to Article 118, the Directorate General may employ personnel that are in office at the time that provincial organisation is completed for a term no longer than three years as of the date of transfer, without limitation to the number of personnel set out in second paragraph of the said Article.
- (5) Pursuant to Article 118, the Directorate General may employ the personnel that have worked for at least

two years at the Department of Foreigners, Borders and Asylum under the Turkish National Police and at the relevant branches of the provincial directorates for security for its central organisation for a term of three years as of the publication date of this article, without limitation to the number of personnel set out in second paragraph of the said Article.

- (6) Foreigners who lodge written application with a governorate within one year of the effective date of Part Two of this Law shall be availed of the rights granted in this Law with regard to residence permits.
- (7) Prior to the effective date of Part Three of this Law, the action regarding persons that have been granted status pursuant to the Directive on the Principles and Procedures related to 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, effective upon Council of Ministers decision N° 94/6169 of 14/09/1994, shall be carried out according to their [equivalent] status indicated in this Law, as for the actions regarding persons that have lodged an application shall be carried out pursuant to this Law. From the publication date of this Law to the effective date of Part Three, a residence permit fee shall not be charged from persons that have lodged an application and have been granted a status pursuant to the said Directive.

- (8) Until the Directives pertaining to the implementation of this Law become effective, the provisions of the current legislation that are not in conflict with this Law shall continue to apply.

Entry into force

**ARTICLE 125 –**

- (1) This Law shall enter into force as follows:
- a) Part Five of this Law, with the exception of Article 122, paragraphs one, two, five, and seven of Article 123, and Article 124, shall become effective upon the date of publication.
  - b) The remaining provisions shall become effective one year following the publication date.

Execution

**ARTICLE 126 –**

- (1) The Council of Ministers shall execute the provisions of this Law.

10/04/2013

**TABLE (I)**  
**ORGANISATION OF THE DIRECTORATE GENERAL OF**  
**MIGRATION MANAGEMENT**

Director General	Deputy Director General	Main Departments
Director General	Deputy Director General  Deputy Director General	<ol style="list-style-type: none"> <li>1. Foreigners Department</li> <li>2. International Protection Department</li> <li>3. Protecting Victims of Human Trafficking Department</li> <li>4. Migration Policies and Projects Department</li> <li>5. Harmonization and Communications Department</li> <li>6. Information Technologies Department</li> <li>7. External Affairs Department</li> <li>8. Strategy Development Department</li> <li>9. Legal Department</li> <li>10. Human Resources Department</li> <li>11. Support Services Department</li> <li>12. Training Department</li> </ol>

**LIST (1)**  
**AGENCY: DG OF MIGRATION MANAGEMENT**  
**ORGANISATION: CENTRAL**

<b>POSITIONS CREATED</b>				
<b>CLASS</b>	<b>TITLE</b>	<b>GRADE</b>	<b>VACANT POSITIONS</b>	<b>TOTAL</b>
CAS	Director General	1	1	1
CAS	Deputy Director General	1	2	2
CAS	Head of Migration Policies and Projects Department	1	1	1
CAS	Head of Harmonization and Communications Department	1	1	1
CAS	Head of External Affairs Department	1	1	1
CAS	Head of Strategy Development Department	1	1	1
CAS	Head of Support Services Department	1	1	1
GAS	Head of Foreigners Department	1	1	1
GAS	Head of International Protection Department	1	1	1
GAS	Head of Protecting Victims of Human Trafficking Department	1	1	1
GAS	Head of Information Technologies Department	1	1	1
GAS	Head of Human Resources Department	1	1	1
GAS	Head of Training Department	1	1	1
GAS	1st Legal Advisor	1	1	1
GAS	Migration Expert	1	15	15
GAS	Migration Expert	2	15	15
GAS	Migration Expert	3	15	15

POSITIONS CREATED				
CLASS	TITLE	GRADE	VACANT POSITIONS	TOTAL
GAS	Migration Expert	4	15	15
GAS	Migration Expert	5	15	15
GAS	Migration Expert	6	15	15
GAS	Migration Expert	7	15	15
GAS	Assistant Migration Expert	8	35	35
GAS	Assistant Migration Expert	9	65	65
GAS	Financial Services Expert	5	5	5
GAS	Assistant Financial Services Expert	9	5	5
GAS	Analyst	1	1	1
GAS	Analyst	2	1	1
GAS	Analyst	4	1	1
GAS	Analyst	6	1	1
GAS	Analyst	7	1	1
GAS	Analyst	8	1	1
GAS	Programmer	1	1	1
GAS	Programmer	3	1	1
GAS	Programmer	4	1	1
GAS	Programmer	5	1	1
GAS	Programmer	6	1	1
GAS	Programmer	8	2	2
GAS	Translator/interpreter	1	2	2
GAS	Translator/interpreter	2	2	2
GAS	Translator/interpreter	3	3	3
GAS	Translator/interpreter	4	3	3
GAS	Translator/interpreter	5	3	3
GAS	Translator/interpreter	6	3	3

POSITIONS CREATED				
CLASS	TITLE	GRADE	VACANT POSITIONS	TOTAL
GAS	Translator/interpreter	7	3	3
GAS	Translator/interpreter	8	3	3
GAS	Translator/interpreter	9	3	3
GAS	Data Preparation and Control Operator	3	3	3
GAS	Data Preparation and Control Operator	4	3	3
GAS	Data Preparation and Control Operator	5	3	3
GAS	Data Preparation and Control Operator	6	3	3
GAS	Data Preparation and Control Operator	7	3	3
GAS	Data Preparation and Control Operator	8	3	3
GAS	Data Preparation and Control Operator	9	3	3
GAS	Clerk	9	3	3
GAS	Clerk	10	3	3
GAS	Clerk	11	3	3
GAS	Clerk	12	3	3
GAS	Secretary	5	1	1
GAS	Secretary	7	2	2
GAS	Secretary	9	2	2
GAS	Secretary	11	1	1
GAS	Driver	5	1	1
GAS	Driver	9	2	2
GAS	Legal Advisor	1	2	2
GAS	Legal Advisor	4	3	3
AS	Lawyer	5	3	3
AS	Lawyer	6	3	3
AS	Lawyer	7	3	3

POSITIONS CREATED				
CLASS	TITLE	GRADE	VACANT POSITIONS	TOTAL
AS	Lawyer	8	3	3
AS	Lawyer	9	3	3
TS	Engineer	1	1	1
TS	Engineer	6	2	2
TS	Engineer	8	2	2
TS	Statistician	1	1	1
TS	Statistician	6	2	2
TS	Statistician	8	2	2
TS	Sociologist	1	1	1
TS	Sociologist	6	2	2
TS	Sociologist	8	2	2
HS	Social worker	1	1	1
HS	Social worker	6	2	2
HS	Social worker	8	2	2
HS	Psychologist	1	1	1
HS	Psychologist	6	2	2
HS	Psychologist	8	2	2
SS	Janitor	5	5	5
SS	Janitor	12	5	5
<b>TOTAL</b>			<b>365</b>	<b>365</b>

**LIST (2)**  
**AGENCY: DG OF MIGRATION MANAGEMENT**  
**ORGANISATION: PROVINCIAL**

<b>POSITIONS CREATED</b>				
<b>CLASS</b>	<b>TITLE</b>	<b>GRADE</b>	<b>VACANT POSITIONS</b>	<b>TOTAL</b>
GAS	Provincial Migration Management Director	1	81	81
GAS	Provincial Migration Management Director	1	50	50
GAS	District Migration Management Director	2	50	50
GAS	District Migration Management Director	3	48	48
GAS	Centre Director	1	5	5
GAS	Centre Director	2	5	5
GAS	Centre Director	3	5	5
GAS	Director of the Shelter House for Victims of Human Trafficking	1	5	5
GAS	Director of the Shelter House for Victims of Human Trafficking	2	5	5
GAS	Director of the Shelter House for Victims of Human Trafficking	3	5	5
GAS	Provincial Migration Expert	1	50	50
GAS	Provincial Migration Expert	2	50	50
GAS	Provincial Migration Expert	3	50	50
GAS	Provincial Migration Expert	4	100	100

POSITIONS CREATED				
CLASS	TITLE	GRADE	VACANT POSITIONS	TOTAL
GAS	Provincial Migration Expert	5	100	100
GAS	Provincial Migration Expert	6	130	130
GAS	Provincial Migration Expert	7	250	250
GAS	Provincial Assistant Migration Expert	8	450	450
GAS	Provincial Assistant Migration Expert	9	500	500
GAS	Analyst	1	1	1
GAS	Analyst	2	2	2
GAS	Analyst	3	2	2
GAS	Analyst	4	2	2
GAS	Analyst	5	2	2
GAS	Analyst	6	2	2
GAS	Analyst	7	2	2
GAS	Analyst	8	2	2
GAS	Programmer	1	1	1
GAS	Programmer	2	2	2
GAS	Programmer	3	2	2
GAS	Programmer	4	2	2
GAS	Programmer	5	2	2
GAS	Programmer	6	2	2
GAS	Programmer	7	2	2
GAS	Programmer	8	2	2
GAS	Translator/Interpreter	1	4	4

