

TURKISH NATIONAL ACTION PLAN FOR THE ADOPTION OF THE EU ACQUIS IN THE FIELD OF ASYLUM AND MIGRATION

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1. INTRODUCTION:

Due to the increasing importance of migration and asylum in the context of intergovernmental dialogue with Europe, the harmonization of asylum legislation within the European Union and Turkey's plans to adopt EU Community legislation, Turkish Government has been constantly working in the afore mentioned fields.

Within this framework;

In parallel with the developments towards accession to the European Union and for the fulfillment of the legislative obligation on the European Union and the Member States, Turkish Government undersigned the Accession Partnership Document of 2001 and subsequently revised the said document on 19 May 2003. For this endeavor, Turkish Government follows a National Program for the adoption of the EU legislation.

The Accession Partnership Document in question incorporates following objectives: in the short term "struggle against illegal migration will be further strengthened and a readmission agreement will be negotiated with the European Commission"; in the medium term "the EU Acquis and practices on migration (permission for entrance and re-entrance to the territory and deportation) will be adopted and put into force for the purposes of preventing illegal migration" and "alignment in the field of asylum will be ensured, activities striving for lifting the geographical limitation to the 1951 Geneva Convention will commence, the system for evaluating and deciding on the asylum claims will be strengthened and accommodation centers and social assistance will be provided for asylum seekers and refugees".

Moreover, in order to comply with the EU Acquis (legislation) on Justice and Home Affairs in the field of migration and asylum, Turkey has formed a special task force where various state agencies responsible for border control, migration and asylum are represented. Turkey has established three different working groups in respective fields (borders, migration and asylum) for developing an overall strategy. The working groups formed separately for each and every one of three fields concerned have become operational on 18 June 2002. As a result of activities carried out by the Special Task Force following papers have been produced;

- "Strategy Paper on the Protection of External Borders in Turkey" in April 2003,
- "Strategy Paper on Activities Foreseen in the Field of Asylum within the Process of Turkey's Accession to the European Union (Asylum Strategy Paper)" in October 2003,
- "Strategy Paper to Contribute Migration Management Action Plan in Turkey (Migration Strategy Paper)" in October 2003.

On the other hand, 2003 Turkish National Program on the Adoption of EU Acquis Communautaire was put into force following its publication in the Official Journal No 25178 of 24 July 2003. Article 24.1 entitled "Initiation of Harmonization Process with the EU Legislation and Capacity Building in the Field of Asylum" under Turkish National Program of 2003 undertakes the following: "*Initiation of harmonization process*

with the EU legislation in the field of asylum has been identified as a priority in the Accession Partnership Document of 2003 and it is foreseen that administrative and technical capacity be improved particularly through the maintenance of works in developing accommodation and social support mechanisms for refugees. Following the enactment of the Draft Bill on Asylum, administrative arrangements shall be put into force and the harmonization process with the EU legislation shall continue.”

In order to align with the EU Acquis on Asylum and Migration, Turkey commenced the implementation stage of TR02-JH-03 Asylum-Migration Twinning Project on 8 March 2004 in cooperation with Danish – UK Consortium under the EU Financial Cooperation programming of 2002.

The general objective of the project is to align Turkish asylum and migration strategy with the EU legislation. The purpose of the project, on the other hand, is to support the operational capacity building of the authorities (coordination, human resources, materials) responsible for migration/asylum upon preparation of an Action Plan thereby using EU funds to the widest extent possible in the context of harmonization with the EU legislation and best practices.

TR02-JH-03 Asylum-Migration Twinning Project has been carried out in connection with HLWG project.

The contract of TR02-JH-03 Asylum-Migration Twinning project, stipulates that the Action Plan foreseen must identify priorities relevant to the programming of EU pre-accession aid for 2004 and thereafter in relation with the most urgent investments, in particular and include detailed specifications based on future institutionalization and investment projects in order to achieve targets set out in the action plan.

Existing Turkish institutional set-up and legal framework in the field of asylum, migration and aliens and the loopholes in the legislation were analyzed at the implementation stage of both TR02-JH-03 Asylum-Migration Twinning project and HLWG project. The findings of such analyses were compiled as a set of recommendations.

Turkey established a “Task Force for Asylum-Migration Action Plan” where all the line Ministries, Institutions and Agencies were represented in order to formulate such recommendations as an Action Plan. The Task Force became operational on 2 November 2004 upon initiating the preparatory process of the Action Plan. The process was completed by the end of December 2004 producing a Asylum Migration National Action Plan.

Thanks to 5 TOT (training of trainers) seminars to be organized for the dissemination of Asylum and Migration National Action Plan and the Strategy to all the agencies practicing in the field, 100 personnel working in central and provincial organizations of MOI and other relevant Ministries and agencies will have the opportunity to be trained on the National Action Plan.

Having participated in the said seminars 100 people will further train a total of 150 people working in the same agency or unit with them and finally a total of 250 people will have received training about the National Action Plan and Strategy by the end of 2004.

1.1. Purpose: is to align Turkish Legislation and System on Asylum, Migrants and Aliens with the EU Acquis and systems within the process of Turkey's accession negotiations with the EU.

1.2. Scope: This National Action Plan covers the legal arrangements that should be put into force within the harmonization process and measures and investments essential for finalizing administrative set-up and physical infrastructure in order to align Turkish asylum/migration legislation and system with the EU Acquis.

1.3. Definitions in the Context of Asylum

Refugee: means an alien who is outside and can not or is reluctant to enjoy the protection provided by his/her country of origin due to a well-founded fear of prosecution based on his/her race, religion, nationality, membership to a particular group or political opinion as a result of events taking place in Europe; or a stateless person who is outside and cannot or is reluctant to go back to the country he/she previously resided due to a well-founded fear.

Asylum seeker: "means an alien who is outside and can not or is reluctant to enjoy the protection provided by his/her country of origin due to a well-founded fear of prosecution based on his/her race, religion, nationality, membership to a particular group or political opinion; or a stateless person who is outside and cannot or is reluctant to go back to the country he/she previously resided due to a well-founded fear,"

Individual foreigner: means "a single person or a family consisting of a mother, father and their minor children".

2. EXISTING TURKISH LEGISLATION ON ASYLUM AND MIGRATION TO BE ALIGNED WITH THE EU ACQUIS DURING THE IMPLEMENTATION OF NATIONAL ACTION PLAN AND THE EU ACQUIS

2.1. Existing Turkish Law

- Settlement Law No 34/2510 of 14 June 1934
- Law No 41/4104 of 11 August 1941 on Combatant Members of Foreign Armies Seeking Asylum in Turkey
- Law No 50/5683 of 15 July 1950 on Residence and Travel of Aliens in Turkey as amended by the Law No 98/4360 of 1998
- Passport Law No 5682 of 15 July 1950
- Turkish Citizenship Act No 64/403 of 11 February 1964 as amended by Law No 2383 of 12 February 1981 and Law No 4866 of 4 June 2003

- Regulation No 94/6169 of 30 November 1994 on the procedures and principles related to population movements and aliens arriving in Turkey either as individuals or in groups wishing to seek asylum either from Turkey or requesting residence permits in order to seek asylum from another country
- Regulation No 7473 of 07 November 1995 on Combatant Members of Foreign Armies Seeking Asylum in Turkey
- Law No 4817 of 27 February 2003 on Work Permits of Aliens
- Turkish Penal Code
- Labor Law No 1475 (Art. 85 and 105)
- Law No 4028 of 13.11.1996 on the Prevention of Money Laundering
- Law No 4422 on Combat Against Interest-Oriented Criminal Organizations
- Penal Execution Law
- Law No 2922 of 1983 on Foreign Students Studying in Turkey

2.2. Existing EU Acquis

- Council Decision 2002/463/EC of 13 June 2002 adopting an action program for administrative cooperation in the fields of external borders, visas, migration and asylum (ARGO program) O.J. L 161, 19.06.2002, p.11

2.2.1. Existing Acquis on Migration

- Council Recommendation of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment, O.J. C 274, 19.09.1996, p. 3
- Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control, O.J. C 5, 10.01.1996, p. 1
- Council Recommendation of 22 December 1995 on monitoring the implementation of instruments already adopted concerning the admission of third-country nationals, O.J. C 11 16.01.1996, p.1
- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals: O.J. C 304, 14.10.1996, p 1
- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries: OJ N° C 221 , 19 July 1997, p 23 – 27
- Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience: OJ N° C 328, 16 December 1997
- Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country, OJ N° C 274 , 19 September 1996, p. 20 –24
- Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements, OJ N° C 274, 19 September 1996, p. 25

- Joint Action 97/11/JHA of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning a uniform format for residence permits
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, OJ L 187, 10/07/2001 p 0045 – 0046
- Proposal for Comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union, OJ C 142, 14 June 2002, p 23
- Council Conclusions of 8 May 2003 (*Brussels Declaration on combat against and prevention of trafficking in human beings*), OJ C 137, 12 June 2003, p 1
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals
- Council Framework Decision of 19 July 2002 on combating trafficking in human beings, OJ L 203, 01.08.2002, p. 1
- Council Regulation 1030/2002/EC of June 13 2002 laying down a uniform format for residence permits of third country nationals, O.J. L 157,15/06/2002, p. 1
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, O.J. L 251, 03.10.2003, p.12
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
- Council framework decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence, OJ L 328, 5 December 2002, p. 1
- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence, OJ L 328, 5 December 2002, p. 4
- Council Directive on assistance for transit in case of deportation through air transportation

2.2.2. Existing Acquis on Asylum

- 1990 Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities - Dublin Convention, O.J. C 254, 19.08.1997, p. 1
- Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin II)
- Commission Regulation 1560/2003/EC laying down detailed rules for the implementation of Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State

responsible for examining an asylum application lodged in one of the Member States by a third-country national O.J. L 222, 05.09.2003, p.3

- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective implementation of Dublin Convention
- Council Regulation 407/2002/EC of 28 February 2002 laying down definite rules for the implementation of Council Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective implementation of Dublin Convention, O.J. L062, 05.03.2003, p.1
- Resolution of 30 November and 1 December 1992 on a Harmonized Approach to Questions concerning Host Third Countries
- Council Declaration of 28 November 2002 on Safe Third Countries, 15067/02 Asile 76
- Resolutions of November 30 and December 1 1992 on countries in which there is generally no serious risk of persecution
- Council Recommendation of 30 November and 1 December 1992 on manifestly unfounded asylum claims
- Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures, O.J. C 274, 19.09.1996, p. 13
- Joint Position of 4 March 1996 on the harmonized application of the definition of the term "refugee" in Article 1 of the Geneva Convention, O.J. L 63, 13.03.1996, p.2
- Amsterdam Treaty: Additional Protocol to the Amsterdam Treaty on the Asylum of the Citizens of the EU Member States, O.J. C 340, 10.11.1997
- Council Decision of 28 September 2000 establishing a European Refugee Fund
- Commission Decision of 20 March 2001 laying down detailed rules for the implementation of Council Decision 2000/596/EC as regards the eligibility of expenditure and reports on implementation in the context of actions co-financed by the European Refugee Fund (specified under the document C(2001) 736)
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons
- Commission Decision 2002/307/EC of 18 December 2001 laying down detailed rules for the implementation of Council Decision 2000/596/EC as regards the management and control systems and procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund (specified under the document C(2001) 4372)
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards of reception for asylum seekers
- Council Directive of 20 April 2004 on minimum standards for the qualification and status of third country nationals and stateless persons as refugees and as persons who otherwise need international protection

- Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (ASILE 33) 30.04.04.

