



Expert Opinion

The Situation of Afghan Refugees in Turkey

Commissioned by Stiftung PRO ASYL

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Stiftung PRO ASYL commissioned this expert opinion from an experienced international lawyer with the aim of highlighting the situation of Afghan refugees in Turkey in 2020. It focuses on major obstacles to benefitting from protection in Turkey. The name of the author remains anonymous for safety reasons. The final version has been edited by Stiftung PRO ASYL.

Key words: Afghan refugees, conditional protection, Turkey, 2020

LIST OF ABBREVIATIONS

CCTE	Conditional Cash Transfer for Education
CIMER	Cumhurbaşkanlığı İletişim Merkezi – Presidency Communication Centre
DGMM	Directorate General of Migration Management
EBA	Eğitim Bilişim Ağı- Education Information Network
EC	European Commission
ESSN	Emergency Social Safety Net
GSS	General Health Insurance
HES	Hayat Eve Sığar – Life Fits Into Home
Identity Card	International Protection Applicant Identity Card
INGO	International Non-Governmental Organization
LFIP	Law on Foreigners and International Protection
NGO	Non-Governmental Organization
İŞKUR	Turkish Employment Agency
Türk Kızılay	Turkish Red Crescent
T6 Form	İdari Gözetim Kararı Sonlandırma Tebliğ Formu- Administrative Surveillance Decision
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
PDMM	Provincial Directorate for Migration Management
PSS	Psychosocial Support
RSD	Refugee Status Determination
UMHD	International Refugee Rights Association
UNHCR	United Nations High Commissioner for Refugees
YTS	Yabancı Terörist Savaşçı- Foreign Terrorist Fighter

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MAIN FINDINGS

This expert opinion illustrates that Afghan refugees in Turkey did not have access to a sufficient level of protection not only in 2020 but for a long time. While the limited legal framework should theoretically guarantee a minimum of protection for Afghan refugees, it must be noted against the background of this expertise that this is significantly undermined in practice. Long-standing ‘illegal and undocumented’ living conditions and practices of administrative bodies described in this expert opinion have become state policy in time and will likely not change in the long term unless major reforms take place.

Below, identified critical gaps are grouped in four categories. The results have to be seen against the background that differences in the application of the procedural rules and access to reception conditions vary between provinces and also within each province which refers to not only a PDMM but public institutions such as hospitals, schools or workplaces.

1. Systematic gaps in access to the protection system undermine the legal framework:

Rapid access to registration and status is vital for refugees. Otherwise, implications of non-registration are immense: lack of an identity card automatically excludes them from access to basic services such as education and healthcare, freedom of travel and increases their risk of deportation and detention.

a) Challenges in relation to international protection application procedures:

Very low numbers of applications for international protection and status holders indicate that there are structural problems in the international protection application procedures. Major ones are:

- Lack of uniform application of procedural rules at PDMMs,
- No prior notification about “opening” and “closing” of satellite cities,
- Language barrier and lack of sufficient interpretation services at PDMMs,
- Oral rejection of applications with no legal and legitimate grounds,
- Prevalent use of implicit withdrawal mechanisms preventing refugees from accessing to basic services.
- Lack of adequate knowledge about the judicial review of rejections and access to legal aid.

b) Challenges after registration:

Afghans encounter severe problems even in the event that registration was possible and they received an identity card. In 2020, identified structural gaps in status determination procedures and access to basic services were:

- Long waiting periods for a RSD appointment,
- Inadequate assessment of RSD applications and automatic rejections of such applications,

- Lack of adequate knowledge about the judicial review of rejections and lack of access to legal aid,
- No access to social support,
- Termination of healthcare after one year,
- No practice of financial allowance mechanism granted by law.

c) Deportations, voluntary returns and detentions:

Legal challenges faced by Afghans did not change in 2020. Lawyers and NGOs complain about:

- The shortened time period for appeals,
- Effectiveness and low quality of judicial review of deportation and administrative detention orders,
- Lack of uniform application at first-instance courts,
- Lack of interpreters, communication and privacy between client and lawyer in removal centres,
- Barriers before access to legal aid, lack of notifying legal documents in Dari or Pashtun languages,
- Poor detention conditions at some removal centres,
- Suspicious voluntary returns from removal centres.