POSITIONS CREATED				
CLASS	TITLE	GRADE	VACANT POSITIONS	TOTAL
GAS	Translator/Interpreter	2	4	4
GAS	Translator/Interpreter	3	4	4
GAS	Translator/Interpreter	4	4	4
GAS	Translator/Interpreter	5	4	4
GAS	Translator/Interpreter	6	4	4
GAS	Translator/Interpreter	7	4	4
GAS	Translator/Interpreter	8	4	4
GAS	Translator/Interpreter	9	4	4
GAS	Data Preparation and Control Operator	3	50	50
GAS	Data Preparation and Control Operator	4	50	50
GAS	Data Preparation and Control Operator	5	50	50
GAS	Data Preparation and Control Operator	6	20	20
GAS	Data Preparation and Control Operator	7	20	20
GAS	Data Preparation and Control Operator	8	20	20
GAS	Data Preparation and Control Operator	9	20	20
GAS	Clerk	9	20	20

POSITIONS CREATED				
CLASS	TITLE	GRADE	VACANT POSITIONS	TOTAL
GAS	Clerk	10	20	20
GAS	Clerk	11	20	20
GAS	Clerk	12	20	20
GAS	Driver	5	15	15
GAS	Driver	10	15	15
AS	Lawyer	5	5	5
AS	Lawyer	6	5	5
AS	Lawyer	7	10	10
AS	Lawyer	8	10	10
TS	Sociologist	1	5	5
TS	Sociologist	6	5	5
TS	Sociologist	8	5	5
HS	Social Worker	1	15	15
HS	Social Worker	6	15	15
HS	Social Worker	8	15	15
HS	Psychologist	1	15	15
HS	Psychologist	6	15	15
HS	Psychologist	8	15	15
SS	Janitor	9	30	30
SS	Janitor	12	30	30
<b>TOTAL</b>			<b>2540</b>	<b>2540</b>

**LIST (3)**  
**AGENCY: DG OF MIGRATION MANAGEMENT**  
**ORGANISATION: OVERSEAS**

<b>POSITIONS CREATED</b>				
<b>CLASS</b>	<b>TITLE</b>	<b>GRADE</b>	<b>VACANT POSITIONS</b>	<b>TOTAL</b>
GAS	Migration Counsellor	1	15	15
GAS	Migration Attaché	1	85	85
<b>TOTAL</b>			<b>100</b>	<b>100</b>





REPUBLIC OF TURKEY  
MINISTRY OF INTERIOR  
DIRECTORATE GENERAL OF  
MIGRATION MANAGEMENT





MINISTRY OF LABOUR AND SOCIAL SECURITY OF THE REPUBLIC OF TURKEY

IMPLEMENTATION GUIDE REGARDING THE WORK PERMITS OF FOREIGNERS PROVIDED WITH  
TEMPORARY PROTECTION

DIRECTORATE GENERAL OF LABOUR

**Unofficial Translation**

Translated in April 2016

Reference Document for FTA-BSCI Members

# IMPLEMENTATION GUIDE REGARDING THE WORK PERMITS OF FOREIGNERS PROVIDED WITH TEMPORARY PROTECTION

## CHAPTER ONE

### PURPOSE AND SCOPE, LEGAL FOUNDATION, DEFINITIONS

#### 1.1 Purpose and Scope

The purpose of this guide is to define the procedures and principles regarding the work permits, which shall be issued for foreigners provided with temporary protection, and exemption from work permits that will be provided to those who will be employed in seasonal jobs in agriculture and livestock/animal husbandry, as per the Law No 6458 on Foreigners and International Protection dated 4/4/2013.

#### 1.2 Legal Foundation

This guide has been prepared based on Article 29 of the “Temporary Protection Regulation” dated 22/10/2014, published on Official Gazette No 29153, as per Article 91 of Law No 6458, and Cabinet Decree No 2014/6883 dated 13/10/2014.

At the same time, this guide has been prepared with the purpose of defining the duties and authorities of the Ministry of Labour and Social Security, Governorates, Provincial Directorates of Labour and Labour Institution, and other related institutions; as well as the obligations of those who are under temporary protection and their employers, based on the provisions of “Regulation regarding the Work Permits of Foreigners Provided with Temporary Protection”, which was decided on by the Council of Ministers on 11/1/2016 and published on Official Gazette No 29594 dated 15/1/2016.

#### 1.3 Definitions

Within this Guide:

- a) Ministry: Implies the Ministry of Labour and Social Security,
- b) Provincial Directorate: Implies Provincial Directorate of Labour and Labour Institution
- c) Automation system: Implies the Automation System for Foreigner Work Permits
- d) Foreigner identity number: Implies the 11-digit identity number, which starts with 99, given to foreigners under temporary protection.

## CHAPTER TWO

### EXEMPTION FROM WORK PERMIT IN SEASONAL JOBS IN AGRICULTURE AND LIVESTOCK/ANIMAL HUSBANDRY

#### 2.1 Terms of Application

The application for work permit exemption of those who are under temporary protection are accepted if they meet the terms set out below:

- a) The foreigner has a temporary identification document/foreigner credentials, which states that they are under temporary protection, and a foreigner identity number

- b) As of the date of application for work permit exemption, the minimum temporary protection period of six months is completed
- c) The application is made in the province where the foreigner is given the permit to stay, according to their temporary protection records, and only for employment in seasonal jobs in agriculture and livestock/animal husbandry.

## **2.2 Method of Application and Evaluation**

- a) The application for exemption from work permit is made by the foreigner with a temporary protection identification document/foreigner credentials, at the Provincial Directorate of the province where the foreigner is given the permit to stay.
- b) A query is run by the authorized person at the Provincial Directorate after entering the identity number of the foreigner on the automation system, and the identification details of the foreigner are generated.
- c) If, during the query, it cannot be verified on the Ministry of Internal Affairs records that the foreigner is under temporary protection, and the minimum temporary protection of six months is completed, the automation system will generate an alert that the application cannot proceed.
- d) The registration is completed once the province, where the foreigner under temporary protection requests an exemption from work permit, is selected and saved. If the province code selected does not match the province code of temporary protection given to the foreigner as per the Ministry of Internal Affairs records, the automation system will generate an alert that the application cannot proceed.
- e) In the case that a foreigner under temporary protection with a valid work permit applies for a work permit exemption, the automation system will generate an alert that the application cannot proceed. Only when the valid work permit is cancelled, the application for exemption can proceed.
- f) The foreigner under temporary protection, whose registration is completed and application deemed valid, will be given an information form on work permit exemption that is printed from the automation system.
- g) If the foreigner under temporary protection applies for the cancellation of their work permit exemption at the Provincial Directorate, the cancellation will be completed on the automation system by the Provincial Directorate.

## **2.3 The Scope and Content of the Information Form on Work Permit Exemption**

The following aspects are defined in the information form on work permit exemption, in Turkish and Arabic:

- a) They can only work in seasonal jobs in agriculture and livestock/animal husbandry,
- b) They do not have the right to work in a province other than the one they are provided temporary protection in
- c) The information form on work permit exemption is mandatory to be submitted along with the temporary protection identification document/foreigner credentials
- d) In the case that the foreigner will continue working past the expiry date of the exemption, a new application has to be made to the Provincial Directorate
- e) Whether a foreigner under temporary protection is eligible for the work permit exemption or not can be run through the Foreigner Work Permit Query System ([www.calismaizni.gov.tr](http://www.calismaizni.gov.tr)) by entering the foreigner identity number,

## **2.4 Notification to Governorates**

The list of foreigners under temporary protection, who are given an information form on work permit exemption for working in seasonal jobs in agriculture and livestock/animal husbandry, is

generated on the automation system by the Provincial Directorates every month, and notified to the Governorates within the first week of the following month.

## CHAPTER THREE WORK PERMIT

### 3.1 Terms of Application

The application of those who are under temporary protection are accepted if they meet the terms set out below:

- a) The foreigner has a temporary identification document/foreigner credentials, which states that they are under temporary protection, and a foreigner identity number
- b) As of the date of application for work permit exemption, the minimum temporary protection period of six months is completed
- c) The application is made in the province where the foreigner is given the permit to stay, according to their temporary protection records
- d) For foreigners under temporary protection, who will work in professions that require prior authorization, the prior authorization document is obtained from the relevant Ministries
- e) The foreigner under temporary protection does not have a work permit issued for another employer, or another ongoing application that has not been finalised

### 3.2 Method of Application

- a) The work permit application is made by employer, who will employ the foreigners under temporary protection.
- b) The application is made online via the e-Government website ([www.turkiye.gov.tr](http://www.turkiye.gov.tr) or [www.calismaizni.gov.tr](http://www.calismaizni.gov.tr)) by selecting the automation system module specific for foreigners under temporary protection.
- c) The employers who do not have an account on the automation system create an account.
- d) A query is run after entering the identity number of the foreigner on the automation system, and the identification details of the foreigner are generated.
- e) If, during the query, it cannot be verified on the Ministry of Internal Affairs records that the foreigner is under temporary protection, and the minimum temporary protection of six months is completed, the automation system will generate an alert that the application cannot proceed.
- f) In the case that, upon entering the employment address details into the system, the province code selected does not match the province code of temporary protection and residence given to the foreigner, the automation system will generate an alert that the application cannot proceed.
- g) It is obligatory that the information regarding the foreigner and their employer is entered completely, and the employment contract between the foreigner and their employer, as well as a photo of the foreigner, is scanned and uploaded on the system.
- h) If the foreigner is found to have a prior application already in process, the current application cannot proceed.
- i) It is sufficient to make the work permit application online via the automation system; no paper-based application needs to be sent to the Ministry.
- j) The foreigners under temporary protection, who work independently under their own name and account, with the condition that they have a tax identification number, must obtain a work permit following the process of establishing the business. The trade registry gazette, and for natural entity, traders, merchants and craftsmen, relevant documentation demonstrating the activity of the workplace, e.g: chamber registration, should be scanned

and uploaded on the automation system. The authorities will seek a valid working permit for the foreigner when the business license is granted.