2.3. Future EU Acquis:

2.3.1. Future Acquis on Migration

- Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities COM (2001) 0386 final - CNS 2001/0154 (with reference to Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment, O.J. C 274, 19.09.1996, p. 3)
- Proposal for a Council Directive relating to the conditions in which third-country nationals shall have the freedom to travel in the territory of the Member States for periods not exceeding three months, introducing a specific travel authorization and determining the conditions of entry and movement for periods not exceeding six months, COM/2001/0388 final- CNS 2001/0155
- Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities, COM/2002/0071 final - CNS 2002/0043
- Proposal for a Council Directive on the conditions of entry and residence of third country nationals for the purposes of studies, vocational training or voluntary service, COM/2002/0548 final - CNS 2002/0242
- Proposal for a Council Decision laying down the criteria and practical arrangements for the compensation of financial imbalances resulting from the application of Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals, COM/2003/0049 final- CNS 2003/0019
- Council Decision establishing a secure web-based Information and Co-ordination Network for Member States' Migration Management Services COM/2003/0727 final - CNS 2003/284
- Proposal for a Council Decision on the organization of additional flights for third country nationals subject to individual deportation orders from the territories of two or more Member States
- Proposal for a Council Regulation establishing a network of migration liaison officers

3. LEGAL ARRANGEMENTS AND IMPROVEMENTS IN THE FIELD OF ASYLUM, MIGRATION AND ALIENS IN THE REPUBLIC OF TURKEY

3.1. Asylum

Prior to the adoption of 1951 Geneva Convention, various pieces of legislation contained -though inadequately- provisions on the entrance, admission, naturalization, settlement, work/ residence permits and deportation of foreigners in Turkey. For instance, third

paragraph of Article 3 under Settlement Law No 2510 defines a refugee as follows: *A refugee is a person who seeks asylum not to settle but to temporarily reside in Turkey due to urgency.*

The fourth paragraph of Article 4 under Passport Law No 5682 provides for the following: *“In general, admission of refugees and aliens arriving with or without passport to settle in Turkey and falling outside the scope of the legislation on settlement shall be decided by the Ministry.”*

Furthermore, Article 17 of the Aliens Act No 5683 stipulates the following provision: *“Those aliens seeking asylum in Turkey on political grounds may reside in places permitted by the Ministry of Interior only”.*

Turkey adopted 1951 Geneva Convention on the Status of Refugees (1951 Geneva Convention) subsequent to its approval by the Turkish Grand National Assembly on the basis of the Law No 359 of 29 August 1961. Within the framework of the provision stipulating that *“Each State may provide for limitations on any provision of the Convention other than Articles 1,2,4,16,33 and 36-46 at the stage of signing, ratification or accession”* under Article 42 of the afore mentioned Convention, Turkey published a declaration on the basis of the Law No 359, asserting that she would admit only aliens coming from Europe and seeking asylum in Turkey due to the geographical region she is located in and by using her right to impose a limitation foreseen as to refugee status determination (on the grounds of geographical limitation).

Turkey preserved geographical limitation in 1967 Protocol on the Status of Refugees (1967 Protocol) which was ratified by the Cabinet Decree of 1 July 1968.

Turkey has furnished a legal ground for the “Regulation on the procedures and principles related to population movements and aliens arriving in Turkey either as individuals or in groups wishing to seek asylum either from Turkey or requesting residence permits in order to seek asylum from another country” (1994 Asylum Regulation), with the Cabinet Decree No 6169 of 30 November 1994.

3.1.1. Asylum Process and Practices Provided for in 1994 Regulation

Aliens seeking asylum in Turkey or claiming residence permit in Turkey for the purposes of seeking asylum in another country are obliged to apply within 10 days at the latest to the Governorship in the province they reside if they have arrived through legal means or to the Governorship in the province they enter Turkish Territory if they have arrived through illegal means.

After establishing their identities and taking their photographs and fingerprints, respective Governorship conducts interviews and cases are referred to the Ministry of Interior along with the opinion of the Governorship concerned.

Excuses of those who miss the deadline for lodging an application due to reasons of health, accident and any other reasonable cause or due to humanitarian grounds are

assessed by the Ministry of Interior and should the excuse is justified the application is accepted.

While the archive enquiry and security investigation is being conducted by the Ministry of Interior in relation with the applicants, Registration-Interview Forms are sent to the Ministry of Exterior, in particular and to the other authorities as necessary and they are consulted for the applicants' eligibility for refugee status.

Pending for decision to be made, those arriving Turkish territory through legal and illegal means are allowed to reside in the province they lodge the application or enter Turkish territory, respectively.

Turkey informs the United Nations High Commissioner for Refugees (UNHCR) about the applicants coming from outside Europe and ensures that they are registered and interviewed by the said Office. Therefore, while a decision is made on the applications, UNHCR's opinion is also taken into consideration, the information contained in the applicant's case is mutually shared and the status of the applicant is collectively debated. Therefore, the decisions of UNHCR and of the Ministry of Interior are parallel to one another.

In principle, as for the proceedings associated with the applications and for issues like accommodation, food and lodging, transfer, admission to third countries, provision of passports and visas in particular, cooperation is ensured with the United Nations Office of the High Commissioner for Refugees and other relevant international organizations via the Ministry of Exterior. The activities concerning the transfer of such aliens in particular are carried out in cooperation with the International Organization for Migration (IOM).

The decision about the applicant (positive or negative) is communicated to him/her in writing. Where a positive decision is made about aliens who have illegally entered Turkish territory to seek asylum in a third country and are held in a province at the border, they are transferred to and allowed to reside in a province where there is no public order-related problem and temporary asylum seekers are controlled more easily.

Where a positive decision is made about a "refugee", the person concerned is allowed to permanently reside anywhere in Turkey as he/she desires.

Even though Turkey opts for geographical limitation, non-European asylum seekers eligible for the "refugee" definition incorporated in 1967 Protocol are allowed to reside in Turkey for a reasonable period of time and granted the right of temporary asylum on the basis of 1994 Asylum Regulation until they are admitted as refugees by a third country.

In addition, aliens who been granted refugee status by UNHCR even though they have not applied to Turkish authorities responsible for asylum may be taken into consideration and allowed to leave Turkey for a third country.

Such people enjoying temporary asylum may have access to a permanent solution as they are admitted to a third country as refugees or settled in a third country with the assistance of UNHCR and/or other international organizations or through voluntary repatriation.

Those leaving their places of residence are notified to the Ministry of Interior by the provincial authorities and in case they return to the province they reside or are captured, action is taken against them due to violation of Articles 17 and 25 under the Aliens Act No 5683.

A refugee or an asylum seeker steadily living in Turkey may only be deported due to reasons of national security and public order as decided by the Ministry of Interior. Within the framework of the provisions of 1951 Geneva Convention

In this context, action is taken against such aliens who must comply with the legislation applicable in the country they reside pursuant to 1951 Geneva Convention should they pose a threat against public security and violate political and administrative rules or commit a crime as stipulated under Article 19 of the Aliens Act No 5683. Provisions applicable for Turkish citizens shall apply also for refugees or asylum seekers if they commit a crime. Accordingly, in case an asylum seeker or a refugee is detained with the suspicion of committing a crime, legal counseling shall be provided free of charge upon request.

The person concerned is allowed to remain on Turkish territory if the crime committed does not pose a threat against national security or public order.

3.1.2. Appeals against a Negative Asylum Decision

Negative asylum decisions are notified to the applicants in writing. If the applicant submits a written application to the responsible Governorship and the Ministry of Interior within 15 days requesting the review of negative decision in accordance with Article 6 of 1994 Asylum Regulation, he/she shall be informed of the requirement to submit a petition and supporting documentary evidence, if any, to the Ministry of Interior in a swift manner. Applicants neither appealing for the review of the decision nor leaving Turkish territory within 15 days shall be deported by the relevant Governorship.

Should the applicant appeals for the review of the decision, the Ministry of Interior allow him/her reside in the province of inhabitation until a conclusion is reached on the appeals case. The appeals case is reviewed and concluded by a superior body than that having issued deportation order. A positive decision on the appeals case shall lead to the granting of the asylum seeker-refugee status and the applicant shall be notified accordingly by the relevant Governorship.

Where a negative decision is reached on the appeals case, it shall be referred to the Aliens Department for considering the issuance of a residence permit outside the scope of refugee-asylum seeker status. Where the issuance of residence permit on the basis of subsidiary protection, humanitarian grounds or any other reason is deemed reasonable following an in-depth analysis of applicant's circumstances, a residence permit shall be

issued by the said Department as appropriate. If the applicant does not meet conditions for residing in Turkey, then a deportation order is issued and the applicant shall be communicated the obligation to leave Turkish territory within 15 days. The applicant shall be deported by the relevant Governorship in case he/she does not leave Turkish territory nor apply to administrative justice procedures within abovementioned period of time.

3.1.3. Action for Nullity against Administrative Procedure

The applicant has the right to administrative justice procedures in accordance with Article 125 of the Constitution against a secondary negative decision issued by the Ministry of Interior on the appeals case. On the condition that the applicant applies to Administrative justice procedures against a negative decision of the Ministry of Interior, deportation measure shall be suspended and the applicant shall be allowed to remain in the country until a final ruling by administrative courts. The applicant shall be deported by the relevant Governorship if no application is made for exhausting administrative justice procedures or when the administrative court approves of the decision reached by the Ministry of Interior.

3.1.4. Education and Employment Opportunities for Asylum Seekers

Applicants seeking temporary asylum in Turkey for settling in a third country shall have access to education and employment opportunities upon request until they are settled in third countries.

3.1.5. Training Activities in the Field of Asylum

3.1.5.1. UNHCR “Project for Developing an Asylum System in Turkey”

Considering itself a democratic state respecting human rights and following a generous policy for refugees in principle, Turkish Government strives for providing training to the state officials working in relation with refugees and asylum seekers at both central and provincial level for the purposes of putting 1994 Asylum Regulation into action.

The Ministry of Interior has supported such efforts since 1997 through series of seminars, workshops and working programs jointly organized with UNHCR under the “*Project for Developing an Asylum System in Turkey*”. The topics addressed during the mentioned training activities have focused on international protection of refugees and the principles of refugee status determination.

In this context, 527 security personnel and 276 gendarmerie personnel working at both central and provincial organizations of the Ministry of Interior underwent training. In addition, UNHCR has been providing training support for judges, public prosecutors and governors of districts.

On the other hand; UNHCR provided technical material as a grant to the central and provincial organization to be employed by units working in the field of asylum.

Preparatory works are underway for a new cooperation project since the objectives of the said cooperation project and new gains have been attained.

3.1.5.2. Project on Supporting Turkish Authorities Responsible for Migration in the Field of Asylum

Turkey has initiated on 7 April 2003 the implementation phase of the 2001/HLWG/115 project entitled “Supporting Turkish Authorities Responsible for Migration in the Field of Asylum” which is jointly undertaken by the Turkish Ministry of Interior and German Ministry of Interior and financed under the EU High Level Working Group (HLWG) Iraqi Action Plan, B7-667 with the aim of aligning legal, institutional and personal capacity with the EU Acquis to support institutions working in the field of migration, contributing to effective controls on migration flows, developing an efficient and balanced migration management in all fields, establishing a functional system aligned with the EU in Turkey and strengthening the combat against illegal migration.

10 seminars and 2 conferences plus 1 working program were organized in Turkey and Germany, respectively within the framework of afore mentioned project. The seminars concerned hosted personnel from MOI at the central level, UNHCR and line Ministries, institutions and agencies working in the field of asylum and migration.

EU legislation, a comparison of best country practices, interviewing and decision-making techniques, vulnerable groups, country of origin information, admission and integration, expiration of stay in the territory, return and specific procedures and the principles of the EU Acquis were among the topics tackled during the seminars in question.

Subsequent to the finalization of the project on 2 July 2004, representatives from the EU Commission, UNHCR and the project partners, namely Turkey, Germany, Denmark, the Netherlands and Sweden, were gathered in an “Evaluation Seminar”. Following a comprehensive analysis, project outcomes and gains were compiled in a Conclusion Statement upon the completion of the said seminar. A report based on this Conclusion Statement was submitted to the EU Commission by the implementation partner German Ministry of Interior in November 2004.

3.1.5.3. TR02-JH-03, Asylum-Migration Twinning Project

Following activities have been carried out within the scope of TR02-JH-03, Asylum-Migration Twinning Project:

- Seminar on Family Reunification,
- Seminar on Project Management,
- Study Visits to Denmark Czech Republic, Ireland and the UK,
- First Asylum Follow-up Seminar on the EU Asylum Acquis,
- Seminar on Residence and Work Permits in the EU,
- Seminar on Integration within the EU,
- Seminar on Deportation Measures,
- Second Asylum Follow-up Seminar on the EU Asylum Acquis,
- Seminar on Project Funding,
- Seminar on Identification of Human Resources and Training Needs.

3.1.5.4. Project for Increasing Police Capacity in the Fields Pertaining to Refugees/Asylum Seekers

The Representation of International Catholic Migration Commission (ICMC) to Turkey, the UK Embassy and the Turkish Ministry of Interior jointly commenced the currently ongoing “*Training Project for Increasing Police Capacity in the Fields Pertaining to Refugees/Asylum Seekers*” on 26 July 2004 where central and provincial personnel of MOI working in the field of asylum have been subjected to expertise training for a duration of one year.

The overall long-term objective of the mentioned project is to increase the capacity of MOI, GD Security personnel working under Turkish legislation in the fields pertaining to refugees/asylum seekers in line with the international standards.