2. Social exclusion and multi-dimensional discrimination:

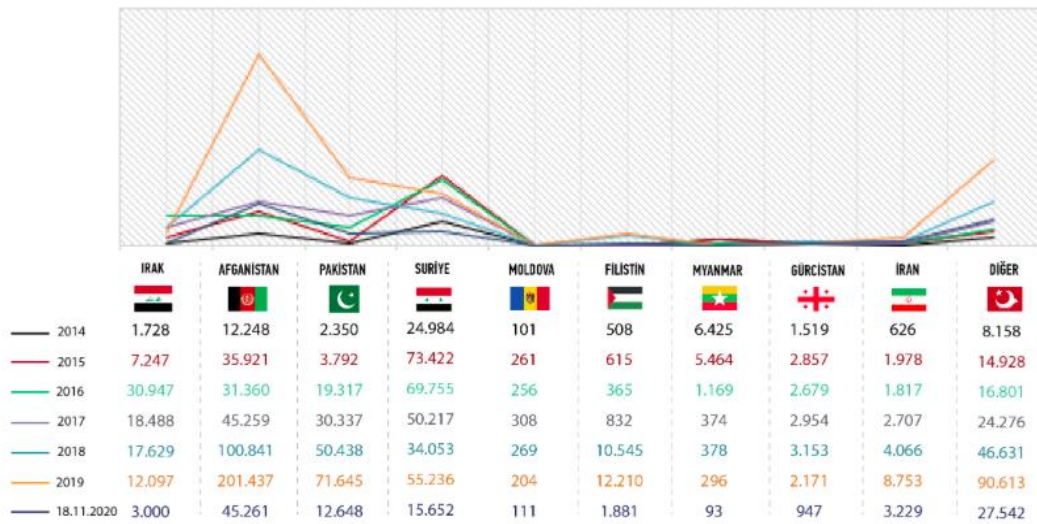
- There is a lack of intersectional policies addressing to the needs of groups having multidimensional needs such as women, children, elderly persons and persons with disabilities.
- Adequate access to education, healthcare, housing, labour market and social support is strictly conditional on the ability to access registration.

3. Barriers to transparency and NGO monitoring

- Publicly available quantitative data on Afghan refugees' protection and reception conditions is significantly low which severely limits the monitoring efforts of international and national NGOs.
- The low number of NGOs specifically working on and for Afghan refugees reflects the fact that funds and projects in Turkey are mostly Syrian-centred.

I. INTRODUCTION

With exception of 2020, which was marked by the Covid-19 pandemic, the number of Afghan refugees reaching Turkey has increased continuously in the past three years. Since 2018, Afghanistan has been the main country of origin for newly arriving refugees in Turkey. While Turkey remains the most important transit route for Afghan refugees to reach Europe¹, there is a very significant discrepancy between the numbers of “identified and captured” Afghans in Turkey and their access to international protection. According to data provided by Directorate General of Migration Management (DGMM), as of December 2019 there are 35,042 international protection applicants of Afghan origin while 201,437 unregistered Afghans were “identified and captured”² by Turkish authorities.



- Source: DGMM, Distribution of Irregular Migrants by Citizenship by Year, date of access: 26.11.2020

Turkey has become famous for hosting almost 3.6 million refugees fleeing the Syrian war. Major international and national funding policies as well as political instruments focusing on the situation of Syrian refugees in Turkey were initiated, accompanied by monitoring and evaluation obligations. As Afghanistan is becoming an increasingly important country of origin in Turkey, too, their situation remains underreported.

Against this background, this report aims to examine shortcomings in the protection of Afghan refugees in Turkey based on field data and findings based on desk review and one-on-one interviews conducted with actors working in the field. While framing this report, the legal structure of migration management in Turkey is not the main focus as it is well founded and described elsewhere³. Rather, the following aspects are focused on: the up-to-date situation of Afghan refugees trying to register with the DGMM, applicants for

¹ According to UNHCR, in 2019 28,400 of 28,500 Afghan protection seekers arrived to Europe via Greece. See, UNHCR, Refugee & Migrant Arrivals To Europe In 2019 (Mediterranean), 18.03.2020.

² Double countings not ruled out.

³ AIDA Country Report: Turkey 2019 Update, April 2020, available at: <https://bit.ly/3sqNtav>.

international protection registered with the DGMM, and especially the hardship that they face in their everyday life.