### **3.3 Evaluation of Work Permit Applications**

The Ministry would reject work permit applications under the conditions set out below:

- a) If the number of employees under temporary protection within that workplace is more than ten percent of the Turkish citizen employees working in the same workplace
- b) If the application is made for jobs and professions that are restricted by special laws to be performed only by Turkish citizens
- c) If no prior permission is obtained from:
  - a. The Ministry of Health, for members of the medicine profession
  - b. The Ministry of Education or the Chairmanship of Higher Education Council, for members of the education profession
- d) If the evaluation criteria are not met
- e) If the relevant authorities have adverse opinion

### **3.4 Work Permit Document and Notification**

- a) The result of the evaluation, made by the Ministry regarding the work permit application, is communicated online to the employer that would like to employ the foreigner, and the Ministry of Internal Affairs.
- b) For foreigners under temporary protection whose application is deemed appropriate, the work permit granted by the Ministry can be displayed under the “Application Tracker” section of the automation system. Furthermore, the work permit card that is issued by the Ministry will be sent to the employment address via courier.
- c) If the foreigner under temporary protection has to move to a different city as a necessity of their job, this has to be reported to the Provincial Directorate of Migration.

### **3.5 Employment Quota**

The number of workers, working under temporary protection in a workplace, not exceeding ten per cent of the Turkish citizens working in the same workplace constitutes the basis. However, in workplaces that employ no Turkish citizen or have less than ten employees in total, a maximum of one foreigner under temporary protection can be granted a work permit.

Moreover, if, within the four weeks before applying for a work permit for the foreigner, the employer documents that no Turkish citizen of equal skillset could be found for the same work, via an approval by the Provincial Directorate in which the workplace is registered, the quota may not be implemented for the application. For the evaluation of this matter by the Ministry, the employment lists by sector and province, for which the specific application is made, would be taken into consideration.

For each foreigner under temporary protection, whom an employer would like to employ beyond the ten percent of Turkish citizens in that workplace, the employer has to apply to the provincial directorate for the document that states the worker can be exempted from the quota implementation, prior to the work permit application is made to the Ministry.

Within the four weeks following the application made to the directorates by the employer, the relevant provincial directorate evaluates whether a Turkish citizen of the same skillset was available for the position the foreigner under temporary protection is asked to be employed. At the end of the four-week period, if it is identified that no Turkish citizen of same skillset is available for the position, for which the foreigner is to be employed, a document is issued by the

provincial directorate to the employer, stating that the foreigner under temporary protection can be employed.

When the document regarding exemption from employment quota is issued, the SGK registration number of workplace, the occupational code of the applicant, and the number of foreigners that can be employed for the specific occupation, will be expressly noted. For example, “In the workplace with SGK registration number 123...., the request for 15 workers with the occupation code 9312.02 Manual Labourer (Construction) could not be met within the four-week period.”

For work permit applications made by associations under the status of associations working for public welfare, as per the Associations Law no 5253 dated 4/11/2004, and by foundations granted tax exemption, as per the Law Regarding Changes in Certain Laws and Granting Tax Exemption to Foundations no 4962 dated 30/7/2003, to employ foreigners under temporary protection for humanitarian aid activities, the employment quota will not be included in the evaluation.

### **3.6 Vocational training**

Foreigners under temporary protection, given that the minimum temporary protection period of six months is completed, can attend courses and programmes organised by Turkish Labour Institution within the scope of active workforce services, and get vocational and orientation training at a workplace within this scope.

Upon completion of the training, if the foreigner is desired to be employed at the workplace where they received training, the employer has to apply to the Ministry with respect to the procedures and principles set out in this guidance document, and obtain a work permit.

## **CHAPTER FOUR OTHER MATTERS**

1. Foreigners under temporary protection cannot work, and cannot be employed, without valid work permit or an exemption from work permit.
2. The rights and obligations of workers and employers under temporary protection, which arise from the labour and social security legislation or other national legislations, are reserved.
3. Foreigners under temporary protection will be asked to pay the work permit fee, and not the residence permit fee.
4. The “work permit document” and “work permit exemption information form” provided to the foreigners under temporary protection does not substitute the residence permit.
5. If the Ministry deems necessary, the applicant may be requested to submit additional documentation to the ones required at the time of application.
6. Foreigners under temporary protection will be granted a work permit or a work permit exemption of maximum 1(one) year each time.
7. Foreigners under temporary protection, who completed a minimum six month period, can apply to Provincial Directorates of Labour and Labour Institution with the purpose of benefiting the services of the institution as a “job seeker”.

8. With regard to matters that are not regulated under “Regulation regarding the Work Permits of Foreigners Provided with Temporary Protection”, the provisions under the Law on Work Permits of Foreigners and its Governing Regulations shall be applicable.
9. The “work permit” and “work permit exemption” applications of foreigners under temporary protection are made via the identity number starting with 99: This number can be found at <http://www.goc.gov.tr/gecikoruma/Pages/YabanciKimlikSorgulama.aspx>, by entering the personal number given to the foreigners, which starts with 98, and running the query.
10. Whether a foreigner under temporary protection has a work permit, or is within the framework of work permit exemption, can be checked via the Foreigner Work Permit Query System ([www.calismaizni.gov.tr](http://www.calismaizni.gov.tr)) by entering the foreigner identity number.

**Annex 1:** Work Permit Document (within the scope of Temporary Protection)

**Annex 2:** Information Form Regarding Work Permit Exemption Granted to Foreigners Under Temporary Protection

**Decision Number: 2016/8375**

Enforcement of the annexed “Regulation on Work Permits of Foreigners under Temporary Protection” has been decided by the Council of Ministers on 11/1/2016, upon letter no. 31, dated 4/1/2016 of the Ministry of Labor and Social Security and pursuant to Article 91 of the Law No. 6458 on Foreigners and International Protection and Article 29 of Temporary Protection Regulation.

**Recep Tayyip Erdoğan**  
PRESIDENT

Ahmet Davutođlu  
Prime Minister

N. Kurtulmuş  
Deputy Prime Minister

M. Şimşek  
Deputy Prime Minister

Y. Akdoğan  
Deputy Prime Minister

Y.T. Türkeş  
Deputy Prime Minister

L. Elvan  
Deputy Prime Minister

B. Bozdađ  
Minister of Justice

S. Ramazanođlu  
Minister of Family  
and Social Policies

V. Bozkır  
Minister of EU Affairs

F. Işık  
Minister of Science,  
Industry and Technology

S. Soylu  
Minister of Labor  
and Social Security

F.G. Sarı  
Minister of Environment  
and Urban Planning

M. Çavuşođlu  
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M. Elitaş  
Minister of Economy

B. Albayrak  
Minister of Energy  
and Natural Resources

A.Ç. Kılıç  
Minister of Youth  
and Sports

F. Çelik  
Minister of Food, Agriculture  
and Livestock

B. Tüfenkçi  
Minister of Customs  
and Commerce

E. Ala  
Minister of Interior

C. Yılmaz  
Minister of Development

A.Ç. Kılıç  
Acting Minister of  
Culture and Tourism

N. Ağbal  
Minister of Finance

N. Avcı  
Minister of National Education

İ. Yılmaz  
Minister of National Defense

V. Erođlu  
Minister of Forestry and  
Water Affairs

M. Müezzinođlu  
Minister of Health

B. Yıldırım  
Minister of Transport, Maritime and  
Communications

## **REGULATION ON WORK PERMITS OF FOREIGNERS UNDER TEMPORARY PROTECTION**

### **Objective and scope**

**ARTICLE 1-** (1) The objective of this Regulation is to determine the procedures and principles related to employment of foreigners under temporary protection pursuant to Article 91 of the Law No. 6458 on Foreigners and International Protection dated 4/4/2013.

### **Basis**

**ARTICLE 2-** (1) This Regulation is prepared on the basis of Article 29 of Temporary Protection Regulation, which entered into force with the Article 91 of the Law No. 6458 and Council of Ministers Decision No. 2014/6883.

### **Definitions**

**ARTICLE 3-** (1) For the purposes of this Regulation, the following terms shall be construed as follows;

- a) Ministry: Ministry of Labor and Social Security,
- b) Member of the education profession: Teachers, expert and master educators described in the Law No. 1739 on National Education Fundamental Law dated 14/6/1973 and instructors described in the Law No. 2547 on Higher Education dated 4/11/1981,
- c) Member of the health profession: Specialists, nurses, midwives and opticians pursuant to legislation on physicians and specialty in medicine and other members of profession described in Additional Article 13 of the Law No. 1219 on Mode of Execution for Medicine and Medical Sciences,
- ç) Foreigner identity number: The number, which is the basis for all kinds of proceedings and records of institutions and other real and legal entities, within the scope of Article 5 of the Regulation on Holding Civil Registries of Foreigners Residing in Turkey, which entered into force with the Council of Ministers Decision No. 2006/11057 dated 27/9/2006.