The purpose of the project, on the other hand, is to develop an asylum system in Turkey, to train MOI, DG Security personnel working for the protection of refugees and asylum seekers about international developments and practices and to contribute to the capacity building in the area of training and technical support.

In this context, four seminars on “Asylum Law” and one training seminar on “Basic Field Expertise” have been planned.

As stated above, personnel working in the field of asylum and migration have been and will be trained on issues including border gates. Majority of personnel working in relevant fields have been subjected to the training process in question. Emphasis has been made to the EU Acquis and Turkish legal framework and their importance in all the seminars organized.

3.1.5.5. Project for Country of Origin and Asylum Information System

Guaranteed project outcomes to be achieved have been listed under “Article 1.3: Prioritized Objectives” under the contract of TR02-JH-03, Asylum-Twinning Project. Within this framework, the Second Objective specifies that detailed project proposals and technical specifications are to be drafted and an agreement be reached with the beneficiary institutions in the on-going process of the Action Plan. Therefore, Turkey prepared a twinning and investment project fiche on “*Project for Supporting the Development of an Asylum and Country of Origin Information System and the Training of Personnel for the Future Asylum Authority*” and submitted it to the Representation of EU Commission to Turkey on 2 April 2004 requesting its inclusion in the EU Financial Aid Programming of 2004.

However, Representation of the EU Commission to Turkey declared that the aid package for 2004 had been closed and forwarded an official opinion along with several recommendations to include the project fiche concerned in the EU Financial Aid Programming of 2005. In this context, works pertaining to the recommendations and comments of the Representation of EU Commission to Turkey were finalized and the project fiche was submitted once again on 3 January 2005.

The overall objective of the project is to align Turkish asylum system with the EU Acquis. The purpose of the project, on the other hand, is to ensure that the Ministry of Interior establishes and utilizes a Country of Origin information system, has complete knowledge on Refugee Status Determination (RSD) procedure and develops a training program of its own for the personnel of the future Asylum Authority.

The targets to be achieved through this project reflect some of the priorities incorporated in the Cabinet Decree of 19 May 2003 on the principles, priorities, urgent objectives and conditions in Turkey's accession partnership process. The said Decree sets out following objectives:

- Training on the EU Acquis and the implementation thereof in the field of Justice and Home Affairs,
- Strengthening the system as to admission and assessment of asylum claims.

The objectives set out in the project indicate the priority of Articles 2, 4, 5 and 10 under section 24.1.2 of the *Turkish National Program for the Adoption of the EU Acquis*. The Articles mentioned above are as follows:

- Identifying training needs of personnel and developing training programs,
- Organizing seminars on Refugee Law,
- Developing an asylum strategy and strengthening institutions involved in the strategy,
- Improving refugee-asylum seeker country of origin information database.

In addition to afore mentioned priorities, the project is a step forward in the realization of Article 6 of the same section of 2003 Turkish National Program. Article 6 stipulates the establishment of a central specialization authority to be exclusively responsible for refugee status determination under the body of MOI and satisfaction of legislative, organization, administrative set-up and infrastructural needs for building its operational capacity.

Furthermore, Asylum Strategy Paper of 2003 prioritizes development and provision of comprehensive and continuous training programs to the personnel of future asylum authority and training of RSD personnel on interviewing techniques and the conditions prevailing in countries of origin of those seeking Asylum in Turkey as well as consideration of international legal standards.

It is a considerably significant project in defining each and every priority mentioned above. Incorporating both twining and investment components, this project is instrumental in preparing Turkey for membership to the EU as stated in sections 1.3.3 and 8.5 of "Preliminary National Development Plan (2004-2006)" dated December 2003.

The contract of TR02-JH-03, Asylum-Migration Project sets out in Article 1.3: Objective 1 the aim of drafting a complete Action Plan where legislative harmonization, institutional reforms, training activities, infrastructure and equipment essential for the implementation of asylum and migration strategy will be defined. It is declared that the Action Plan in question should define the priorities which will form a basis for the

programming of the other EU pre-accession aid particularly in relation to urgent investments in 2004 and thereafter and that it shall include the institutionalization process and detailed specifications of investment projects to be essential in the future in order to achieve previously set objectives.

3.1.6. Legal Developments in the Field of Asylum

3.1.6.1. Draft Bill on Asylum

At the implementation stage of the HLWG project entitled “Supporting Turkish Authorities Responsible for Migration in the Field of Asylum” and within the framework of TR02-JH-03, Asylum-Migration Twinning Project; experts from Denmark, the Netherlands, Sweden, Federal Republic of Germany, the UK and Turkey analyzed existing Turkish legal arrangements in the field of Asylum and the loopholes therein. The findings of such analysis were used in the formulation of the draft bill on asylum.

Considerable effort has been spent for the harmonization of the draft bill concerned with the EU Acquis.

3.1.6.2. Circular on the Transfer of Authority

In order to bridge the draft bill and the applicable asylum regulation to one another the Ministry of Interior drafted an internal circular prior to the publication of the draft bill on asylum. The circular aims at accurate and effective implementation of the Asylum Law, harmonization of existing asylum practices with the EU taking account of the EU minimum standards and identification of potential practical problems and legal loopholes and their reflection onto the Draft Bill on Asylum.

The circular stipulates that applications of aliens wishing to seek asylum shall be accepted without any restriction.

It contains provisions on applications subject to accelerated procedure. The purpose of transition to accelerated procedure is to prevent abuse of the asylum system and to ensure rapid assessment of applications lodged by people ineligible for international protection. The Governorships shall be responsible for finalizing this process in accordance with the accelerated procedure and the decision shall be notified to the applicant in writing.

Where it is decided as a result of the assessment that an applicant subject to accelerated procedure may qualify for refugee status according to the criteria specified in 1951 Geneva Convention his/her application shall be assessed under the normal procedure and ex-officio residence shall be permitted.

Furthermore; should country of origin information not suffice at the time of assessment or relevant proceedings cannot be completed on due time, application shall be assessed under normal procedure.

Where it is decided as a result of the assessment that an applicant subject to accelerated procedure does not qualify for refugee status according to the criteria specified in 1951

Geneva Convention, deportation measure shall be fulfilled in the lack of appeals against negative decision. ,

In case the applicant appeals against the negative decision he/she shall not be deported and his documents shall be referred to the Ministry of interior along with his/her individual case following the notification date and his/her circumstances shall be assessed by the Ministry. Negative decision of MOI, where the case may be, shall be notified to the applicant with the possibility of appealing to Administrative Courts against the decision.

3.2. Arrangements for Aliens Falling outside the Refugee/Asylum Seeker Status

3.2.1. Migration Measures Solely Pertaining to the Settlement of Aliens of Turkish Origin

Aliens of Turkish origin to be admitted into Turkish territory as migrants are subject to the Settlement Law No 2510 and its supplementing Laws No 3657, 2848 , 5682 , 1306, Regulation No 2/1777 on Settlement Exemptions, relevant Cabinet Decrees and circulars.

Settlement Law No 2510 sets out procedures and conditions for admitting aliens of Turkish origin seeking asylum for temporary residence in Turkey due to urgency as migrants. Within the framework of Article 4 of the mentioned Law, aliens arriving Turkey may be admitted as migrants provided that they have the will to settle in Turkey and are attached to the Turkish culture.

Within the framework of legal arrangements, matters of migration and migrants can be expressed as “arrival of a person(s) of Turkish origin attached to Turkish culture for settling in Turkey”.

3.2.2. Procedure for Entrance to Turkey

3.2.2.1. Visa Types and Procedures

Aliens must have an entrance visa affixed to their mandatory passports or substituting documents in order to enter into Turkish territory.

As a general rule, a visa is issued by the Turkish consulates located in the country of origin or permanent residence upon application.

Entrance to Turkish territory is subject to visa requirement unless otherwise is provided for exceptions. Therefore, citizens of countries subject to visa requirement must apply to Turkish missions abroad, receive a visa and have the visa affixed to their passports before coming to Turkey.

Citizens of some countries may have their visas sealed at the border gates while entering. On the other hand, citizens of certain countries may enter Turkish territory without a visa for a certain period of time on the basis of visa exemption agreements.

Entrance visa

This visa is issued for entrance to Turkish territory and if it does not specify the duration of stay, the holder may reside in Turkey according to the provisions of the legislation on residence and travel of aliens.

“Single entry”, “recurrent entries” and “transit” are the types of entrance visa.

Explanatory Visas

Despite being a type of entrance visa, they are distinct in nature due to bearing explanatory notes and the purpose of arrival thereon.

3.2.2.2. Bodies Authorized to Issue Visa

The following are the bodies authorized to issue visa for diplomatic passports of aliens and personal and service passports of Turkish citizens as foreseen in the relevant Law;

- Ministry of Exterior
- In emergency cases, Turkish Embassies or consulates located in provinces and other countries

Bodies authorized to issue visa for public passports are as follows;

- Governorships or with the permission thereof security, directorates and offices of district governors and Turkish Consulates abroad.

3.2.2.3. Visa Exemption

Citizens of countries exempted from visa requirement on the basis of bilateral or multilateral agreements may enter Turkish territory without a visa.

Article 6 of the Passport Law provides for conditions where no visa shall be asked at the time of entrance. Accordingly; “Aliens traveling with individual or joint passports for proceeding to other countries or for tourism or touring purposes only may tour and spend the night in cities where respective Turkish ports or airports are located subject to the permission of local security bodies.”

Transit airway passengers are not subject to visa requirement provided that they remain within Turkish airports.

Transit airway passengers connected to other flights may be allowed to tour the city - without a visa- where respective airport is located for the period between their arrival and the first flight to their destination.

3.2.2.4. Mandatory Conditions of Entrance

Aliens may enter Turkish territory according to the procedures and principles set out in the Passport Law No 5682 and the Aliens Act No 5683. Minimum conditions to be fulfilled by an alien to enter Turkish territory are listed below:

- Having a duly issued valid passport or an equivalent document,
- Visa
- Using border gates allocated to passenger entrance-exit procedures,

Documents Equivalent to Visa

- Travel documents
- Laissez-passer
- Administrative letter
- Seaman's identity card
- Migration documents
- Border documents
- Flight crew licenses
- Railway staff identity card
- Identity cards and documents used as an alternative to passport for entering the territory

The Ministries of Interior and Exterior are authorized to jointly decide on documents as an alternative to passports, other than those specified in relevant laws and international agreements.

3.2.2.5. Aliens not Allowed into Turkish Territory

- Vagabonds and beggars,
- People suffering from insanity or contagious diseases (*People as such who will not pose a threat against public health and order and visit Turkey for purposes of treatment or climate change through their own means or under the material protection of their legal guardians may be exempted under this provision*),
- Suspects or convicts of crimes subject to extradition according to the agreements or treaties on extradition of criminals, to which Turkey is a signatory,
- Those who are not allowed to return after their deportation from Turkey,
- Aliens suspected of aiding those willing to violate or actually violating the security of the Turkish Republic and public order,
- Prostitutes and those earning a living by forcing women into prostitution, white slave traffickers all kinds of smugglers and traffickers,
- Aliens who do not have financial means to afford living throughout their stay in Turkey and returning and who cannot prove the existence of a guardian or engagement in a job not prohibited for aliens in Turkey, are not allowed into Turkish territory.

3.2.3. Residence permits

Aliens' right to residence is covered in both international conventions and national legal texts. Therefore, regardless of their countries of origin, aliens legally entering Turkish territory may reside in Turkey without a residence permit for a period up to 90 days provided that the duration of visa exemption or period of residence specified in their visas is at least 90 days.

3.2.3.1. Residence Permits Specific to Aliens

Turkish legislation on aliens does not provide for "*extension of visa*". Therefore, residence permit should be received upon the expiry of visa.

3.2.3.2. Duration and Renewal of Residence Permits

The duration of residence permits issued for aliens is identified within the framework of the relevant legislation and agreements concluded with other countries and *by taking account of the request lodged by the applicant* to the extent possible.

Validity of residence permits is limited to five years. In accordance with the principle of reciprocity, such duration can be extended or shortened by the Ministry of Interior in consultation with the Ministry of Exterior.

3.2.3.3. Obligation to Submit Residence Permits to Relevant Officers

Aliens are obliged to show their identity cards, residence permits or passports and control receipts each time requested by the police or gendarmerie officers (Aliens Act No 5683, Article 18).

3.2.3.4. Aliens Allowed to Stay in Turkey without Residence Permit and Duration of Stay

Initial Articles of the Law No 5683 oblige aliens staying in Turkey for more than one month to receive a residence permit. Subsequent articles, on the other hand, sets out aliens exempted from this obligation and the duration of their stay in the absence of residence permit.