II. METHODOLOGY

This expert opinion is

- a. managed by using two assessment strategies:
 - **Assessment Strategy 1 - Quantitative Data Analysis:** This is the primary step to better reflect on the current situation of Afghan refugees in Turkey. Identified and tapped resources are:
 - Existing statistics from DGMM website,
 - Existing small-scale and project-based statistics from INGOs,
 - Potential data identified through the desk review and field work.
 - **Assessment Strategy 2 - Qualitative Data Analysis:** This assessment strategy enabled us to better contextualize the situation of Afghan refugees through:
 - In-depth and semi-structured one-on-one online interviews with 8 actors (lawyers, activists from NGOs working in the field).
 - Priority analysis – mapping key issues to be highlighted in the expert opinion.
- b. processed by implementing two main activities:
 - **Activity 1 - Desk Review:** This activity was completed through collection and review of
 - **Reports, research (academic and non-academic), briefing notes etc.:** Reports published by INGOs, NGOs, public bodies are fundamental materials for this expert opinion. 25 documents were collected and revised during the work.
 - **Media search:** 35 national and international news items published on mainstream and social media were reviewed and translated into English.
 - **Social media accounts:** Social media accounts of DGMM, of high-ranking public officers, were reviewed; however no statement or press release were shared on the situation of Afghan refugees in 2020.
 - **Activity 2 - Field Work:** This activity was conducted through one-on-one online interviews with 8 actors specifically working on the situation of Afghan refugees at national level in different areas of refugee law, policy and advocacy. Names of people, NGOs and INGOs remain anonymous for safety reasons.

III. ACCESS TO PROTECTION

Turkey applies a geographical restriction in recognizing international rights of refugees stemming from the 1951 Geneva Convention. With respect to this restriction, only persons coming from a 'European country of origin' qualify for refugee status in Turkey while persons originating from a 'non-European country' are confronted with a dual system: 'Temporary Protection', a more privileged protection granted particularly to Syrians fleeing to Turkey after the 2011 crisis and stateless Palestinians originating from Syria, and 'International Protection', a form of protection for all other refugees originating from other countries. They are required to apply for individual protection before an appointed PDMM, Provincial Directorate for Migration Management, in order to initiate a status determination procedure. Registered international protection applicants having an identity card can benefit from basic services and conditional stay in designated satellite cities.⁴ Also, applications of '*persons with special needs*,⁵ women in advanced stages of pregnancy, persons with acute health needs, or unaccompanied children have priorities and are treated carefully by PDMMs. According to a recent research carried out in Ankara among the Afghan population, 42% of persons with special needs are Afghans having disabilities⁶. With the help of this privileged examination of their applications, they have rapid access to healthcare, education, and other basic services. According to information gathered from some NGOs, these applications are still privileged during the Covid-19 pandemic, however the waiting period for an identity card has been extended to up to two months in some provinces. In this time, applicants with special protection needs are without access to basic services in some provinces such as Ankara, Izmir and Istanbul⁷.

As non-Syrian, non-European applicants, Afghans might obtain a conditional refugee status. Moreover, those who do not fall within refugee or conditional refugee status, but would have a risk of torture, death penalty, persecution and 'individualized risk of indiscriminate violence' in their country of origin if returned, can benefit from subsidiary protection status under LFIP.

According to "Turkey 2020" Report of the European Commission, Turkey granted international protection (refugee status, conditional refugee or subsidiary protection) to 5,449 applicants in 2019 while this number was 72,961 in 2018⁸. However, NGOs have complained that the numbers of conditional refugee status holders and subsidiary protection beneficiaries are not public up to now for years and that their formal applications

⁴ Satellite cities are provinces designated by DGMM where applicants for international protection are required to reside. In case of violation of this requirement, the international protection applicants may be subject to reduction or withdrawal of reception conditions.

⁵ There is a discrepancy between UNHCR definition of 'persons with special needs' and that of DGMM and the latter does not cover internationally recognized vulnerable groups such as LGBTI+ refugees, sex workers and refugees living with HIV in most cases.

⁶ World is Our Home (Dunya Evimiz) Association Annual Report, 2020, 7.

⁷ Information collected during the field work stage, March 2020.