### **Obligation to obtain work permit**

**ARTICLE 4-** (1) Foreigners under temporary protection, cannot work or be employed in Turkey without work permit.

(2) Foreigners under temporary protection, who work without work permit, and persons, who employ them, shall be subject to the related provisions of Law No. 4817 on Work Permits of Foreigners dated 27/2/2003.

### **Application for work permit and work permit exemption**

**ARTICLE 5-** (1) Foreigners under temporary protection may lodge an application to the Ministry to obtain work permits six months after the date of their temporary protection registration.

(2) Work permit applications shall be lodged by the employer, who will employ foreigners under temporary protection, through the e-Government Gateway.

(3) Foreigners under temporary protection, who are entitled to lodge an application for independent work permit, shall lodge their application on behalf of themselves.

(4) Foreigners under temporary protection, who will work in seasonal agriculture or livestock works, shall be under exemption from work permit. Work permit exemption applications shall be lodged at the provincial governorate where the foreigners are registered under temporary protection. These applications shall be notified to the Ministry by the respective governorate.

(5) Ministry may introduce province and quota restrictions regarding foreigners under temporary protection, who will work in seasonal agriculture or livestock jobs.

### **Evaluation**

**ARTICLE 6-** (1) Evaluation criteria for evaluation of work permit applications shall be determined by the Ministry pursuant to Article 13 of the Implementing Regulation of the Law on Work Permits of Foreigners, which was published in Official Journal No. 25214 dated 29/8/2003.

(2) Applications lodged for jobs and professions, execution of which is only permitted for Turkish citizens, shall be removed from the process without evaluation.

(3) For work permit applications to the Ministry: Members of health profession shall require to obtain initial permit from the Ministry of Health and members of education profession shall need to obtain initial permit from the Ministry of National Education or the Council of Higher Education Presidency. Applications without initial permits shall be removed from the process without evaluation.

#### **Provinces where work permit can be granted**

**ARTICLE 7-** (1) Provinces, where foreigners are permitted to reside pursuant to Article 24 of Temporary Protection Regulation, shall be the basis for granting the right to apply for work permit for foreigners under temporary protection.

(2) The Ministry shall cease to issue work permits for provinces, which are notified by the Ministry of Interior to be risky in terms of public order, public security or public health. Work permits issued in these provinces shall not be extended. However, if a foreigner's right to stay in that province continues, work permit, which was already issued and is still valid, shall be permitted to be used until its date of expiration.

#### **Employment quota**

**ARTICLE 8-** (1) In evaluation of work permit applications, employment quota for foreigners under temporary protection may be implemented at different rates considering the placements to open jobs and jobs based on sectors and provinces depending on the number of Turkish citizens employed at the workplace. Number of foreigners under temporary protection, who work at the work place, where work permit application is lodged, cannot be more than ten percent of the number of Turkish citizens working at the work place without prejudice to the third paragraph.

(2) Maximum one foreigner under temporary protection may be permitted to work at a work place, employee number of which is less than ten.

(3) In cases of applications where the employers are able to document for the Provincial Directorate of Labor Agency to where his/her workplace is registered; within the last four weeks prior to the work permit application date, that there would be no Turkish citizens to undertake the same work to be done by the applying foreigner, the employment quota may not be implemented.

#### **Granting of work permit and notification**

**ARTICLE 9-** (1) Work permit shall be granted by the Ministry to foreigners, whose applications are evaluated positively, and this situation shall be notified to the Ministry of Interior and employer.

(2) Work permit exemptions granted to foreigners under temporary protection, whose employment in seasonal agriculture and livestock jobs is deemed appropriate, shall be notified to the respective governorate.

#### **Wage**

**ARTICLE 10-** (1) Foreigners under temporary protection cannot be paid less than the minimum wage rate.

#### **Working for associations, foundations and non-profit organizations**

**ARTICLE 11-** (1) Associations holding the status of associations functioning for the public benefit, pursuant to Law No. 5253 on Associations dated 4/11/2004, and foundations, which are granted tax exemption pursuant to Law No. 4962 on Amendment of Certain Laws and Granting Tax Exemption to Foundations dated 30/7/2003, may lodge an application to the Ministry for employment of foreigners under temporary protection in humanitarian assistance activities.

(2) Associations not included in the first paragraph; branches or representative offices of associations; federations; confederations and foreign associations as well as Turkey branches or representative offices of non-profit organizations other than associations and foundations based abroad may apply to the Ministry to employ foreigners under temporary protection. However, the consent of the Ministry of Interior shall be sought regarding the applicant organization. Applications from organizations that failed to receive the consent in question shall be cancelled without evaluation.

### **Vocational training**

**ARTICLE 12-** (1) Applications to the Ministry may be lodged for persons, who will receive vocational training and on-the-job training at a work place within the scope of courses and programs organized under active work force services by Turkish Labor Agency, and employment of these persons at the same work place at end of training period.

(2) Work place employment quota may be implemented differently in applications to be lodged within the scope of this article.

### **Miscellaneous provisions**

**ARTICLE 13-** (1) Rights and obligations of foreigners under temporary protection and employers derived from social security legislation shall be reserved.

(2) Provisions of Law No. 4817 and Implementing Regulation of the Law on Work Permits of Foreigners shall be implemented for the matters not regulated under this Regulation regarding the employment of foreigners under temporary protection.

(3) Work permits of foreigners, whose temporary protection is ceased or canceled within the scope of Temporary Protection Regulation, shall be canceled.

### **Enforcement**

**Article 14-** (1) This Regulation shall enter into force on the date of its publication.

### **Execution**

**Article 15 –** (1) Provisions of this Regulation shall be executed by the Council of Ministers.

# TEMPORARY PROTECTION REGULATION

## PART ONE

### Objective, Scope, Basis, and Definitions

#### Objective and scope

**ARTICLE 1** - (1) The objective of this Regulation is to determine the procedures and principles pertaining to temporary protection proceedings that may be provided to foreigners, who were forced to leave their countries and are unable to return to the countries they left and 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 ; to determine proceedings to be carried out related to their reception to Turkey, their stay in Turkey, their rights and obligations and their exits from Turkey, to regulate the measures to be taken against mass movements, and the provisions related to the cooperation between national and international organizations under Article 91 of the Law No. 6458 on Foreigners and International Protection of 4/4/2013.

#### Basis

**ARTICLE 2** - (1) This Regulation is prepared on the basis of Article 91 of the Law No. 6458 on Foreigners and International Protection of 4/4/2013.

#### Definitions

**ARTICLE 3** - (1) For the purposes of the implementation of this Regulation, the following terms shall be construed as follows:

- a) AFAD: Prime Ministry Disaster & Emergency Management Authority;
- b) Family members: The foreigner's spouse, children who have not attained maturity and dependent children who have attained maturity,
- c) Minister: Minister of Interior;
- ç) Ministry: Ministry of Interior;
- d) Child: A person who has not completed the age of eighteen and has not yet attained maturity,
- e) Temporary accommodation center: Centers that are established for the purpose of providing collective accommodation and meals for foreigners under this Regulation;
- f) Temporary protection: Protection status granted to foreigners , who were forced to leave their countries and are unable to return to the countries they left and 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;
- g) Person benefiting from temporary protection: Foreigners who were granted temporary protection;
- ğ) Director General: Director General of Migration Management;
- h) Directorate General: Directorate General of Migration Management;
- i) Residence Address: The location as recorded under the address registration system in Turkey;
- i) Law: Law No. 6458 on Foreigners and International Protection of 4/4/2013;
- j) Mass influx: Situations where a high number of people come from the same country or a geographical region and procedures related to international protection status cannot be individually followed because of the high number of people;

k) Board: Migration Policies Board formed in accordance with article 105 of the Law;  
l) Person with special needs: Among the foreigners who fall within the scope of this Regulation; unaccompanied child, disabled, elderly, pregnant person, a single mother or father with her/his child, or a person who have been subjected to torture, sexual assault or other serious psychological, physical or sexual violence;

m) Unaccompanied child: A child who arrives at Turkey without the attendance of an adult who by law or custom is responsible for him/ her or, is left unaccompanied after entry into Turkey, unless he/she is not taken under the active care of a person responsible for him/her;

n) Referral center: Places, which is designated for conducting the registration procedures and other proceedings and hosting the foreigners, who arrive in our country in order to receive temporary protection, on a temporary basis until the time of their referral to the temporary accommodation centers or to their residence places if they will reside outside of the temporary accommodation centers;

o) Travel document: Document substituting a passport;

ö) International protection: The status granted for refugee, conditional refugee, and subsidiary protection;

p) Foreigner: A person who does not have a citizenship bond with the Republic of Turkey.

## **PART TWO**

### **General Principles**

#### **Implementation of the right to temporary protection**

**ARTICLE 4 -** (1) The conditions stipulated in Articles 5, 6, and 7 of the Law cannot be interpreted and implemented in a manner obstructing a foreigner's request to be covered under temporary protection.

#### **Non-punishment of illegal entry and stay**

**ARTICLE 5 -** (1) Administrative fines shall not be implemented to foreigners under this Regulation due to their illegal entry into or stay in Turkey provided they are identified by competent units when entering into Turkey or they approach competent units by themselves in a reasonable time period in order to be registered.