Following are the aliens allowed to stay in Turkey without a residence permit:

- Three months for aliens who enter Turkish territory subject to a visa providing residence of minimum three months,
- Until the end of duration stipulated in the visa, if it is less than three months,
- Throughout the exemption period, if they are enjoying provisions of visa exemption agreements,
- Four months for aliens who enter Turkish territory with a tourist visa to participate in national or international historical-cultural events, events of fine arts, festivals and sports competitions or for purposes of visiting, treatment or climate change in places to be decided by the Council of Ministers, provided no limitation for residence is imposed in their visas,
- Two months for aliens entering Turkish territory with joint passports for traveling purposes or purposes stated above,
- Four months for foreign travelers entering Turkish territory with their triptyque documents and entrance cards through customs of International Association of Tourism and Automobiles,
- Force members of signatories to the North Atlantic Agreement (*NATO*) until the end of their assignment,
- Members of foreign diplomatic missions posted to Turkey until the end of their assignment,
- Personnel of international organizations (such as UN) posted to Turkey until the end of their assignment.

3.2.3.5. Aliens not Qualifying for Residence Permit in Turkey

- Aliens arriving Turkey for employment but willing to have a job exclusive for Turkish citizens,
- Aliens who cannot compromise with and act in violation of Turkish laws, traditions, customs or political requirements,
- Aliens who are proved to be lacking sources to legally (as deemed appropriate by the laws and public conscience) earn a living throughout their stay in Turkey,
- Aliens who have entered Turkish territory even though they are prohibited to do so
- Aliens violating peace and order as they reside in Turkey.

3.2.3.6. Aliens Staying in Turkey with Expired Visa or Residence Permit

If a residence permit is not received or extended within the period foreseen in the law, this non-compliance does not require a judicial investigation.

Non-receipt or non-extension of a residence permit does not discharge the responsibility of collecting expenses to be calculated on the basis of the tariff covered in the extended period. The amount of expenses so calculated is collected as one fold more without any fine or default interest accrued.

A fine to be imposed may be coupled with certain limitations on re-entrance to the territory. Such limitations are temporary in nature and prohibition of entrance is programmatically deleted from records at the end of the period foreseen.

3.2.3.7. Residence permits for foreign students

The Law on Foreign Students Studying in Turkey and Regulation on Foreign Students Studying in Turkey regulates principles applicable for entrance of foreign students to Turkey, their admission into academic institutions, roles of relevant institutions and agencies and the obligations of foreign students.

Should foreign students submit their exam results alongside other required documents while lodging their visa applications to Turkish missions abroad, their request for an education visa is satisfied within the shortest extent possible.

Having been placed in a higher education institution, aliens staying in Turkey may receive residence permit upon submitting relevant documents to the security departments. Enrollment is not a must in the first instance. However, residence permits of those not enrolling to a school upon issuance of such shall be immediately cancelled to prevent its unintended use.

Foreign students are requested to submit a documentary evidence of renewed enrollment, in particular for extension of their residence permits. Residence permits cannot be extended in the absence of documentary evidence proving the student status.

Where aliens are enrolled to schools other than those providing higher education within the framework of applicable mentioned legislation, residence permit specific to education purposes is issued regardless of the requirement to obtain an education visa.

This is valid also for aliens “pending for an asylum decision”, “recognized as asylum seekers”, “pending for an asylum decision” or “recognized as a refugee” in Turkey.

Prohibition of Employment and Exceptions Thereto in the Context of Foreign Students

Foreign students can not have an income-generating job throughout their school life. However post-graduate students may have a paid job in higher education institutions where they are conducting their researches.

3.2.3.8. Residence Permits for Family Reunification

Long term residence permit is granted to aliens married to Turkish citizens as long as their marriage continues as a family unity.

But when the marriage is proved to be false, then residence permit is not issued on marital grounds.

A new arrangement for the naturalization of female party to marital contract was put into force on 3 June 2003.

Accordingly, a family unity of three years has become the prerequisite of obtaining Turkish citizenship on marital grounds.

Where a marriage ends due to divorce or death, residence permit shall remain valid upon request.

Long term residence permit is issued for underage children from a Turkish or foreign mother or father, depending on the mother or father.

3.2.4. Principles Governing the Rights of Aliens to Make Scientific Research, Survey and Filming in Turkey

Archeological, historical, geological, sociological and natural surveys, scientific researches and archeological excavations, audio-visual recording and filming on land, air and submarine resources, rivers and lakes in Turkey are subject to prior authorization.

There has been no amendment in the procedure for applying to Turkish missions abroad and Turkish Ministry of Exterior via respective embassies to make archeological excavations and surface surveys in Turkey.

Authorization process for other studies has been simplified; applications may be lodged at the place of intended study to the local unit or the authority supervising this unit.

3.2.5. Deportation Measures

According to Turkish law, the authority to issue a Deportation Order generally belongs to the Ministry of Interior. Article 19 of the Aliens Act No 5683 provides for the following: *“Aliens whose stay in the territory is deemed to be in violation of public order or political or administrative requirements by the Ministry of Interior are invited to leave Turkish territory within a fixed period of time. Those remaining in Turkey after the expiry of such period may be deported”*.

Being two of the deportation reasons stated above, the concepts of “public security” and “public order” are the general conditions and elements of preventive police authority, therefore they may be considered to be defined in the doctrine and case law to a certain extent. On the other hand, the phrase “political and administrative requirements” is not a legal concept with a known scope and limit. Thus, the authority of the administration to exercise judicial discretion is considerably wide in applying it as a rationale of deportation.

The *“fixed period of time”* specified in the law is decided by the administration with due consideration of issues like the location, health conditions and available transportation means of the alien in question.

3.2.5.1. Bodies Authorized for Deportation

Article 19 of the Aliens Act No 5683 authorizes the Ministry of Interior for issuing deportation orders.

The person subject to a deportation order is initially invited to leave Turkish territory and should he/she fail to do so within the period granted, deportation order is exercised by the administration.

However, the Ministry of Interior may delegate authority to the Governorships in border and coastal provinces to deport those requiring an immediate deportation action on the grounds of posing a threat against public security and order without consulting to the Ministry.

On the other hand, Article 59 of the Turkish Penal Code and Article 18 of the Law on Execution of Sentences stipulate certain conditions under which the courts may issue a deportation order.

3.2.5.2. Aliens who cannot be Deported Despite a Deportation Order

Those who are subject to deportation order but cannot leave Turkish territory due to lack of passport or some other reasons are obliged to reside in places determined by the Ministry of Interior.

Aliens subject to deportation order shall cover expenses arising thereof. Transfer of those failing to afford such expenses is carried out by the state.

3.2.5.3. Appeals against a Deportation Order (Application to Administrative Justice)

Aliens may appeal to administrative justice against a deportation order since deportation measure is subject to the following constitutional provision (125/1) due to its administrative nature: *“All actions and measures taken by the administration can be appealed before justice”*.

Article 19 of the Aliens Act No 5683 stipulates a certain period for a person to be deported following the issuance of deportation order: *“...is invited to leave Turkish territory”* thereby providing the opportunity to appeal within the period granted as such.

3.2.6. Recent Legal Arrangements

3.2.6.1. Work Permits

Law No 4817 of 27 February 2003 on the Work Permits of Aliens which was drafted in line with the EU Acquis was put into force on 6 September 2003 along with the supplementary Regulation.

The basic objectives of the law concerned are monitoring labor market, having a single authorized body and preventing illegal employment through effective controls.

3.2.6.2. Activities in the Context of the Draft Bill on Aliens

Internal activities on the Draft Bill on Aliens prepared following an in-depth analysis of the Acquis have reached the final stage. The Draft Bill is expected to be effective in the second half of 2005 as foreseen in the National Program.

3.2.7. Improvements in Struggle against Illegal Migration

Statistical Aspects of the Activities in this Field

Turkey proves its stance in this field by taking measures against illegal migration at the national level and actively participating in international processes of identifying problems, exchange of information, joint struggle and cooperation and effectively struggles to prevent illegal migration over Turkish territory and deport illegal migrants staying in Turkey.

Thanks to the ambitious stance of security forces, Turkey shifted migrant traffickers to southern (Iraq-Syria-Lebanon) and northern (Iran-Caucasus -Ukraine) routes particularly in 2000 and 2001. Moreover, vessels carrying illegal migrants changed their routes and recently vessels departing primarily from African countries are destined to Italy and France and those coming from Sri Lanka and India are following the Suez Canal to reach the coasts of Southern Greek Cyprus, Greece and Italy.

For the years between 1995 and 2004, respectively 11362, 18804, 28439, 29426, 47529, 94514, 92362, 82825, 56219 and 50529 illegal migrants totaling to 512009 were captured attempting to illegally enter or leave Turkish territory or staying illegally in Turkey.

As a result of activities carried out in this field, more concentrated operations were conducted against migrant trafficker organizations. 98 organizers were captured in 1998

with an increase to 850 in 2000, 1155 in 2001 and 1157 in 2002 (grand total for 1998-2002: 3895). The year 2003 witnessed the capture of 937 illegal migrant traffickers and up to now for 2004 their number has been 520 and they all have been subjected to judicial action.

Aliens willing to enter Turkish territory at the border gates but suspected to be involved in illegal migration or attempting to use false documents are not admitted into Turkey. Thanks to the training seminars provided to the personnel on counterfeiting, 6069 aliens in 1999, 24504 in 2000, 15208 in 2001 and 11.084 in 2002 were rejected at the borders. It was the case for 9.362 aliens in 2003 and 7888 in 2004 (1999-2004: 74.700).

Preventive activities against illegal migrant trafficking via maritime transportation have been accelerated due to the measures taken and within this framework, the number of vessels allegedly departing from Turkey to Europe decreased from 19 in 2000 to 17, 2 and 1 in 2001, 2002 and 2003, respectively.

On the other hand, 20 vessels/boats about to leave Turkey were ceased in 2003 and a total of 1529 illegal migrants and 20 organizer migrant traffickers planning to escape were captured both on-board and ashore.

Transit migration from Turkey to Europe is practiced primarily by vessels and boats illegally leaving territorial waters over the Aegean Sea and the Mediterranean. Illegal migration via maritime transportation has been avoided to a considerable extent thanks to the coastal controls and air-borne preventive operations carried out in coordination by helicopters of Coastal Security units and police helicopters deployed in İzmir, Antalya and Muğla.

Improvements in the Legislation

As an addition to the amendments in the Law on Employment of Aliens in Turkey and the Turkish Citizenship Act; Turkey ratified on 13 December 2000 the Convention against Transnational Organized Crime and two Protocols regulating trafficking in migrants and human beings undersigned in Palermo on 12 December 2000. The Convention and its protocols were approved in Turkish Grand National Assembly and published in the Official Journal No 25052 of 18 March in full-text format.

Accordingly, as it is the case for trafficking in human beings, the arrangement based on Article 201/a of the Turkish Penal Code became effective in advance following its publication in the Official Journal No 4771 of 9 August 2002. This Article foresees that migrant traffickers be sentenced to 2-5 years of imprisonment (4-10 years under aggravating conditions) and a fine of minimum TL 1 billion, relevant tools be confiscated and economic activities of front organizations be suspended. New version of the Turkish Penal Code to become effective as of April 2005 incorporates associated arrangements.

The amendment made in the Citizenship Act No 403 in 2003 serves for avoiding marriages of convenience instrumental for obtaining citizenship and settling in Turkey, thereby eliminating a method utilized by human smugglers and traffickers.

Likewise, Law No 4817 on Work Permits of Aliens put into force in 2003, complementary implementing regulation and the circulars published have been contributory in preventing illegal and low-paid employment of aliens and in legal control and management of employment-oriented migration.

Conclusion of Readmission Agreements

In the medium term, Turkey shall put into force arrangements aligned with the EU Acquis in connection with practices like readmission, deportation etc. within the framework of illegal migration. Turkey follows a policy of undersigning readmission agreements with primarily the source countries and progressively transit countries and countries of destination and is expecting a reply for her proposals dated 2001 and 2002 to conclude readmission agreements with various countries.

In this context, firstly the neighboring countries in the west and east and then other source countries are targeted in concluding readmission agreements.

As for readmission of Turkish citizens, Turkey exercises a very practical method and accordingly, pursuant to ICAO Convention, illegal migrants departing from Turkey are readmitted if they are returned by the same flight of departure or the next flight to Turkey.