⁸ European Commission Turkey 2020 Report, available at: <https://bit.ly/3qzrg8H>, 18.

on this matter to the DGMM, the Ministry of Interior Affairs and CIMER, the Presidency Communication Centre, were rejected without any justification.⁹ In December 2020, DGMM shared some numbers for the first time with the public due to a pending case filed by a group of NGOs in 2015. However, the statistics made available covered the year 2015 only¹⁰; further the split along countries of origin remains unclear. It is still not possible to know how many Afghans are protected under conditional refugee status or subsidiary protection in Turkey. Information collected during the field work stage indicates that this number is very low.

DGMM also declared that they did not keep track of the number of people who had approached the PDMMs or were waiting for personal interview.¹¹ However, the announced number of conditional refugees is criticized by NGOs on grounds that it is unclear whether or not this number includes those already resettled to third countries.

The majority of registered Afghan refugees remain in the status of applicants. They are waiting for an unknown period of time for a *Refugee Status Determination* (RSD), appointment. Information gathered during the fieldwork stage shows that inadequate assessment of the RSD applications and automatic rejections of such applications are widespread barriers, while access to international protection registration has remained as the major problem for Afghan refugees living in Turkey.

a. Access to registration

2020 has been the worst year in terms of Afghans' access to international protection in Turkey. Many international reports and research, e.g. Refugee International's annual field report launched in September 2020, evidence the reality that Afghan refugees are the most disadvantaged group of people in accessing registration procedures in Turkey and could not obtain identity cards. The Covid-19 pandemic and related measures have made access to registration impossible.¹²

These reports also show that Afghans face significant drawbacks when they approach a PDMM. Often PDMMs turn away protection seekers who want to register with the remark that the respective satellite city is "closed" for registration at the moment. After the takeover of the international protection registration procedure by DGMM in 2018, it is still unclear which satellite cities are open to applications for international protection. DGMM does not share this information with NGOs, INGOs, people seeking international protection and international organizations. In general, the lack of uniform applications at PDMMs and the lack of prior notification about opening and closing of satellite cities aggravate

⁹ Information collected during the field work stage, November 2020.

¹⁰ 1 January 2015 to 31 December 2015: 64.232 international protection applicants; 4 recognized refugees; 43,150 recognized conditional refugees; 15 subsidiary protection status holder.

¹¹ Information collected during the fieldwork stage, December 2020.

¹² See Chapter V, Impact of Covid-19.

conditions of protection seekers. Some PDMMs direct applicants to another “satellite city” in order to register there. However, even after the referral, the same difficulties in registration are reported.

Further, PDMMs are not eager to register single male protection seekers from Afghanistan,^{13 14} and therefore this group of refugees is hardly ever able to provide the required documents. Language barrier, lack of interpreter at PDMMs and oral rejection of applications with no legal and legitimate grounds present additional obstacles for Afghan refugees¹⁵.

It is observed by NGOs that Afghan refugees in Turkey have a relatively poor understanding and awareness of administrative obligations and the protection procedure.¹⁶ For example, an NGO from Istanbul that monitored the Greek-Turkish border during March 2020 pointed out that some undocumented Afghans were forced to quarantine for 14 days at the borders and then were released with a T6 form. “T6 form” is an administrative surveillance decision form issued by DGMM ordering release from a removal centre and reporting obligation.¹⁷ The NGO observed that the group concerned tried to use these T6 forms as identity cards since they were not aware of the content of the form and its function.¹⁸

b. Implicitly withdrawn applications

Failure to stay in the assigned satellite city, for example for work reasons, has serious consequences for international protection applicants. In reference to international reports, Afghans having an international protection application often face stricter treatment compared to other groups of refugees when they violate travel restrictions. Due to lack of a document attesting their reason of travel, Afghans are frequently apprehended during random police controls and transferred to removal centers. They can either be released with a reporting obligation or deported depending on the non-uniform and unpredictable application of the relevant PDMM.

As from 2018, the issuance of T6 form has become a common practice for international protection applicants released from removal centres. This form imposes a notification duty on the document holder in a city assigned by PDMM. If the applicant does not comply with its notification duty or, unexcused, is not found at the declared address upon three consecutive checks, the application is considered implicitly withdrawn, a V71 code for

¹³AIDA Country Report 2019, 61.