(2) An administrative fine shall be implemented for those who fall outside the scope paragraph (1), if they do not have valid reasons.

#### **Non-refoulement**

**ARTICLE 6 -** (1) No one within the scope of this Regulation shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.

(2) The Directorate General may take administrative actions regarding foreigners who cannot be removed from our country pursuant to the paragraph (1) even though they are to be removed from our country pursuant to relevant legislation.

### **PART THREE** **Scope of Temporary Protection**

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

**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 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.

#### **Foreigners who will not be covered under the scope of temporary protection**

**ARTICLE 8 -** A foreigner in situations provided below shall not be granted temporary protection and, if his/her temporary protection status shall be canceled:

a) Those with respect to whom there are serious reasons to consider that they are guilty of actions defined in Article 1 (F) of the Convention Relating to the Status of Refugees dated 28/7/1951 amended by the 1967 Protocol Relating to the Status of Refugees;

b) Those regarding whom there are reasons indicating that he or she has committed cruel acts outside of Turkey for any reason whatsoever;

c) He or she has taken part in the commission of crimes or acts as specified in subparagraphs (a) and (b) of this paragraph or incited others to commit such crimes or acts;

ç) Those who took part in armed conflicts in his or her country and did not permanently ceased such activities;

d) Those who are identified as having committed, planned to commit or participated in acts of terrorism;

e) Those who are considered to be a threat to public due to being convicted of a serious crime and those who are considered to pose danger to national security, public order, or public security;

f) Those who have previously committed a crime or crimes for which imprisonment sentence would have been given if committed in Turkey and have left their country of origin or country of residence in order to avoid punishment for that crime;

g) Those who are convicted of crimes against humanity by international courts;

ğ) Those who have committed one of the crimes laid down in Chapter Seven of Section Four of the Turkish Penal Code No. 5237 of 26/9/2004.

(2) Decisions under paragraph (1) shall be taken by the Directorate General on an individual basis and notified to the concerned foreigner.

(3) Persons under paragraph (1) may also be accommodated in a special section of a current temporary accommodation centers or in a separate temporary accommodation center or in places to be determined by the governorates for humanitarian reasons until their return to their

country without requiring an administrative detention decision as provided under the Law. The family members of these foreigners may also be accommodated in the same place upon their request regardless of the family members' temporary protection situation.

(4) All procedures and proceedings to be implemented until the return of persons who are not covered under temporary protection to their countries shall be determined by the Directorate General.

(5) Temporary accommodation center management may grant permission to those covered by paragraph (1) for leaving the temporary accommodation centers for a short period of time in case of emergencies or upon the request of a public institution and organization. The management of the temporary accommodation center may request the law enforcement officers to accompany these persons who would be leaving the temporary protection center for a short period of time when deemed necessary. The issues related to these foreigners who would leave a temporary protection center for a short period shall be determined within the scope of the regulations on the establishment and management of the temporary accommodation centers.

## **PART FOUR**

### **Provisions on Temporary Protection Decision and Termination of Temporary Protection**

#### **Taking temporary protection decision**

**ARTICLE 9** - (1) Temporary protection decision shall be taken by the Council of Minister upon the Ministry's proposal.

(2) Pursuant to paragraph 3 of Article 105 of Law, procedures and principles regarding the method and implementation of temporary protection shall be determined by the Board and implemented by relevant public institutions and organizations.

#### **Content of the temporary protection decision**

**ARTICLE 10-** (1) The Council of Ministers shall be authorized to determine the following in its temporary protection decision:

- a) Persons who will be covered under temporary protection;
- b) Effective date of temporary protection and its duration if considered necessary;
- c) Conditions for extending and ending of temporary protection;
- ç) Whether or not temporary protection will be implemented country-wide or in a specific region;
- d) Matters in respect to which the Board may take a decision and follow within the scope of Article 105 of the Law;
- e) Matters regarding decisions on limitation or suspension of admission into our country within the scope of temporary protection under Article 15;
- f) Other subjects considered necessary.

(2) Directorate General shall take individual decisions concerning persons benefiting from temporary protection following Council of Ministers' temporary protection decision.

#### **Termination of temporary protection**

**ARTICLE 11** - (1) The Ministry may propose Council of Ministers to terminate the temporary protection. Temporary protection shall be terminated by a Council of Ministers decision.

(2) Along with the termination decision, the Council of Ministers may decide:

a) To fully suspend the temporary protection and to return of persons benefiting from temporary protection to their countries;

b) To collectively grant the status, the conditions of which are satisfied by persons benefiting from temporary protection, or to assess the applications of those who applied for international protection on an individual basis;

c) To allow persons benefiting from temporary protection to stay in Turkey subject to conditions to be determined within the scope of the Law.

#### **Individual termination or cancellation of temporary protection**

**ARTICLE 12** – (1) In situations where those benefiting from temporary protection;

a) Leave Turkey on their own will;

b) Avail the protection of a third country;

c) Are admitted to a third country under humanitarian reasons or resettlement or leave for a third country;

d) Are deceased,

temporary protection shall be terminated on an individual basis.

(2) Temporary protection shall be terminated by the Directorate General or governorates in case it is understood afterwards that those who fall within the scope of paragraph (1) of Article 8 should have been excluded from the scope of temporary protection.

#### **Re-arrival of persons whose temporary protection was terminated**

**ARTICLE 13** - (1) If those foreigners whose temporary protection was terminated under Article 12 in the course of implementation of temporary protection even though he or she was within the scope of temporary protection arrive at or cross our borders again in order to seek temporary protection, the Directorate General shall decide on an individual basis whether temporary protection measures will be implemented. The Directorate General may delegate this authority partially or fully to governorates.

#### **Proceedings to be carried out after the termination of temporary protection**

**ARTICLE 14** - (1) Exits of persons benefiting from temporary protection following the Council of Ministers' decision on the termination of temporary protection shall be essential. The period of time during which persons benefiting from temporary protection shall be determined based on the assessment to be conducted by the Directorate General on the situation in the country of origin of the persons benefiting from temporary protection and in the countries they transited through in order arrive in Turkey.

(2) Upon the termination of temporary protection, in case it is decided by the Council of Ministers in accordance with Article 11 that a group-based decision on the status of the persons benefited from temporary protection will be taken, or that the applications of those who applied for international protection will be assessed individually, or that these foreigners will be allowed to stay in Turkey based on conditions to be determined within the scope of the Law, the necessary procedures will be carried out pursuant to relevant provisions.

(3) Foreigners who took part in armed conflicts in their country, as referred under subparagraph (ç) of paragraph (1) of Article 8, shall be granted access to individual status determination procedures provided that it is verified that they permanently renounced armed activities.

### **Restriction or suspension of admission into our country under temporary protection**

**ARTICLE 15** - (1) The Council of Ministers may decide to restrict or to temporarily or indefinitely suspend temporary protection measures in implementation, in case conditions amounting to a threat to national security, public order, public security, or public health arise.

(2) The decision under paragraph (1) shall also determine the provisions applicable to persons who were previously granted temporary protection and other measures applicable to persons who wish to arrive in our country to seek temporary protection in a mass influx or individually following the date of entry into force of this decision.

(3) In situations provided under paragraph (1), the Ministry of Foreign Affairs may also call for support through relevant international organizations in relation to measures targeting mass influx situations, which may be implemented throughout and beyond the borders of our country, upon receiving the opinions of the Ministry and relevant public institutions and organizations.

### **International protection applications**

**ARTICLE 16** - (1) Individual 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.

## **PART FIVE**

### **Primary proceedings to be conducted under Temporary Protection**

#### **Admission to the country**

**ARTICLE 17** - (1) The Ministry shall determine border gates and border crossing places through which the foreigners who arrive at Turkish land borders or territorial waters in order to seek urgent and temporary protection upon receiving the opinion of the relevant public institutions and organizations. In emergency situations, the Ministry shall directly decide on the determination of these places and notify relevant institutions.

(2) Governorates may permit the entry of foreigners, who arrive at the border gates or border crossing places without documentation or with invalid documentation with the purpose of temporary protection.

(3) Security checks shall be conducted on bodies, belongings and vehicles of foreigners, who arrive at or cross our borders to seek temporary protection, by the Border Units of the Land Forces Command at the borders, competent law enforcement units at the border gates and the Coast Guard Command at the maritime zones of jurisdiction.

(4) Foreigner and his or her family members, if any, shall be delivered by the relevant units to the competent law enforcement units, at the earliest time possible, to be taken to the closest referral center with a written record, which shall include information on their identification, date and place of entry into the country along with other information deemed necessary.

(5) Foreigners who wish to enter into our country driving their private vehicles shall enter in line with the procedures and principles to be determined by the Ministry of Customs and Trade.

(6) Relevant units shall take necessary measures and inform the closest customs administration regarding the situation by taking into consideration the fact that goods which may be brought by the foreigners, who enter the country not through the border gates, may be subjects of smuggling.

(7) Those who are in the country and eligible for temporary protection shall be referred to the nearest referral, if they personally approach to governorates. If these persons are detected by competent authorities, they shall be taken to the nearest referral center by law enforcement officers.