Information on the agreements and protocols to which Turkey is a signatory as regards readmission of illegal migrants is specified below:

Greece: Turkey and Greece undersigned "Cooperation Agreement Against Crimes Particularly Terrorism, Organized Crimes, Drug Trafficking, and Illegal Migration" on 20 January 2000 and it became effective on 17 August 2001 in Turkey. Subsequently, for the purposes of implementing Article 8 thereof regarding readmission of illegal migrants "Protocol on Readmission of Illegal Migrants" was concluded on 8 November 2001 and the implementation stage commenced as of the beginning of 2002. Following its approval on the basis of the Cabinet Decree 2002/3914 of 12 March 2002, the Protocol was published in the Official Journal 24735 of 24 April 2002. It was approved also by the Greek Parliament at the beginning of August.

Syria: an agreement on readmission of illegal migrants was undersigned with Syria on 10 September 2001. This agreement was approved on the basis of the Law No 4901 of 17 June and put into force following its publication in the Official Journal 251482003 of 24 June 2003.

Kirghizistan: a readmission agreement exclusive for the citizens of two countries only, was concluded on 6 May 2003. The said agreement was approved on the basis of the Law No 5097 of 12 February 2004 and became effective following its publication in the Official Journal No 25376 of 17 February 2004.

Romania: an agreement on readmission of illegal migrants was undersigned on 19 January 2004.

Moreover, negotiations with Russian Federation, Uzbekistan, Belarus, Hungary, Macedonia, Ukraine, Lebanon, Egypt, Libya and Iran are underway.

Readmission agreements were proposed to Pakistan, Bangladesh, India, People's Republic of China, Tunisia, Mongolia, Israel, Georgia, Ethiopia, Sudan, Algeria, Morocco, Nigeria and Kazakhstan.

3.2.8. Steps Taken in Combating Trafficking in Human Beings

Turkey ratified on December 2000 the Convention against Transnational Organized Crime and its two Protocols regulating trafficking in migrants and human beings undersigned in Palermo on 12 December 2000. The mentioned Convention and its protocols were approved in Turkish Grand National Assembly and published in the Official Journal No 25052 of 18 March in full-text format.

The amendment to Turkish Citizenship Act No 403: having become effective following its publication in the Official Journal No 25127 of 3 June 2003 the new arrangement aims to avoid marriages of convenience and envisages the amendment of Turkish Citizenship Act No 403. Under afore mentioned arrangement, aliens marrying Turkish citizens may be involved in the naturalization procedure 3 years after the marriage contract has been concluded, provided the investigations prove that "the alien in question does not have a profession inconvenient for marriage, the spouses do not live with other partners but together, and have no connection with human trafficking".

Ministry of Labor and Social Security has drafted the Law No. 4817 on the Work Permits of Aliens as ratified by the TGNA and published in the official journal on 6th March 2003 in order to prevent illegal employment. The regulation to provide the implementation of the law was enacted in 6th September 2003.

The article of the TPC regarding the trafficking of humans: The crime of human trafficking was defined in Article 2/b of the "Law No. 4771 on Making Amendments to Various Laws" endorsed by the General Meeting of the TGNA on 3rd August 2002 and enacted after the publication in the official journal No. 24841 of 9th August 2002 that foresees an amendment to article 201 of the TPC on migrant trafficking. The perpetrators of this crime should be imposed a heavy imprisonment of 5 to 10 years unless the crime is of an organized nature where the penalty to be imposed should be increased one fold.

The declaration undersigned at the 3rd Ministerial Meeting of the Stability Pact Task Force organized in 11th December 2002 in Tirana with the participation of Turkey includes a commitment which foresees that "the statuses of those subject to human trafficking shall be legalized, necessary help shall be provided to victims of human trafficking willing to bear witness and temporary residence permits shall be issued until their procedures have been completed" in the countries of South Eastern Europe and the Balkans, where the problem of human trafficking is severe.

It has been regulated by a circular to identify the victims of human trafficking keeping in mind the position of individuals involved and the oppressive and forceful characteristics

of the crime of prostitution; to ensure the application of the relevant legislation by the Provincial Directorates of Security, Gendarmerie Headquarters and Coastal Security Commands; to provide health care and psychological rehabilitative support to the victims to the highest extent possible; to allow for the temporary residence of the identified victims according to their consent at first stage without resorting to deportation from Turkey; to identify and apprehend the interest oriented and organized individuals or networks committing such crime and to initiate the legal/administrative process against these individuals or networks in line with the recently enacted legal arrangements.

According to the regulations;

- Viewing the crime of human trafficking within the scope of TPC 201/b has once more been put in the agenda and a guide has been prepared with the title “Guide to Combat Human Trafficking” involving the approach to victimized women and the way to combat such crime.
- The exit procedures for victims of human trafficking in Turkey should be subject to no fee or fine, and there should be no decision to impose a temporary ban on entry to Turkey.
- Necessary measures have been taken to ensure female personnel of civilian clothing to be in charge of all processes, which require direct contact with the victims; and to avoid a situation which requires the victims, the traffickers or people affiliated to them to be in the same room if confrontation or identification is required during the investigation.
- Special measures should be applied to ensure that the best interests of children are taken into account in all procedures which apply to juvenile victims.
- Individuals, who have been identified as victims of human trafficking and who require medical treatment, should be transferred to health care institutions to receive treatment free of charge according to Resolution No. 2003/6565 of the Council of Ministers of 5th December 2003.
- Within the framework of international practices and recommendations regarding the treatment and rehabilitation of victims, the trial procedures for the accused, and the issuing of residence permits to victims; the residence permits to be issued to individuals of foreign nationality, who have been identified as victims of human trafficking, should cover longer periods; therefore, training provided to the relevant personnel included issuing up to 6 months of temporary residence permits to those individuals of foreign nationality, who were identified as victims of human trafficking, requesting it, and extending the residence permits for additional periods up to 6 months if deemed necessary after following the trial procedures of the suspects and the period of treatment of the victims.
- Measures shall be taken to prevent the exposition of victims as the victims are making a voluntary and safe return to their countries or being transferred to another province during the course of the investigation; to complete exit and document control procedures at the border gates on paper without taking said individuals to passport control booths during their return and to lead individuals directly to the airplane.

- Transfer of victims to a shelter in Istanbul, which shall provide accommodation opportunities for victims of human trafficking, has been arranged within the framework of the protocol undersigned by the Human Resource Development Fund (HRDF) and our Directorate General.

3.2.8.1. Works towards Establishing International Cooperation for Combating Human Trafficking

Turkey undersigned 67 Security Cooperation Agreements with 43 countries for cooperation in the combat against organized crime and terrorism. All agreements bear provisions for the establishment of cooperation for combating illegal migration and human trafficking.

Cooperation protocols have been proposed to Ukraine, Georgia, Bulgaria, Romania, Moldova, Russian Federation, Azerbaijan, Belarus and Uzbekistan within this framework in order to activate the relevant clauses of the said agreements; a Memorandum of Cooperation for Combating Human Trafficking and Illegal Migration was signed with Belarus on 28th July 2004 and was put into practice.

3.2.8.2. Works for the Protection of Victims

The practice of issuing at first stage up to 6 months of temporary residence permits based on the request of the victims shall continue keeping in mind the period required for the treatment and rehabilitation of victims and the trial procedures for the accused. A total of twenty five women of foreign nationality have been issued residence permits up to date.

Another important issue in combating human trafficking is the protection, rehabilitation, treatment, psychological support and accommodation of the victims of human trafficking. Cooperation protocols have been undersigned in line with the international model and practices between the Directorate General for Security, the Gendarmerie General Command under the Ministry of Interior and HRDF, an NGO working to protect the victims in Turkey within the context of combating human trafficking, and a shelter has been built within the scope of these protocols through the cooperation of Istanbul Metropolitan Municipality and Human Resource Development Foundation and is currently in operation in Istanbul for the victims of human trafficking.

Those victims of human trafficking requesting to return are safely returned to their countries in cooperation with HRDF and in contact with the representatives of IOM. A total of fifty-one victims were safely returned to their countries this year.

3.2.8.3. Campaigns for Creating Public Awareness

Two panels on “Combating Human Trafficking” were organized with the contribution of the UN Population Fund in 2002 and 2003 by the Directorate General for Women’s Status and Problems in Turkey with a high participation rate. These panels organized to create public awareness in combating human trafficking aimed to deal with human trafficking and to ensure that all members of the society take an active role in combating this crime.

Furthermore, studies for another project have been started with IOM with the title “Aiding Victims of Human Trafficking in Turkey”.

Within this framework are the preparation of materials for combating human trafficking as well as training and awareness raising campaigns targeted at officers combating human trafficking.

The Twinning Project titled Institutional Capacity Building in Combating Human Trafficking, the contractual studies of which are in progress, shall provide for a more detailed approach in addition to such works for creating public awareness.

3.2.8.4. Training Activities on Human Trafficking

Seminars on Combating Human Trafficking have been organized with the participation of the Security personnel working in the field of combating human trafficking and the representatives of relevant ministries and institutions. Cooperation between the police force and NGOs, among the police forces in the international level, and among international NGOs, best practices and practices in the EU member states were discussed in the seminars.

EU funded training activities for the police force have been initiated in line with the protocol signed by the Ministry of Interior and HRDF.

3.2.8.5. Twinning Project for Strengthening the Institutional Capacity in Combating Human Trafficking

A project for “Building Institutional Capacity in Combating Human Trafficking” has been prepared and is planned to be run by the Twinning Mechanism within the scope of Turkey – EU Financial cooperation in 2003, where such project shall be incorporated into the works of the Ministry of Interior oriented towards combating human trafficking, which involves various dimensions such as the deception in particular of women and children by false promises, bringing them from their countries, sexually exploiting them, forcing them to work, and involving them in slavery and organ trade.

The mentioned project shall be conducted with the participation of the Ministry of Justice, Ministry of Labor and Social Security, Ministry of Exterior, Ministry of Health, Social Services Child Protection Agency, and Directorate General for Women’s Status and Problems under the coordination of the Ministry of Interior.

The aim of the project is to adopt a strategy to prevent human trafficking and to pave way for its implementation by sectoral action plans in line with the targets of attaining minimum standards to decrease human trafficking and strengthening relevant institutions operating against human trafficking. The objectives and expectations have been defined as follows:

- Developing in Turkey a strategy and a policy for combating human trafficking.
- Increasing public sensitivity to the combat against human trafficking.

- Developing psychological, legal and social assistance programs for victims.
- Developing programs of return and integration to the society.
- Identifying whether there is a need for new arrangements in this field by examining the current legal arrangements and making preparations for the new arrangements.
- Providing training to the police, gendarmerie, prosecutors and legal authorities, which combat human trafficking, and to the NGOs in order to enhance cooperation.
- Disseminating international cooperation among law enforcement units.

4. THE ASYLUM AND MIGRATION ACTION PLAN

4.1. In order to increase the capacity, Institutional set-up will be realized to establish a specialization unit in the field of migration and asylum.

4.2 The existing specialization unit will be expanded and strengthened for guaranteeing that asylum and migration procedures are enforced in harmony with the EU Acquis and it will:

- Make decisions on the procedures to apply to aliens arriving in Turkey by legal or illegal means seeking asylum individually, or applying in Turkey to seek asylum in other countries, and those requiring international protection within the framework of international conventions and agreements Turkey is a party to.
- draft and guide migration policies,
- evaluate and decide on the applications of migrants willing to come to Turkey by legal means for purposes of work, study and family reunification, or migrants legally staying in Turkey,
- determine residence and similar statuses,
- withdraw the status when necessary and decide on deportation,
- develop and implement return programs for those willing to return to their countries,
- shape policies for the integration of aliens to the society,
- identify the studies to be made and measures to be taken in the national and international arena against illegal migration; shape policies in this field; identify measures to be taken against illegal entry, stay and exit,
- establish an “Evaluation Board,” which is important in attaining administrative supervision in migration management and protecting the rights of the aliens undergoing the procedure, comprising of the relevant experts in the field in order to develop policies and provide coordination among institutions in the field of combating illegal migration and human trafficking, deciding on complex cases, and settlement of possible disputes at the administrative level on migration management,
- Compile and evaluate data on migration and will exchange information internationally.