¹⁴ Refugees International, “*We Don’t Have Space For all: The Struggles Afghan Refugees Face in Turkey*”, 12 June 2019, available at: <https://bit.ly/3pYkpp8>.

¹⁵ Information collected during the fieldwork stage, November 2020.

¹⁶ Information collected during the fieldwork stage, November 2020.

¹⁷ See Chapter IV for more information.

¹⁸ Information collected during the fieldwork stage, November 2020.

“unknown location” is issued and the identity card of the applicant is automatically cancelled.¹⁹

After the border crisis in February/March 2020, when Turkish authorities encouraged refugees to move to the Greek borders, the majority of whom were Afghan nationals,^{20 21} it was reported that in Konya, some Afghans with applications for international protection were suddenly faced with the withdrawal of their applications based on failure to comply with the notification duty when they returned to their residence in Konya.²²

c. Rejected applicants

Another unseen and vulnerable group is that of Afghans who are left undocumented and unprotected due to the rejection of their international protection applications. Information gathered during the fieldwork stage shows that inadequate assessment²³ of the RSD applications leads to increasing rejections of such applications processed under the accelerated procedure. According to “Turkey 2020” Report of European Commission, authorities rejected 5,212 applicants in 2019 compared with 13,942 in 2018²⁴. Unfortunately, the numbers of Afghans whose international protection applications assessed under the accelerated procedure are not public, but according to the information coming from the field, this is a worrying practice widely used against single male Afghans leading to their immediate removal.²⁵

According to LFIP 79, there are seven grounds for referring an application to the accelerated procedure. Some of these reasons are *‘misleading the authorities by presenting false documents’*, *‘not raising any issues pertinent to international protection when lodging and application’*, *‘making an international protection application after being detained for the purpose of removal’*, *‘applying for international protection solely for the purpose of preventing or postponing the execution of a removal decision’* or *‘posing a danger to public order or security.’* The accelerated procedure provides for a maximum period of 14 days: personal interviews take place 3 days after the application, following which the PDMM has 5 days to declare its decision on the application. In case of rejection, applicants have only 7 days to stop the implementation of the removal decision.²⁶

In most cases, PDMMs immediately cancelled identity cards of this group of people without waiting for the result of judicial review and this practice results in the automatic deactivation of the General Health Insurance (GSS), and no access to state aid, education and the housing market. For example, it was reported that Afghans living in metropolises such

¹⁹ AIDA Country Report 2019, 70. See Chapter IV for more information.

²⁰ Information collected during the fieldwork stage, November 2020.

²¹ Advancing Alternative Migration Governance, “*Refugee Protection in Turkey during the First Phase of the COVID-19 Pandemic, Turkey Interim Report*”, 2020, available at: <https://bit.ly/37MVqPf>, 14.

²² Information collected during the fieldwork stage, November 2020.

²³ Inadequate assessment refers to superficiality of interview questions in relation to persecution in the country of origin, gap in the credible information on the country of origin, unassessed vulnerability of the applicant and so on.

²⁴ European Commission Turkey 2020 Report, available at: <https://bit.ly/3rElzYr>, 18.

²⁵ Information collected during the fieldwork stage, November 2020.

²⁶ AIDA Country Report 2019, 49.

as Istanbul and Ankara cannot leave their residence out of fear of detention and deportation when their international protection applications are rejected by respective PDMMs.²⁷

d. Impact of non-registration

Non-registration causes serious consequences: First and foremost, their stay in Turkey becomes illegal. Without an identity card, protection seekers are utterly vulnerable against deportation and detention. Access to healthcare, education, the labour market, housing market, state aid and social support is blocked without an identity card, this leads to fear and uncertainty. Any alleged contact with state authorities is avoided. This group of people is at high risk of exploitation. An increase and prevalence of unlicensed medical centres, high medical fees paid to private hospitals,²⁸ child labour, undocumented employment, child and forced marriages can be noticed.²⁹

Another major impact of non-registration is the ban on their right to travel. This situation is particular desperate for Afghans trying to lodge their application. Uncertainty and lack of data on the possibility to register with PDMMs cause them to move from one PDMM to another to try to lodge their applications. This brings a high risk of arrest and being transferred to a removal centre due to lack of an identity card or official documents proving their reason of travel.³⁰