#### **Disarmament and separation from civilians**

**ARTICLE 18** - (1) Civilian armed elements and foreigners who were members of the country's military forces and have unilaterally terminated their military service, who arrived at our borders as part of a mass influx or had somehow entered our country, to seek urgent and temporary protection and do not fall under Article 8 shall be disarmed by the Border Units of the Land Forces Command at the borders, the Coast Guard Command at the zones of maritime jurisdiction and respective law enforcement units at the border gates and inside the country and shall be delivered to competent law enforcement units in the earliest possible time so that their referral and accommodation procedures can be carried out.

(2) Disarmament procedures shall always be carried out in secure sites separated from civilians. These foreigners shall be referred in the earliest possible time to be accommodated in places designated for foreigners in this situation with a written record, which shall include information on their identification, date and place of entry into the country along with other information deemed necessary.

(3) Family members of the foreigners under this Article may be accommodated in the same place or, unless assessed negatively, in a separate temporary accommodation center, where persons benefiting from temporary protection are accommodated or in a province determined by the Directorate General or in a place determined by the governorate.

#### **Primary procedures to be conducted at referral centers**

**ARTICLE 19** - (1) Directorate General shall conduct the identification and registration procedures for the foreigners who arrive in our country to seek temporary protection. Governorate may assign additional personnel for a temporary period within the framework of the relevant legislation, when needed.

(2) Proceedings relating to these foreigners may be carried out in places to be determined by the governorates when the capacity of the referral centers is insufficient.

(3) During the registration, foreigners shall be obligated to provide correct identification information; to submit the documents verifying their identification, if available, to the competent authorities and to cooperate with officials.

(4) Copies of information and documents under paragraph (3), which are deemed necessary, shall be kept in the concerned person's file in line with confidentiality and the originals shall be returned to the concerned person.

(5) Foreigners under this Regulation shall be informed on the process related to temporary protection, their rights and obligations and other issues in a language they can understand. Leaflets and documents may be drawn up for dissemination of information when necessary.

#### **Health checks**

**ARTICLE 20** – (1) Emergency health services shall be provided as a priority to foreigners, who arrived at the referral centres and are determined to have emergency health needs.

(2) Foreigners under this Regulation, who are considered to potentially pose a threat to public health, shall undergo health checks in accordance with procedures and principles to be determined by the Ministry of Health and necessary measures shall be taken when considered necessary.

### **Registration**

**ARTICLE 21** - (1) Registration of foreigners under this Regulation shall be conducted by the Directorate-General personnel trained on the registration procedures and requirements, and in a separate place sufficiently equipped and where registration can be completed without disruption.

(2) Registration proceedings shall be conducted in line with the following provisions:

a) Confidentiality is the primary principle in registration procedures and necessary measures shall be taken for that purpose.

b) A registration form, the format and content of which are to be determined by the Directorate General shall be filled.

c) The statement of the foreigners, who cannot submit documents on their identity, shall be based on until otherwise proven.

ç) Photographs, fingerprints or other biometric data suitable for determination of identification shall be collected and recorded in the central registration database and matched with available biometric data.

d) Information on the registered foreigners shall be immediately submitted to the Directorate General.

e) Information of the foreigners shall be filed and also electronically stored in accordance with relevant legislation.

(3) Registration proceedings of the children of persons benefiting from temporary protection, who were born in Turkey, shall also be conducted in the shortest time possible.

(4) Registration information of the foreigners shall be updated in such cases as birth, death, marriage, divorce and voluntary repatriation.

(5) Foreigners under this Regulation shall be registered in the Address Registration System. However, registration in the Address Registration System of those falling under the scope of paragraph (1) of Article 8 shall be decided by the Directorate General.

### **Temporary protection identification document**

**ARTICLE 22** - (1) Governorates shall issue temporary protection identification document to those whose registration proceedings are completed. Temporary protection identification document shall not be issued to those falling under the scope of paragraph (1) of Article 8 and the temporary protection identification document already issued to them shall be invalidated.

(2) Foreigner identification number shall also be issued to those, who are issued temporary protection identification document, pursuant to the Law No. 5490 on Population Services of 25/4/2006.

(3) The format and content of the temporary protection identification document shall be determined by the Directorate General; this document shall be issued free of charge for a certain validity period or indefinitely.

(4) In case of wear or loss of the temporary protection identification document, an explanation which shall be requested from the concerned person and it shall be recorded. Worn-

out identification documents shall be invalidated. A new document shall be issued to replace the worn-out or lost document.

(5) In case of termination of temporary protection, validity of the Temporary Protection Identification Document ceases and it shall be retrieved from the foreigner.

#### **Proceedings for referral to temporary accommodation centers**

**ARTICLE 23** – (1) Foreigner under this Regulation shall be referred, in the earliest possible time, to temporary accommodation centers, which are deemed appropriate by the Directorate General, in coordination with the governorates either directly from the referral centres or after having been referred to cities, considering the capacity information received from AFAD. The governorate shall decide if the foreigner shall be accompanied by law enforcement officers.

(2) The foreigner's request, family status and his or her special needs shall be taken into consideration while transferring to temporary accommodation centers determined by the Directorate General.

(3) Persons with special needs, who are identified by the Directorate General or by the governorates, shall be prioritized for accommodation in the temporary accommodation centers.

(4) Principally, unaccompanied children shall be accommodated in coordination with the Ministry of Family and Social Policies. However, when appropriate conditions are met, unaccompanied children may be accommodated in cooperation with AFAD in separate areas of the temporary accommodation centres under the control and responsibility of the Ministry of Family and Social Policies.

#### **Granting the right to stay in provinces to persons benefiting from temporary protection**

**ARTICLE 24** - (1) Persons benefiting from temporary protection, for whom there are no negative considerations with respect to public order or public security or public health may be allowed to reside in provinces determined by the Directorate General. Relevant procedures and principles shall be determined by the Directorate General.

(2) Persons benefiting from temporary protection, who reside outside the temporary accommodation centers and are in need may also be accommodated in places to be determined by the governorate to the extent possible in places to be determined by the governorates.

#### **Right to stay in the country**

**ARTICLE 25** - (1) Temporary protection identification document shall grant the right to stay in Turkey. However, this document shall not be deemed to be equivalent to a residence permit or documents, which substitute residence permits, as regulated by the Law, shall not grant the right for transition to long term residence permit, its duration shall not be taken into consideration when calculating the total term of residence permit durations and shall not entitle its holder to apply for Turkish citizenship.

### **PART SIX**

#### **Services to be provided to persons benefiting from temporary protection**

##### **Services**

**ARTICLE 26** - (1) Foreigners under this Regulation may be provided with health, education, access to labor market, social assistance, interpretation and similar services. The

Board shall determine the procedures and principles regarding services to be provided for foreigners under paragraph (1) of Article 8.

(2) Other services, which are not covered by the paragraph (1), may be separately provided by public institutions and organizations depending on their capacity.

(3) Foreigners under this Regulation may conclude subscription agreements for other services including electronic communication services by virtue of their temporary protection identification document.

(4) Provision of services by the relevant ministries and public institutions and organisations under this Regulation shall be carried out in coordination with AFAD.

### **Health services**

**ARTICLE 27** - (1) The following health services shall be provided or have provided inside and outside of the temporary accommodation centers under the control and responsibility of the Ministry of Health.

a) Health centers, which would continuously be active to provide health services, may be established. Sufficient number of ambulances and health personnel shall be kept available, if there are already existing health centers.

b) Patient contribution fee shall not be collected for primary and emergency health services and the respective treatment and medication.

c) The cost of health services, including second and third step health services, shall not exceed the costs in the Health Budget Law [SUT] determined by the Presidency of Social Security Institution for beneficiaries of general health insurance.

ç) The cost of health services provided, not exceeding the cost in the Health Budget Law [SUT] determined by the Presidency of Social Security Institution for beneficiaries of general health insurance, under the control of the Ministry of Health.

d) Persons benefiting from temporary protection cannot directly approach private health institutions, unless emergency imperative conditions occur.

e) All measures shall be taken and necessary vaccinations and scanning activities shall be conducted against the risk of infectious diseases.

f) Competent personnel shall provide information and conduct support activities about reproductive health.

g) Sanitary conditions of personal and collective areas of use shall be controlled and necessary measures shall be taken to amend identified defects and to render the environmental conditions of the temporary accommodation centre appropriate in line with health considerations.

ğ) Necessary measures, including transfer to a health institution, shall be taken, if drug addiction or psychological problems are detected among foreigners benefiting from temporary protection.

h) All measures with respect to conduct of necessary vaccination for children shall be taken.

1) The necessary and appropriate physical equipment shall be installed during the construction of accommodation centers and they shall be referred to the Ministry of Health.

(2) Provision of assistances to persons benefiting from temporary protection in relation to health services shall be carried out under the coordination of the Ministry of Health.

(3) Persons benefiting from temporary protection shall be identified and changes in their addresses shall be informed to the Ministry of Health without delay in order to ensure prompt and continuous provision of vaccination and protective health services.

(4) Foreigners under this Regulation, whose registration proceedings are not completed, shall be provided with health services, based on their identification information, in emergency situations and when they are crossing the border for the first time.

(5) Psycho-social services to be provided for persons benefiting from temporary protection shall be carried out [in cooperation] with support-solution partners, which are also specified in the Disaster Intervention Plan of Turkey published by the Ministry of Family and Social Policies in the Official Gazette No. 28871 of 3/1/2014.