4.3. Recruitment and Training of Personnel Working/To Work in the Field of Asylum and Migration

- Personnel working/to work in the field of asylum and migration (making interviews about the asylum claim, deciding on the status of the applicants, and on other aliens, who apply for residence, work and study permits) should be chosen among individuals able to use information technologies, respect different cultures and values, communicate and work in teams, make analysis having analytical thinking skills, take responsibility and reach an outcome, and capable in oral and written expression with planning skills.
- The current personnel working in the field of asylum and migration have the above-stated characteristics in general terms. Those characteristics should be sought in personnel to be recruited in the future.
- The personnel currently working in the field of asylum and migration should be divided into branches and a continuous occupation of positions in this field should be maintained. (*See: EU Council Procedures Directive (Asile 33), Art.3A (3), Art. 7(2); EU Council Directive on Minimum Guarantees for Asylum Procedures Art. 6 and Art. 15)*)
- Personnel having received training in projects conducted by the Ministry of Interior in the field of asylum and migration shall be promoted to expert status. (*See: EU Council Directive on Minimum Guarantees in Asylum Procedures Art. 6 and Art. 15)*)
- On the other hand a nucleus cadre comprised of experienced experts, including civilian employees, having received training in the field shall be recruited in the various units of the asylum system interviewing the applicants and reaching decisions on the cases.
- Care should be exercised in the selection of the nucleus cadre and decision-makers so that these people shall be among those, who have received training in particularly in asylum law, and have gained experience.
- Necessary amendments should be made to the existing arrangements on the recruitment of personnel to be employed. Said arrangements should incorporate provisions to encourage the recruitment of qualified personnel in the authority.
- Staff categories and training strategies for the staff to be recruited at the policy-making, administrative and managerial departments of the asylum system should be identified in a manner that complements the Integrated Border Management Twinning Project. Comprehensive and periodical training programs should be developed and implemented. Such training should incorporate legislations and legal arrangements, international refugee law, human rights areas, EU Acquis and conditions in the countries of origin as required by the personnel in question.

- A follow-up and development group to be in charge of the development of training strategies (for case workers, policy-makers, administrative personnel and managers) should be formed until the establishment of an effective asylum system.
- Personnel to conduct interviews with and decide upon the applications of the unaccompanied minors, women subject to gender based oppression, people, who have been tortured or subject to other forms of trauma and other vulnerable groups should be particularly delegated, should be subject to training primarily in the field of interview techniques regarding vulnerable groups, and should be employed in the areas where they receive training. All personnel involved in the asylum procedure should receive fundamental training in order to identify people with special needs and to take necessary measures.
- Training should be provided to officers, who will be the first point of contact for the asylum seekers at the border regions; a booklet involving basic information and procedures should be prepared and disseminated.
- Informative seminars on asylum law should be provided to those working in the field and legal officers to be in charge of these issues, in-service training should be continued, and training on interview techniques should be provided.
- Traineeship opportunities and opportunities for training (in-service training and other forms of trainings) of personnel at EU and non-EU member states or at the UNHCR's office in Turkey or abroad. Special support should be provided for training at each level.
- Necessary arrangements should be made for personnel to learn languages.

4.4. Investment and Twinning Projects in the Field of Asylum and Migration

Well-functioning of the asylum system shall be possible only when a full understanding of the RSD procedure is developed.

The below-stated investment projects should be prioritized within the scope of EU Financial Assistance Programs while forming the asylum system in order to complete the required technical and physical infrastructure within this framework.

4.4.1. Establishing a Country of Origin and Asylum Information System

Necessary arrangements should be made for decision makers to access information in areas that fall within their authority such as information on the asylum seekers and countries of origin on the electronic environment; personnel should be trained to become decision makers; technical equipment and data should be made available for this purpose.

The Twinning and investment project fiche on "Supporting the Development of an Asylum and Country of Origin Information System and the Training of the Future Asylum Personnel" drafted in 3rd January 2005 by the Ministry of Interior and submitted

to the Representation of the EU Commission to Turkey should be included in the program for the year 2005 and implemented without delay.

4.4.2. Establishing Premises for the Asylum Unit

A project fiche for the asylum unit should be prepared and a building should be constructed or a suitable building should be renovated and made available in Ankara with the equipment required.

4.4.3. Establishing Reception and Accommodation Centers for the Asylum Seekers and Refugee Guest Houses

The state has the responsibility to provide shelter and physical reception conditions to asylum seekers according to EU Council directive on reception conditions. An asylum seeker reception system should be established for this purpose. Asylum seeker reception and accommodation centers and guest houses for refugees shall be established and made operational primarily in the eastern and then the central regions of Turkey in order to implement the asylum strategy and to provide effective and fair international protection to genuine refugees.

These centers with a capacity of approximately 750 people shall be established in seven different provinces in Turkey and serve as Regional Centers.

Capacity should be increased if the capacity of the centers remains insufficient, and new centers should be built if capacity cannot be increased or if deemed necessary.

The following aliens shall have the priority in taking shelter in the said centers:

- Applicants who have applied for asylum and who have not yet been granted the status,
- Those, who have been granted the refugee or asylum seeker status, but who cannot freely reside in Turkey, the free residence of whom are not deemed appropriate.

4.4.4. Establishing a Training Academy (Institute)

A training academy (institute) shall be set-up under the body of the Ministry of Interior in order to ensure continuity in the training of personnel working/to work in the field of asylum and migration.

4.4.5. Establishing Return Centers

Construction and operation of facilities to host aliens to be returned until relevant procedures are completed shall be accelerated. In this context, return centers shall be set-up for the people concerned.

Comprehensive projects shall be prepared with European Commission, Member States and UNHCR for the establishment of all above-stated centers and the training center.

Legal arrangements shall be made regarding the operation of the said centers and the recruitment of personnel to be employed in the centers.

Negotiations on the relevant institutions and agencies and the extent of NGO participation (and remuneration) in this field shall take place during the establishment of the reception system. The duties and services, which may be undertaken by the Turkish Red Crescent at the asylum seeker reception and accommodation centers, and obtaining relevant resources should be discussed within this framework.

The Asylum authority should be established following the completion of the above stated projects of priority. The legislation and strategy should be prepared regarding the duties, responsibilities, administrative structure of the asylum authority, selection and appointment of personnel and in-service training.

4.5. Law and Policy Making

Asylum and migration policies should be reviewed keeping in mind the economical, social and political changes, which will affect the future population movements.

Within this framework:

- It should be kept in mind that asylum, migration and illegal migration have internal dynamics and elements affecting one another, and that the principles and practices in these areas are subject to constant change and renewal. For this purpose the asylum and migration policies and legislation should be handled in a holistic approach, open to international developments and be subject to review according to emerging conditions.
- Terms of reference and mechanisms of reference of the asylum and migration should be clearly defined.
- A systematic approach for the compilation, analysis and publication of credible statistics should be guaranteed to serve such purposes as facilitation of policy making. Works undertaken between the Directorate General for Security and State Statistical Institute should be continued to provide a safe publication of statistics in the field of migration and asylum.
- Close cooperation should be established with universities, NGOs and other relevant national and international institutions, when deemed necessary, as well as relevant institutions and agencies during the preparations of legislation in the field of migration and asylum.
- A “Unit” should be established within the new “Asylum System” to identify the need for capacity building in the field of asylum and migration with respect to the geographical conditions of Turkey, to follow and evaluate the changes and mass population movements (mass influx) in the region of Turkey, to follow asylum policies developed in EU and to make policies.

4.6. Asylum Procedures

Multilingual brochures on the rights and responsibilities of asylum seekers, application procedures and processes, resources and services they can access in Turkey should be prepared by the Ministry of Interior and UNHCR and updated when necessary.

Aliens reaching the Turkish border in person shall be allowed to seek asylum. Being late in making the application should not prevent asylum seekers to exercise their rights to asylum. However, failure to lodge an application in the shortest reasonable time with no reason at all may adversely affect the decision about the asylum seeker.

Those asylum seekers coming by legal means shall lodge their applications at the Governorships or Departments of Aliens in the provinces they arrive at; those coming by illegal means shall lodge their applications at the Governorships and Departments of Aliens at the place of entry or at regional centers, which they are affiliated to. If such persons attempt to lodge an application in another province they shall be directed towards the regional centers they are affiliated to.

Persons having no IDs or documents should be allowed to access the full asylum procedure. The applicant should cooperate with the relevant authorities for identification purposes. Persons should not be punished because of failure to produce IDs or documents.

Each applicant should be allowed the right to interview in order to explain the reasons for seeking asylum except for the cases where interview is impossible due to reasons such as mental disorder or absconding.

Standards should be set for interpreters. A group comprising of qualified and expert interpreters should be convened and the required financial resources should be allocated for this purpose. Interpreters should be identified beforehand. Methods to ensure impartiality and professionalism of qualified interpreters should be put forward. This task may be facilitated with the establishment of regional centers stated in Article 4.4 where the interview of applicants seeking asylum in Turkey shall take place. The use of audio-visual equipment should be regarded as another probability. Qualified interpreters should be allowed access to courses on dialects, accents and provincialisms.

Health care institutions and Forensic Medicine Institution should make the necessary arrangements in the relevant legislation to ensure that necessary medical examinations and investigations (such as age determination, or investigating whether the person has been subject to physical/psychological torture) are conducted and opinions stated during the RSD procedure upon the request of the relevant institutions.

The opinion (report) formed after this examination/investigation shall not constitute a presumption alone of deciding on the application, however, it shall contribute to revealing the truth in the RSD procedure.

Explanation of the grounds for the negative decision should include factual and legal grounds of refusal in line with the EU Council Procedures Directive (Asile 33), but in a manner that prevents the abuse of the system.

4.6.1. Accelerated Procedure

Clear national rules should be governing what kind of applications shall be included in the accelerated procedure.

A special follow-up period should be initiated immediately after lodging the application in order to mitigate the psychological adversities, which may be experienced by vulnerable groups or children in particular, even though they may be accompanied.

Applications channeled to the accelerated procedure should be examined and decided upon in a short time with priority while the legal guarantees are safeguarded (*see EU Council Procedures Directive (Asile 33)*).

Care should be exercised in ensuring that the interviewer is also the decision maker.

4.6.2. Free Residence of Refugees

People, who have been granted the refugee status, or found to be eligible for subsidiary or temporary protection, and have completed essential integration programs, shall be allowed to decide where to reside in order to ensure their full integration with the Turkish society. Article 17 of Law No. 5683 on Aliens should be rearranged within this framework.

4.6.3. Appeals Procedures against Negative Asylum Decisions

Appeals procedure (seeking an effective remedy) should be open and accessible to all applicants. A sound administrative or legal procedure of appeals should be established and practiced in order to ensure that those having been rejected make an appeal or access to justice. Files should be subject to factual and procedural assessment in two instances.

Legal arrangements should include;

- Access of appellant to legal representation of him/herself in cases of appeal against negative decisions.
- Bar associations should assess the applicant's request for a counselor, and if the applicant does not have financial means, legal counseling or assistance should be provided free of charge.
- Bar associations should provide legal counseling or assistance free of charge to accompanied minors in asylum procedure.

Arrangements in this respect should be in accordance with the EU Acquis. Additional costs of such legal assistance should be borne by the State budget through the appropriation of funds.

4.6.4. Administrative Appeals against Asylum Decisions

An "Appeals Evaluation Board" should be established within the asylum system.

Persons seeking asylum should be informed at the first instance of the procedure and after receiving a negative decision that they have the right to appeal against this decision.

4.6.5. Applying to Administrative Justice against the Asylum Decisions (Actions for Nullity)

For the purposes of operating the accelerated procedure in particular, the following measures should be taken to ensure that the courts make accelerated rulings on actions for nullity brought before Administrative and Regional Administrative Courts against decisions about asylum seekers:

- Actions for nullity of asylum decisions should be regarded as urgent cases and a time limit should be introduced for both the application procedures and accelerated rulings. The required legal arrangements should be made for this purpose.
- Necessary arrangements should be done for relevant courts to access country of origin information (a protocol should be signed between two ministries for the access of courts to country of origin information).
- A group should be formed consisting of judges to examine the appeals against asylum decisions, who should be provided with training in asylum law with the help of UNHCR and other NGOs. Appropriation of funds should be made possible if required.

4.6.6. Non-Refoulement

The application of the principle of *Non-Refoulement* should be disseminated applied with the same level of sensitivity within the framework of 1951 Geneva Convention, European Convention on Human Rights and other international standards. (See: *EU Council Qualifications Directive Art.21*)

4.6.7. Mass Influx and Temporary Protection

Pre- and post-crisis planning and coordination shall be made for cases of mass influx .

Actions shall be taken in line with the decisions of the Council within the framework of EU Council Directive on Temporary Protection at times of mass influx following Turkey's full-membership to the EU. (See. *EU Council Directive on Temporary Protection*)

Military personnel should be subject to scanning as well s vulnerable civilians and temporary protection should be provided as stated in the 1994 Regulation.