Besides the need to register as a driving force of mobility, the need to move to bigger cities such as Istanbul or Ankara in order to access to a wider labour market is another reason to travel without the necessary documents. The lack of travel permits causes a vicious cycle in itself.³¹ Many Afghans get stuck for lack of the necessary documents.³²

Control of restrictions is also outsourced to private actors. Given the fact that they do not possess travel documents, public transportation companies are reluctant to sell tickets to unregistered Afghans. On 12 September 2020, the Ministry of Interior Affairs gave instructions to public transportation companies not to sell ticket to people who do not have a HES code. An HES code is only provided to those having an identity card so this application automatically excludes unregistered Afghans.³³

²⁷ Information collected during the fieldwork stage, November 2020.

²⁸ Evrensel, "GDD Sosyal Hizmet Koordinatörü Aktüken: Sağlık erisim herkes için güvenceye alınmalı", 6 September 2020, available at: <https://bit.ly/2Nik100>

²⁹ See Chapter V for more information.

³⁰ AIDA Country Report 2019, 15.

³¹ Ibid.

³² Tigris Haber, "Pasaportlari olmayan 200 Afgan multeci Diyarbakir'da mahsur", 27 April 2019, available at: <https://bit.ly/38ppRLZ>

³³ See Chapter V for more information.

IV. DEROGATION FROM THE NON-REFOULEMENT PRINCIPLE

a. (Arbitrary) Detention and access to legal support

In 2020, legal challenges with negative effect on protection against refoulement for Afghan refugees were similar to previous years. The lack of transparent data on detained refugees, vagueness and arbitrariness in legal reasoning of pre-removal detentions, minimal practice on alternative mechanisms to detention, widespread application of security codes not regulated by law and serious obstacles in terms of accessing lawyers and legal support from removal centres were ongoing in 2020.

The major gain of 2020 is the amendment in the application of Article 36 of Emergency Decree consolidated by Law no. 7070 from February 2018 which was originally enacted after the 2016 coup attempt against the government of Turkey enabling immediate deportation of foreigners falling under three categories: “(i) leadership, membership or support of a terrorist organisation or a benefit-oriented criminal group; (ii) threat to public order or public health; or (iii) relation to terrorist organisations defined by international institutions and organisations.”³⁴ As from December 2019, this long-criticized article was changed and appeals before administrative courts against deportation decisions taken on the ground of public order, public security and public health³⁵ automatically suspend the execution of deportations. According to lawyers working in the field, the administrative bodies obey this amendment and the practice is now in conformity with the new legal norm.³⁶ However, arbitrary detention practice is still in place and frequent in the field. Further access to lawyers, especially from inside detention centres, remains a major obstacle that prevents access to judicial review.

The practice of applying security-related codes is prevalent although it is still neither transparent nor legalized by the Ministry of Interior and DGMM.³⁷ Security-related codes are issued by DGMM based on internal circulars and instructions that are not available for public access. There are different types of letters standing for discrete categories of persons.³⁸ In practice, security related codes are issued with reference to broad criteria such as the appearance or point of entry of the individual or simply unchecked intelligence received from other countries.³⁹ “G” codes are one of the most widely-used ones referring to ‘foreign terrorist fighters’ who are adversely affected by deportations on public security and public order grounds due to lack of effective judicial review mechanisms. While some security codes have no impact and are more general in nature, other security codes result in

³⁴ Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016.

³⁵ Article 54(2) LFIP, as amended by Article 36 Emergency Decree 676 of 29 October 2016.

³⁶ Information collected during the field work stage, November 2020.

³⁷ Information collected during the field work stage, November 2020.

³⁸ A list of security-related codes is available at: <https://bit.ly/3bDrMx1>.

³⁹ AIDA Country Report 2019, 27.

exclusion from certain benefits and even detention. Unfortunately, we do not have a clear understanding of which code leads to what type of sanction or result due to the non-transparent manner of the issuance process.

The apprehension of registered applicants outside their assigned satellite city and without authorization represents one of the grounds on which international protection applicants are most commonly detained. Further, if a reporting duty has been imposed (T6 form), applications of people who are not found at the declared address upon three consecutive checks are considered implicitly withdrawn.⁴⁰

Lawyers state that the increasing number of arrivals from the eastern border escalated the arbitrary detention and deportation practices and Afghan single men became the first target of this policy. It is reported that Tuzla removal center in Istanbul which is a hub for transferring detainees to other cities always hosts young single Afghan men⁴¹.