(6) If it is mandatory that the health service providers are paid a fee in return of the primary and emergency health services provided under this Article, pricing shall not be implemented in a way exceeding the unit prices or including lower discounts than it is determined by the Presidency of Social Security Institution for beneficiaries of general health insurance. Persons under this Article cannot be provided health services within the scope of health services costs of which are not covered by the Social Security Institution.

### **Education services**

**ARTICLE 28** - (1) Education activities for foreigners under this Regulation shall be conducted inside and outside temporary accommodation centers under the control and responsibility of the Ministry of National Education. In that regard:

a) Pre-school education services may be provided to children who are 36-66 months old, where the children who are 54-66 months old are prioritized.

b) Education activities for those at the age of primary and secondary education shall be carried out in line with the relevant legislation of the Ministry of National Education.

c) Language education, vocational courses, skills trainings and hobby courses addressing all age groups may be organized depending on the demand.

(2) Procedures and principles related to associate, undergraduate, masters and doctorate degrees shall be determined by the Presidency of Council of Higher Education.

(3) A document indicating the content and duration of the education shall be issued for foreigners receiving education in our country within the scope of this Regulation. If the foreigner has received education under a different curriculum, which was documented, these documents shall be evaluated by relevant units of the Ministry of National Education or Presidency of Council of Higher Education and equivalence proceedings shall be conducted for the grades deemed appropriate.

(4) Other relevant procedures and principles regarding the education activities for foreigners under this Regulation shall be regulated by the Ministry of National Education.

### **Access to labour market services**

**ARTICLE 29** – (1) Principles and procedures regarding the employment of persons benefiting from temporary protection shall be determined by the Council of Ministers upon the proposal of Ministry of Labour and Social Security after receiving the opinion of the Ministry.

(2) Persons, who hold a Temporary Protection Identification Document, may apply to the Ministry of Labour and Social Security for receiving work permits to work in the sectors, professions and geographical areas (provinces, districts or villages) to be determined by the Council of Ministers.

(3) Provisions under this Article are without prejudice to the provisions stipulated in other legislation regarding the jobs and professions in which foreigners may not be employed.

(4) Validity period of the work permits given to the persons benefiting from temporary protection shall not be longer than the duration of the temporary protection. The validity of the work permits issued within this scope shall end upon the end of temporary protection.

(5) The work permits issued to persons benefiting from temporary protection shall not substitute residence permits regulated in the Law.

#### **Social assistance and services**

**ARTICLE 30** - (1) Those among the foreigners under this Regulation, who are in need may be allowed access to social assistances within the scope of the Law No. 3294 on Encouraging Social Assistance and Solidarity of 29/5/1986 in accordance with procedures and principles to be determined by the Board of Encouraging Social Assistance and Solidarity Funding as indicated in Article 3 of the aforementioned Law.

(2) Access to social services by foreigners under this Regulation, who are in need, shall be granted pursuant to the procedures and principles determined by the Ministry and the Ministry of Family and Social Policies.

#### **Interpretation services**

**ARTICLE 31** – (1) Free of charge translation services shall be provided in case communication with the foreigner cannot be had at the desired level in the absence of an interpreter.

#### **Customs procedures**

**ARTICLE 32** - (1) Principles regarding the procedures to be conducted in relation to the goods and vehicles brought into our country by foreigners and their family members, if any, who arrive in our country to seek temporary protection, as well as the goods, which may be sent to these persons in various ways during their stay in our country, shall be determined by the Ministry of Customs and Trade upon receiving the opinions of relevant public institutions and organizations.

## **PART SEVEN Obligations**

#### **General obligations**

**ARTICLE 33** - (1) Foreigners who arrived our country to seek temporary protection shall be obligated to comply with laws and administrative requirements; necessary criminal proceedings and administrative sanctions shall be carried out in line with the general provisions for those who fail to comply.

(2) Foreigners under this Regulation shall be obligated to:

a) Reside in a province, temporary accommodation center or a certain place determined by the Directorate General;

b) Comply with their reporting duty in form and intervals determined by the governorate;

c) Notify updated information on their employment status in thirty days;

ç) Notify their income, movable and immovable properties in thirty days;

d) Notify the changes in their identity information such as address, marital status and birth and death in the family in twenty business days;

e) Present other personal data to the competent authorities;

f) Reimburse the costs, if it is determined that they have been benefiting from service, assistance and other resources wrongfully;

g) Comply with other obligations requested from them by the Directorate General or the governorate.

#### **Obligation to comply with the invitation**

**ARTICLE 34** - (1) Foreigners may be invited to the relevant unit in relation to the implementation of this Regulation.

(2) In cases of non-compliance with the invitation or when there is a serious doubt of non-compliance, foreigners under this Regulation may be brought to the concerned unit by law enforcement officials without invitation in line with the relevant legislation.

#### **Restrictions on implementation of rights**

**ARTICLE 35** - (1) Those who do not comply with their obligations fully or partially or within the time limits shall be warned by the relevant units regarding their duty to comply, and judicial and administrative procedures shall be initiated for those who do not comply.

(2) Excluding education and emergency health services, access to other rights by those, who do not comply with their obligations despite having received the warning, may be restricted.

(3) Stay outside the temporary accommodation centres of foreigners may be temporarily or indefinitely restricted for those who stay outside the centres and fall within the scope of paragraph (2).

### **PART EIGHT**

#### **Establishment, Management and Operation of Referral Centers and Temporary Accommodation Centers and Services to be provided in Temporary Accommodation Centers**

##### **Establishment and management of referral centers**

**ARTICLE 36** – (1) Establishment, management of the referral centers and provision of services in these centers shall be ensured by the governorates.

##### **Establishment, management and operation of temporary accommodation centers**

**ARTICLE 37** - (1) AFAD shall decide the establishment or ceasing the functioning or closure of the temporary accommodation centers in coordination with the governorates upon receiving the opinions of the Ministry and other relevant public institutions and organizations.

(2) Temporary accommodation centers shall be operated or have operated by governorates.

(3) Procedures and principles related to the management and operation of temporary accommodation centers, maintaining the security of the centers and other provisions applicable to persons accommodating in temporary accommodation centers shall be jointly determined by the Directorate General and AFAD upon receiving the opinion of the relevant public institutions and organizations.

##### **Services to be provided in temporary accommodation centers**

**ARTICLE 38** - (1) Food, accommodation, health, social assistance, education and similar services shall be provided for those staying in the temporary accommodation centers within resources.

(2) Persons benefiting from temporary protection who stay outside of temporary accommodation centers may be benefited from these services within resources.

(3) Necessary arrangements shall be made for allocating places for families and persons with special needs in temporary accommodation centers.

#### **Visiting temporary accommodation centers**

**ARTICLE 39** - (1) Procedures and principles related to camp visits by the delegations of foreign countries, representatives of international organizations and civil society organizations, members of press, scientific researchers and the representatives of other institutions and organizations shall be jointly determined by the Ministry of Foreign Affairs, Ministry and AFAD upon receiving the opinions of relevant public institutions and organizations and implemented by governorates.

#### **Security of referral centers and temporary accommodation centers**

**ARTICLE 40** - (1) Internal and external security of referral centers and temporary accommodation centers shall be maintained by the respective general law enforcement unit depending on the area of responsibility. In this respect, the relevant general law enforcement unit shall take every measure to maintain external security and order of the referral centers.

(2) Maintenance of internal and external security of the referral centres and temporary accommodation centres may be delegated to private security enterprises, pursuant to the provisions of Law No.5188 on Private Security Services dated 10/06/2004, if the governorate deems appropriate.

#### **Referral center and temporary accommodation center personnel**

**ARTICLE 41** - (1) Personnel from relevant public institutions and organizations may be assigned pursuant to Article 9 of the Law No.5442 on Provincial Administration dated 10/06/1949 in order to carry out the proceedings and procedures as well as other services to be provided under this Regulation in provinces where referral centres and temporary accommodation centres are present. In case enough personnel to be assigned in conducting services cannot be found in the province, the governorate may request assignment of personnel from outside the province.

(2) The working conditions of personnel to be assigned in referral centers and temporary accommodation centers shall be separately regulated by the personnel's affiliated public institutions or organizations.

(3) Identification information as well as biometric data, if deemed necessary, of the personnel, who are assigned to work in referral centers and temporary accommodation centers and are not civil servants, shall be collected by the law enforcement units.

### **PART NINE**

#### **Voluntary Repatriation and Departure to a Third Country**

##### **Voluntary repatriation**

**ARTICLE 42** - (1) Necessary facilitation shall be provided to foreigners under this Regulation, who will voluntarily repatriate to their country and support may be provided to them within resources.

(2) The Directorate General may plan voluntary repatriation efforts and develop and implement projects and programmes in cooperation with the authorities of the concerned countries, public institutions and organizations, international organizations and civil society organizations.

(3) Directorate General may cooperate with international organizations and civil society organizations for the purpose of conducting voluntary repatriation proceedings.

(4) Procedures and principles regarding voluntary repatriation proceedings and assistances which may be provided to persons voluntarily repatriation shall be determined by the Directorate General and implemented by governorates.