Whether temporary protection shall be provided within or outside the borders and what temporary protection shall entail (which responsibilities of the state it shall cover) should be established.

4.6.8. Subsidiary Protection, Tolerated Aliens and Residence Permits based on Humanitarian Grounds

Although not mentioned in the relevant legislation in Turkey, various residence permits are issued in practice such as subsidiary protection and the right to residence on

humanitarian grounds. However, procedures related to “Subsidiary Protection”, “Tolerated Aliens” and “Residence Permits based on Humanitarian Grounds in the draft bills on asylum and/or aliens shall be established in order to avoid differences in practice and to provide uniformity.

The difference between the rights of those receiving subsidiary protection and those granted the refugee status within the framework of 1951 Geneva Convention should be established. Such arrangements should be in line with the provisions in EU Qualifications Directive. (*See. EU Council Qualifications Directive*)

Those seeking asylum should be evaluated in terms of eligibility for refugee status or temporary protection before “exclusion criteria” shall be sought, keeping in mind the persons’ statuses in their countries.

Within this framework the law on asylum should incorporate exclusion criteria.

4.7. Legal Migration

4.7.1. Procedures and Conditions for Family Reunification

The Draft Bill on Aliens shall incorporate arrangements regarding the procedure and right to family reunification in line with the procedures and rules in the EU Acquis. Within his framework:

- Persons applying for family reunification shall be asked to fulfill conditions such as adequate financial resources/fixed income and adequate accommodation facilities. Conditions to be demanded from the applicant should be defined.
- Refugees applying for family reunification 3 months after the date of obtaining the refugee status shall be required to fulfill conditions required for family reunification.
- A regular control procedure should be established to determine whether the person applying family reunification fulfils relevant criteria for family reunification from the time the right to family reunification has been granted until the time the family member(s) receive(s) permanent residence permit(s).

4.7.2. Rights of the Individuals Benefiting from Family Reunification

The duration of the residence permit of a person, whose request for family reunification has been accepted, should not exceed that of the person applying for family reunification.

The right to family reunification should only be held by the family members of a reference person having a non-temporary residence permit (eg. work permit).

4.7.3. Work Permits

Restrictions of access to labor market for aliens of certain professions (such as physician, nurse, dentist, etc) shall be regulated taking into account the international practices. The extent of compliance of these restrictions with the EU Acquis should be determined by the works of the relevant institutions in the field. (*See: Amsterdam Treaty, Article No 39;*

EU Council Directive on Family Reunification; EU Council Directive on Long Term Residence Permits; EU Council Qualifications Directive; EU Council Directive on Temporary Protection; EU Council Directive on Reception Conditions)

Work of the institutions in charge of the review process and changes to be made should be conducted under the coordination of the Ministry of Labor and Social Security due to the fact that the above-stated restrictions are regulated through different laws by different authorities.

Regulations supplementing the Law No. 2922 on the Study of Aliens in Turkey of 1983, Law No. 4817 on the Work Permits of Aliens and other relevant legislation should be subject to necessary amendments in line with the international practices for enabling foreign students to work 10-20 hours per week. *(Said arrangements should be harmonized after the “Proposal for a Council Directive on the conditions of entry and residence of third country nationals for the purposes of study, vocational training or voluntary service (COM/2002/0548 final - Council Directive CNS 2002/0242),” which according to in Article: 2.3.1 is among the future EU Acquis, has been endorsed by the Justice and Home Affairs Commission.)*

4.7.4. Victims of Human Trafficking

The system related to the victims of human trafficking in Turkey is in harmony with the EU Acquis. Legal arrangements related to combating human trafficking and victims of human trafficking should be handled within the framework of the Twinning Project on Human Trafficking.

4.7.5. Long Term Residence Permits

Turkey favors and currently practices the obligation of the Member Countries (and Candidate Countries) to issue permanent residence permits to citizens of 3rd Countries following a 5-year legal residence *(See: EU Council Directive on Long Term Residence Permits)*.

An appropriate legal framework, which guarantees the rights stated in Article 4 of the said Directive, should be formed by incorporating the relevant articles to the draft bill and the regulations on implementation. *(See: Turkish National Action Plan of 2003 / Section No. 24)*.

4.7.6. Appeals against migration decisions and administrative Justice

Due to its advantages a two-instance administrative procedure may be established (such as expertise in the field of migration required in the 2nd instance, an accelerated review of cases which will lead to economical advantages and facilitated access to the 2nd instance).

On the condition that there should be appeals against the decisions relating to the applications of migrants, a legal arrangement shall provide the following:

- Access of appellant to legal representation for him/herself in cases of appeal against negative decisions.
- Bar associations should assess the applicant's request for a counselor, and if the applicant does not have financial means, legal counseling or assistance should be provided free of charge.
- Bar associations should provide legal counseling or assistance free of charge to accompanied minors undergoing migration procedures.
- Arrangements in this respect should be made in accordance with the EU Acquis. Additional costs of such legal assistance should be borne by the State budget through the appropriation of funds.

4.8. Illegal migration

Management of and practices against illegal migration are in harmony with the EU Acquis and deterrent arrangements are made to combat illegal migration in Turkey, which is at the junction of regional routes of illegal migration at the global and regional level. However, while making deterrent arrangements to combat illegal migration, processes in line with EU standards should be established and measures required to meet the humanitarian needs of the said people should be taken until the illegal migrants have been deported.

Return centers mentioned in Article: 4.4.6 should be established in order to meet the humanitarian needs of illegal migrants and to enable their return.

4.9 Integration

4.9.1. Establishing an Integration System

Integration activities for asylum seekers and migrants are carried out in practice in line with the relevant legislations by national and international organizations and NGOs, such as UNHCR, ICMC, Anatolian Development Foundation, IOM, and Turkish Red Crescent.

There does not exist a system for the integration of aliens except for asylum seekers and refugees. The state shall have a regulative and supervisory responsibility in general. Integration activities should be delegated to an institution by law. Such institution should establish coordination with other institutions and agencies. Within this scope, local governments, employers and NGOs should be encouraged. An integration policy and system should be established and new procedures should be defined. Such procedures should clearly define the rights and responsibilities of aliens.

A national program should be drafted for the integration of refugees including a schedule, responsibilities and those who are in charge.

Refugees and asylum seekers should be allowed to access in cash and in kind assistance provided by the local governments (such as social assistance, educational material, fuel and clothing, etc.).

Municipalities and local governments should be equipped with authority to be able to provide integration of the refugees and deliver social assistance in the most effective way. The relevant legislation should include arrangements in this field if necessary.

All relevant institutions and agencies including the Red Crescent, Social Services Child Protection Agency (SHÇEK), etc. should play an important role in the future asylum system. For this purpose NGOs and other relevant institutions should effectively be involved in integration issues; necessary arrangements should be made on this subject; the role of relevant institutions and NGOs should be clearly defined in the newly drafted bill on asylum.

The relationship between the function of NGOs in asylum practices and the foundation purpose and duties of NGOs should be harmonized.

Within this scope:

- The state may allow institutions which may carry out (or contribute to) integration activities to play a role in implementation in order to benefit from tax deduction. The legislation related to tax deduction should be examined and arrangements should be done accordingly.
- Communication may be established with friendly family groups to be formed by NGOs for certain social groups.
- The State should promote integration programs through the press and the media in order to ensure the full exercise of social and cultural rights; infrastructure and legal arrangements should be prepared for this purpose.
- Consultancy services to facilitate integration should be provided. A system similar to “*au pair*” may be considered for the aliens to adapt to cultural life easier, and to become self sufficient.
- The communication of aliens with NGOs may be strengthened and merging into the Turkish society may be encouraged for the integration of aliens.
- Financial funds should be provided to parties, which shall carry out integration activities, obtained directly from the government budget and from official international institutions, UN, EU, UNHCR, IOM and NGOs in cooperation.

4.9.2. Training Programs

The Turkish language learning needs of asylum seekers and refugees, who have been granted status, and other aliens arriving in the country shall be met by making amendments to the legislation in order to ensure they enjoy the right to education and other social rights.

Language learning, cultural adaptation activities and, in relation to that, integration should be encouraged.

Language courses should be organized with the support of universities and NGOs, where asylum seekers, refugees and other aliens should be encouraged to take part. The time to start the integration activity should be designated.

Education of asylum seeker, refugee and other alien children at the age of mandatory education is a must. The Ministry of National Education should take necessary measures to ensure that asylum seeker, refugee and other alien children at the age of mandatory education access appropriate education.

Pilot schools may be selected in some provinces for the mandatory education of the said children.

Supportive (compensation) education should be provided by the Ministry of National Education for children to attend classes according to their age group following Turkish language learning. It is advantageous to have a project on the training of trainers for the preparation and implementation of compensation programs. Resource for such project should be obtained from EU or other funds.

Vocational training should be provided for parents.

The rights foreseen in the 1951 Geneva Convention and EU Council Qualification Directive should be taken as criteria with respect to the fundamental rights of asylum seekers, refugees and those receiving subsidiary protection.

Persons having been granted protection status in Turkey should be informed about their status in a language they can comprehend. They should take part in introduction programs for this purpose. In the centers where introduction programs take place brochures should be used in order to inform such persons on the laws, and the cultural and social characteristics of Turkey.

4.9.3. Vulnerable groups

The asylum law shall incorporate provisions on vulnerable groups and measures shall be taken to encourage the vulnerable groups to receive education.

Voluntary organizations and NGOs should be encouraged for the integration of vulnerable groups, and psychological-social support services should be provided for their special needs.

Accommodation and social services support to be provided by various national and international institutions and agencies to migrant, asylum seeker, refugee and other alien children, who are unaccompanied and/or in need of protection, may be carried out by SHÇEK. SHÇEK may consider preparing an investment project with the funds to be obtained from relevant institutions and agencies such as UNHCR, IOM, and UNICEF.

Within this framework, planning particularly among the Ministry of Interior, SHÇEK, UNHCR, and other relevant institutions and agencies should be made and a framework regarding the task and cooperation should be drawn.

The needs of people in need including single women and unaccompanied minors should be considered while establishing the reception centers and systems should be set up for family reunification and investigation of disappeared persons.

Psychological-social support services should be developed and be provided to each individual separately. The law on asylum should include special provisions about services to be rendered to vulnerable groups.

Before the unaccompanied minors residing in the country are naturalized and during the first introduction program the reasons behind the separation of the child from the family should be examined in detail and the locality of the family should be determined. Measures should be taken to consider the interests of the child about living together with or apart from the family.

4.9.4. Health Care Services

The extent of the right to access health care services should be defined by the legislation.

As stated in the circular on health care services issued by the Ministry of Interior in 2002, persons granted the refugee/asylum seeker status should benefit from the health care services free of charge.

Provision and financing of health care services are handled separately within the framework of the works conducted by the Council of Ministers. Within this framework, the budgetary capacity for the treatment expenditures of asylum seekers and refugees should be determined jointly by the Ministries of Interior and Health, and reflected within the budget of the Ministry of Health.

As regards contagious diseases, health screening and quarantine services should be delivered in line with international arrangements by the Ministry of Health upon entrance of persons into Turkey at the border gates and entrance of persons during mass population movements.

4.9.5. Social Assistance

Asylum seekers, refugees and other aliens to be subject to integration should be financially self-sufficient and shall not be in conflict with the cultural life. Whether such people have the desire and will to adapt to the Turkish society should be studied.

A draft cost should be prepared in order to identify the amount of assistance in cash.

4.9.6. Access to Labor Market

The local government or the provincial organizations of the central government (Directorates for Public Education Centers, etc.) shall provide the opportunity to the

following individuals to take part in vocational courses (such as hairdressing, sewing, embroidery courses, etc.): those who have been issued long term residence permits in Turkey, family members of those individuals arriving to Turkey within the scope of family reunification, asylum seekers/refugees, and those enjoying subsidiary protection.

Employment opportunities may be created according to their skills and knowledge. They may be employed at areas that contribute to the economy for integration into the labor market.

In order to benefit from employment opportunities the mentioned persons should be directed towards the Turkish Employment Agency, private employment offices and vocational courses; their access to written and visual employment ads should be provided; and they should be informed about introduction programs.

Law No. 4817 on the Work Permits of Aliens should incorporate more facilitating provisions for asylum seekers and refugees than for other aliens having been issued residence permits in Turkey in order to guarantee the access of asylum seekers and refugees to the labor market. The definition in Article 8(d) of the Law should be updated within this framework and work permits should be issued by the institution which grants status.