### **Travel document**

**ARTICLE 43** - (1) Requests by foreigners under this Regulation, who do not hold a valid travel document or cannot obtain a travel document, regarding travel documents shall be assessed by the Directorate General within the framework of the Passport Law No.5682dated 15/7/1950.

### **Departure and resettlement to a third country**

**ARTICLE 44** - (1) Temporary or permanent departure of the foreigners under this Regulation to a third country shall be subject to the permission of the Directorate General.

(2) Directorate General may cooperate with international organizations, civil society organizations and other countries to develop and implement projects and programs for temporary or permanent resettlement of foreigners under this Regulation to a third country.

### **Ban to enter Turkey**

**ARTICLE 45** - (1) Foreigners under this Regulation who exited or will exit our country shall be subject to general provisions on entry ban.

## **PART TEN Cooperation and Assistance**

### **Cooperation**

**ARTICLE 46** - (1) Ministry may cooperate with national and international institutions and organizations, other countries and civil society organizations regarding the issues laid down in this Regulation and other issues related to temporary protection.

(2) The Ministry, upon receiving the opinion of the Ministry of Foreign Affairs, has the authority to conclude protocols, which do not have the effect of an international agreement, regarding the issues laid down by the Law and by this Regulation, with international organizations, within the framework of Law No.1173 on Performance and Coordination of International Relations dated 05.05.1969.

(3) After receiving the opinion of the relevant public institutions and organizations, Ministry shall determine procedures and principles regarding the cooperation between public institutions and organizations, which have responsibilities and authority regarding temporary protection and national and international organizations and civil society organizations in their own fields of responsibility, in order to ensure the realization or monitoring of rights and duties and the provision of services which are envisaged for the foreigners under this Regulation.

### **Call for support and provision of assistance**

**ARTICLE 47** - (1) The Ministry of Foreign Affairs may call, upon receiving the opinion of relevant public institutions and organisations, other States and international organisations and civil society organizations for support within the framework of international burden sharing in order to ensure provision of services to the foreigners under this Regulation.

(2) Assistance and use of in-kind and cash assistance in which will be provided under paragraph (1) shall be coordinated by AFAD upon receiving the opinions of the Ministry of Foreign Affairs and the Ministry.

(3) AFAD may directly cooperate with public institutions and organizations and governorates, particularly the Ministry of Family and Social Policies, Turkish Red Crescent Association and social assistance and solidarity foundations regarding the use of these in-kind and in cash assistances.

## **PART ELEVEN**

### **Miscellaneous and Final Provisions**

#### **Persons with special needs**

**ARTICLE 48** - (1) Health services, psycho-social support, rehabilitation and all other assistance and support to be provided to those with special needs among the foreigners under this Regulation shall be prioritized and provided free of charge within the capacity.

(2) The best interest of the child shall be observed in all proceedings related to children and provisions of the relevant legislation shall be implemented.

(3) Preventive and protective measures shall be immediately taken for foreigners who are identified to be victims of violence pursuant to Law No. 6284 on Protection of the Family and Prevention of Violence Against Women dated 8/3/2012.

(4) For those among the foreigners within the scope of this Regulation, who are assessed to possibly be victims of human trafficking, necessary measures shall be taken immediately in line with the relevant legislation.

#### **Family reunification**

**ARTICLE 49** - (1) Foreigners under this Regulation may apply for family reunification in Turkey to reunify with his or her spouse, children who have not attained maturity and dependent children who have attained maturity, who are in another country. These applications shall be evaluated by the Directorate General and necessary actions may be carried out in cooperation with relevant public institutions and organizations, international organizations, and civil society organizations.

(2) Family reunification procedures for children who are identified to be unaccompanied shall be immediately initiated without waiting for the request of the child.

#### **Personal data**

**ARTICLE 50** - (1) Personal data of the foreigners who arrived our country in order to seek temporary protection shall be collected, protected, stored and processed by the Directorate General or a governorate in accordance with procedures and principles to be determined by the

Directorate General as well as in line with the respective legislation and international agreements that Turkey is party to.

(2) Within the scope of the conduct of procedures and proceedings provided by this Regulation, personal information, which are deemed appropriate by the Directorate General, may be shared with the relevant public institutions and organisations and with third countries and United Nations High Commissioner for Refugees within the framework of resettlement.

### **Principle of confidentiality and access to personal file**

**ARTICLE 51** - (1) Within the scope of the conduct of procedures and proceedings under this Regulation, confidentiality shall be the primary principle for all information and documents of the foreigners without prejudice to paragraph (1) of Article 45 of the Law No. 5490 and provisions provided by paragraph (2) of Article 50 of this Regulation and documents cannot be shared with third persons without consent of the concerned individual.

(2) Documents in the personal files of foreigners under this Regulation can be examined by the individual or his or her legal representative or lawyer and one copy of each document can be obtained. Documents regarding the protection of national security, public order and public security as well as documents on prevention of crimes and intelligence information cannot be examined or handed over.

(3) Public officials and other officials responsible for the implementation of this Regulation cannot disclose any kind of information and documentation with a confidential status along with personal secrets, which they have obtained during their assignments, to unauthorized people nor can they use them in their own interest or for the benefit of third parties.

### **Statistics**

**ARTICLE 52** - (1) Statistical data of foreigners under this Regulation shall be kept by the Directorate General or by governorates in accordance with procedures and principles to be determined by the Directorate General in cooperation with the Turkish Statistical Institute.

(2) Statistical data may be shared by the Directorate General with relevant public institutions and organizations as well as international organizations and civil society organizations and other respective units with which cooperation has been had for the implementation of this Regulation.

### **Legal services**

**ARTICLE 53** - Persons benefiting from temporary protection may be represented by a lawyer in the administrative proceedings provided that they cover the relevant costs. This is without prejudice to the provisions on legal aid of the Attorneyship Law No.1136 dated 19/03/1969.

### **Denouncements and complaints**

**ARTICLE 54** - (1) Denouncement and complaints regarding procedures and proceedings conducted within the scope of this Regulation shall be immediately processed by the governorates. Judicial matters shall be notified to judicial authorities without delay.

### **Notification**

**ARTICLE 55** - (1) Notifications within the scope of this Regulation shall be served in accordance with the Law No. 7201 on Notifications of 11/2/1959. Directorate General may regulate additional procedures and principles in this regard.

### **Competency**

**ARTICLE 56** - (1) The governor shall be competent and responsible to take all measures and to make necessary arrangements, which he or she deems necessary for the effective implementation of temporary protection.

### **Supervision**

**ARTICLE 57** - (1) The procedures and proceedings conducted under this Regulation shall be regularly supervised, within the administrative borders of the province, by the governor or by the public officials assigned by the governor.

(2) The relevant public institutions and organisations shall regularly inspect the proper conduct duties carried out under this Regulation and the inspection reports shall be submitted to the Directorate General and AFAD for the improvement of legislation and administrative procedures.

### **Arrangements regarding implementation**

**ARTICLE 58** - (1) Supplementary arrangements regarding the implementation of this Regulation shall be put into force by relevant public institutions and organizations upon receiving the opinion of the Ministry within three months.

### **Authorization for requests**

**ARTICLE 59** - (1) Requests of the Undersecretary of National Intelligence Organisation, made in the context of the country's security and the State intelligence services, from related Ministries, public institutions and organizations regarding the proceedings and procedures of this Regulation, shall be met without delay.

(2) Relevant public institutions and organizations shall respond to all requests for information and documents by the Directorate General without delay.

### **Fiscal provisions**

**ARTICLE 60** - (1) Allocation of funds for procedures and proceedings carried out under this Regulation by the relevant public institutions and organisations as well as municipalities, which cannot be covered in their own budget capacities, shall be covered under the Disaster and Emergency Spending Regulation published in the Official Gazette No.27866 dated 6/3/2011.

### **Legislation repealed**

**ARTICLE 61** - (1) Regulation on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permit in order to Seek Asylum From Another Country enforced by the Council of Ministers decision No. 94/6169 dated 14/9/1994 is repealed .

### **Interim provisions**

**PROVISIONAL ARTICLE 1** - (1) The citizens of the Syrian Arab Republic, stateless persons and refugees who have arrived at or crossed our borders coming from Syrian Arab Republic as part of a mass influx or individually for temporary protection purposes due to the

events that have taken place in Syrian Arab Republic since 28 April 2011 shall be covered under temporary protection, even if they have filed an application for international protection. Individual applications for international protection shall not be processed during the implementation of temporary protection.

(2) Those among the foreigners covered under paragraph (1), who filed international protection application prior to 28 April 2011, shall be covered under temporary protection upon their request.

(3) 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 visa exemption period shall be covered under temporary protection without prejudice to provisions under Article 8. General provisions shall apply to those among these [foreigners] who do not request protection.

(4) Identification documents issued prior to the entry into force date of this Regulation shall substitute temporary protection identification documents until the issuance of the temporary protection identification documents laid down in Article 22. Foreigner identification number may be issued to the holders of this document under the Law No. 5490.

(5) Proceedings for entry into our country from Syria or exit from our country to Syria by third country nationals, excluding the foreigners covered under paragraph (1), shall be conducted at the border gates and in the framework of general provisions.

#### **Enforcement**

**ARTICLE 62** - (1) This Regulation shall enter into force on the date of its publication.

#### **Execution**

**ARTICLE 63** - (1) The provisions of this Regulation shall be executed by the Council of Ministers.