4.9.7. Access to Social, Economical and Cultural rights

Third country citizens should enjoy social, economical and cultural rights, except for the right to elect and to be elected, to the extent close that of the citizens of the country.

Measures shall be taken for them to take part in social activities, and regulations shall be made for them to attain literacy in Turkish in order to benefit from social services. Furthermore, naturalization procedures should be made easier for those, who are not of at least one nationality and willing to be naturalized, on the condition that they bear the prerequisites set forth in TCA No. 403.

Such people should be integrated before naturalization. Within this scope, they should have a good command of Turkish, have at least a minimum knowledge about the laws, which establish the public order, the traditions and customs, be financially self sufficient, and not constitute a burden for the state. Therefore these people should be informed about the above-stated rules at introduction programs.

4.10. Deportation Procedures

Terms related to the rejection of entry, invitation to leave the country, removal from the country, return and deportation should be redefined in relevant legislations and primarily in the Passport Law No. 5682, and Law No. 5683 on Aliens.

The grounds for deportation shall be defined in the legislation, and opportunity to appeal against a deportation, which is subject to administrative disposal, shall be provided; provisions related to deportation in the Penal Execution Code No. 5237 should be reviewed.

Arrangements should be made in the Draft Bill on Aliens regarding the terms and periods of deportation decisions.

Deportation decisions should be issued for aliens only on the grounds of public security, public order and public health.

The following issues about the alien should be considered before a deportation decision has been issued,

- Family unity,
- Age,
- Health status,
- The grounds and periods of residence in the country,
- A common conviction that the human rights of the alien to be deported shall be under protection in the country to which the alien shall be sent.

4.10.1. Deportation and Expulsion Procedures

The procedure of notifying the individuals to be deported about the decision and its grounds, and deporting those who have not exited the country within the notified period of deportation should be maintained.

Notification should also include the right to apply to legal means (for effective remedy) against the decision.

4.10.2. Return

Measures shall be taken to accelerate the process of identification and determining the recurrent entries of those individuals, whose entry into the country has been prohibited, who have been removed from the country, deported, been subjected to mandatory residence, or are lacking documents; within this scope fingerprint inquiry and identification methods shall be used.

Cooperation with source and transit countries should be established and readmission agreements shall be made widespread in addition to the measures stated in Article 4.4.6 for aliens who shall be returned.

4.11. Creating Public Awareness

Creating awareness in the society in refugee and migrant related issues is inevitable for promoting the understanding of Turkey's obligations towards asylum seekers, refugees and other aliens. Creating awareness is another way of facilitating the integration of refugees and migrants.

The public should be informed with the support of European Commission, UNHCR and relevant NGOs, and with the participation of the relevant academic circles and think tanks in order to further develop the strategy, to enhance awareness in the society and to take concrete steps in practice.

Programs should be developed to inform potential migrants in Turkey about migration opportunities and risks of illegal migration.

4.12. Funds for the Implementation of the National Action Plan on Asylum and Migration

Institutions in charge of the implementation of the National Action Plan on Asylum and Migration shall make the necessary budgetary preparations in order to identify the sources required for the implementation of the EU harmonization strategy. These institutions shall try to identify the principal fund resources in particular for the suggested systems/facilities, when deemed necessary, by contacting national and international institutions, NGOs and donor foundations/institutions.

The continuous supplementary contribution of EU to Turkey in addition to the financial assistance provided to candidate countries during enlargement should be determined by negotiations to take place.

Within the framework of burden sharing and in addition to the financial assistance to be provided to Turkey, policies should be developed for sharing of the following by the EU countries:

- Some of the asylum seekers admitted to the procedure in Turkey,
- Some of the refugees,
- Some of the aliens arriving in Turkey during mass population movements and receiving temporary protection,
- A portion of the food, accommodation and travel expenses of aliens of illegal status and cooperation should be enhanced and EU practices should be disseminated.

Steps should be taken to utilize the international funds such as the funds of EU Commission, UNHCR, and IOM besides the National Fund in the implementation of the National Action Plan.

The total financing needs of the asylum system to be established should be identified as a whole. Within this scope, there should be independent budget for the asylum system within the budget of the Ministry of Interior.

4.13. Lifting of the Geographical Limitation

Lifting the geographical limitation is an issue which should be resolved without giving harm to the economical, social and cultural conditions of Turkey, since Turkey had been a country very widely affected by the mass population movements, which took a rise in 1980s, and which changed the world's conjuncture.

Within his framework a total of 934,354 aliens were granted residence permits with the right to work in Turkey including:

- 51,542 people during the Iran-Iraq war of 1988,
- 20,000 people during the civil war, the disintegration of former Yugoslavia and the events which took place in Bosnia-Herzegovina between 1992 - 1997,

- A total of 345,000 people including 311,000 people deported from Bulgaria and 34,000 people arriving with visas between May – August 1989
- 7,489 people between 2nd August 1990 and 2nd April 1991 before the Gulf Crisis and War, and 460,000 afterwards,
- 17,746 people after the events which took place in Kosovo in 1999,
- 32,577 Ahiska Turks on exile from their countries, who were dispersed to a large geographical area.

The children of these families born in Turkey enjoyed the same rights.

The issue of lifting the geographical limitation to the 1951 Convention, which was placed due to challenging experiences in the region, has been planned to take place in line with the completion of the EU accession negotiations according to 2003 National Plan of Turkey subject to two conditions. These conditions are set forth as follows;

- Necessary amendments to the legislation and infrastructure should be made in order to prevent the direct influx of refugees to Turkey during the accession phase,
- EU countries should demonstrate their sensitivity in burden sharing.

Keeping in mind the refugee movements Turkey may encounter with the lifting of the geographical limitation the following points stated in Article 4.4 should be realized with the financial support to be provided supplementary to the Pre-Accession Financial Assistance Programs of EU:

- Establishing reception and accommodation facilities for asylum seekers and founding refugee guest houses,
- Operation of the mentioned centers,
- Training personnel to be recruited at these centers,
- Establishing a country of origin and asylum information system,
- Establishing a Training Academy (Institute),
- Establishing a service building for the asylum unit.

The above-stated facilities should be established, equipment should be provided and investment projects should be realized for the implementation of the EU Acquis.

EU countries and other countries with economical power should continue to receive refugees from Turkey during the transition phase.

Turkey wants this sincerely. Turkey, which has always been subject to intense population movements, which may be equal to the sum of all movements towards of EU, should not be expected to handle issues of asylum and irregular migration on its own.

In the case of a mass population flow towards Turkey due to its geographical location other states, in particular EU Member States, individually or as partners through UNHCR or other international institutions shall take necessary measures to enable an equal sharing

of the burden of Turkey, which is the first country of asylum, upon Turkey's request, and within the scope of equal sharing of responsibility.

UNHCR should continue for a certain period to work in the field of resettlement of refugees, who have been granted the status, within the framework of burden sharing following the lifting of the geographical limitation. UNHCR should also contribute to the integration programs of refugees to be subject to integration.

Sharing should both include the financial burden and refugees/asylum seekers according to parameters such as national income and population density of the countries.

The validity of Turkey's concerns for burden sharing becomes obvious when it is considered that countries making up the European Union have in the recent period been working towards establishing stricter practices and policies in the field of asylum and migration, where there is the lack of a common European system, and debates on safe 3rd countries still continue, during which probable conflicts may arise in the geographical area occupied by Turkey particularly in the Middle East and the Caucasus, and a mass influx may occur with half a million people arriving at the borders of Turkey.

Within this scope Turkey hopes that the EU countries recognize such concerns, and expects a concrete and realistic approach and support.

Therefore a study should be initiated after 2005 to reveal the burden of lifting the geographical limitation and implementing the EU Acquis on Turkey.

The following topics should be included within the scope of the study:

- The expected amount of increase in the number of refugees to arrive in Turkey following the lifting of the geographical limitation,
- Locations and costs of asylum seeker reception and accommodation centers, refugee guest houses, accommodation centers and return centers to be established,
- Costs related to the establishment of a permanent training academy for the regular training to be provided to personnel working/to work in the field of asylum and migration,
- Costs of financing required for the integration of migrants and refugees in Turkey.

A program and protocol should be drafted by the EU Commission before lifting the geographical limitation within the light of the above-stated study for the purpose of enabling opportunities for the equal sharing of responsibility and equal distribution of Turkey's burden and an understanding should be reached with Turkey.

A task force with the participation of the Turkish and EU authorities should be established within this framework with respect to burden sharing or lifting of the burden. Findings of the task force should be analyzed and arranged with a view to the time frame, and be approved and implemented by the parties.

A proposal for lifting the geographical limitation may be expected to be submitted to the TGNA in 2012 in line with the completion of Turkey's negotiations for accession to the EU following the finalization of the abovementioned projects and meeting the abovementioned conditions.

Developing cooperation with Turkey in this field, and providing all the support and assistance required, shall play an important role in the evaluations to be made by the TGNA with respect to lifting the geographical limitation in the future.

ANNEX: Analysis grid of the NAP

**Endorsed by
25/03 /2005
Recep Tayyip ERDOĞAN
Prime Minister**

ABBREVIATIONS

1951 Geneva Convention: “1951 Geneva Convention Relating to the Status of Refugees” ratified and accepted by the Turkish Grand National Assembly by Law No. 359 of 29th August 1961

1967 Protocol: 1967 Protocol regarding the 1951 Geneva Convention Relating to the Status of Refugees accepted with the Cabinet Decree of July 1968

1994 Regulation: “Regulation No. 94/6169 of 30th November 1994 on the procedures and principles related to population movements and aliens arriving in Turkey either as individuals or in groups wishing to seek asylum either from Turkey or requesting residence permits in order to seek asylum from another country” accepted with the Cabinet Decree No. 6169 of 30th November 1994

Settlement Law No. 2510: Settlement Law No. 34/2510 of 14th June 1934

Passport Law No. 5682: Passport Law No. 582 on 15th July 1950

Aliens Act No. 5683: Law on the Residence and Travel of Aliens in Turkey No. 50/5683 of 15th July 1950 incorporating the amendments made by Law No. 98/4360 of 1998

TCA No. 403: Turkish Citizenship Act No. 64/403 of 11th February 1964 incorporating the amendments made by laws No. 2383 of 12th February 1981, No. 22311 of 12th June 1995 and No. 4866 of 4th June 2003

Law No. 4817 on the Work Permits of Aliens: Law No. 4817 of 27th February 2003 regarding the work permits of aliens

National Action Plan of Turkey for 2003: “National Action Plan of Turkey for 2003 for the Adoption of EU Community Acquis” published in the official journal No. 25178 of 24th July 2003

EU: European Union

EU Council Directive on Reception Conditions: Council Directive No. 2003/9/EC of 27th January 2003 establishing the minimum standards for the reception of asylum seekers.

EU Council Directive on Temporary Protection: Council Directive No.2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (of 20th July 2001).

EU Council Qualifications Directive: Council Directive of 27th April 2004 on the minimum standards with respect to the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection

EU Council Directive on Minimum Guarantees in Asylum Procedure: Council Resolution of 20th June 1995 on the minimum guarantees of the asylum procedures

EU Council Procedures Directive: Council Directive on minimum standards regarding the procedures of granting and withdrawing the refugee status in member states, (ASILE 33) 30th April 2004.

EU Council Directive on the Right to Family Reunification: Council Directive No. 2003/86/EC of 22nd September 2003 on the right to family reunification

EU Council Directive on Long Term Residence Permits: Council Directive No. 2003/109/EC on the status of third country citizens of long term residence dated 25th November 2003

ECHR: European Convention on Human Rights

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

HLWG Project: Project No. 2001/HLWG/115 “Supporting Turkish Authorities Responsible for Migration in the Field of Asylum” financed within the scope of EU High Level Working Group’s Action Plan for Iraq, B7-667.

IOM : International Organization for Migration

ICMC: International Catholic Migration Commission

HRDF: Human Resource Development Foundation

Art. Article

RSD: Refugee Status Determination

Country of Origin Information System Project: “Twinning Project entitled Supporting the Development of Asylum and Country of Origin Information Systems and the Training of the Personnel of the Future Asylum Authority”

SHÇEK: Social Services Child Protection Agency

NGO: Non-governmental Organization

TGNA: Turkish Grand National Assembly

TPC: Turkish Penal Code

TR02-JH-03, Asylum-Migration Twinning Project: Twinning Project entitled “Providing Support for the Development of an Action Plan for the Implementation of Turkey’s Migration and Asylum Strategy

NAP: National action plan

,FSE: Foreign Student Exam