In case of applying for international protection from the removal centre, they are mostly rejected for 'economic reasons' under the accelerated procedure.^{42 43}

Generally, lawyers complain about the shortened time period for appeals against deportation decisions which was cut by the legal amendment in 2019 from previously 15 to 7 days. Also the effectiveness and quality of judicial review on deportation and administrative detention decisions are criticized, as well as the lack of uniform application at first instance courts, arbitrariness of removal centre management in applying judgments favoring rights of detained refugees, imposed restrictions on lawyers in their access to removal centres, lack of interpreters, communication and privacy between client and lawyer in removal centres, barriers to access to legal aid⁴⁴ from removal centres, and the lack of notifying legal documents in the Dari or the Pashtun language.^{45 46}

b. "Voluntary" returns and deportations

Deportations and voluntary returns were two other issues debated in 2020.

Voluntary return was initiated as a cooperation mechanism among the Ministry of Foreign Affairs, Turkish Red Crescent (Türk Kızılay) and DGMM, with the aim of ensuring safe exit of

⁴⁰ See Chapter III for more information.

⁴¹ GAR Association Report, "*Ghost of Istanbul: Afghans at the Margins of Precarity*", September 2020, available at: <https://bit.ly/3tedBpz>, 37-38.

⁴² See Chapter III for more information.

⁴³ AIDA Country Report 2019, 25.

⁴⁴ Although there is an ongoing joint project between the Union of Bar Association and UNHCR about strengthening the legal aid capacity of local bar associations on migration, it was widely reported by lawyers that the project has been inactive due to the Covid-19 pandemic in critical cities such as Ankara, Antep and Hatay.

⁴⁵ Information collected during the fieldwork stage, November 2020.

⁴⁶ Information collected during the fieldwork stage, November 2020.

undocumented refugees within the framework of volunteerism and reintegrating them into their countries.⁴⁷ UNHCR has also a monitoring duty of voluntary return interviews and according to its data, 8900 individuals were voluntarily repatriated by the end of August 2020. However, no specific number is provided in relation to the nationality of these individuals.⁴⁸ NGOs working in the field have been expressing their concerns about the fact that these returns are not voluntary but enforced, since the majority is performed from removal centres. Also, the number of these returns are not public and NGOs cannot provide an estimated number either.

Refugees encountering difficult conditions in removal centres are usually 'misled', 'motivated' or 'intimidated' by removal centre managements to sign voluntary return documents or otherwise to adapt to poor conditions.⁴⁹ For example, several of the lawyers interviewed stated that they are worried about the lives of their Afghan clients who were forced to sign voluntary return documents and sent back to Afghanistan without any prior notification of their lawyers.⁵⁰

In a recent case from Kayseri, a married Afghan man was sent to Kayseri Removal Centre based on a security code. When he complained about the conditions at the removal centre and the lack of medicine, he was periodically encouraged by the removal centre management to sign voluntary return documents. Due to his chronic illness, he had to sign the documents and was deported to Afghanistan without an assessment of the non-refoulement principle and family unity.

Treatments and conditions at removal centres sometimes cause irreversible damage to the lives of detained refugees. The Commission of Inquiry into Violation of Human Rights which investigated the suicide of the Afghan refugee H.S., who was detained in Oğuzeli Removal Centre, stated that suicide attempts took place from time to time in the centre. According to Bir Gün News, the Antep Bar Association made the following statement about the suicide of the Afghan refugee: *"It was tried to obscure the evidence of the case by deporting the witnesses in a way to make it impossible to prove the responsibility of the centre regarding the suicide incident"*. The report prepared by the Commission which was sent to the Removal Centre on April 4 states: *"it was determined in the examination conducted by our Commission that persons attempted suicide by drinking shampoo or removing the wires inside the electrical cables for sewing their lips in order not to speak but to be released."*⁵¹

⁴⁷ Official Twitter account of DGMM, 2 September 2020, available at: <https://bit.ly/3aSghCM>.

⁴⁸ UNHCR, *Turkey Fact Sheet*, September 2020, available at: <https://bit.ly/3dlzxEN>.

⁴⁹ Information collected during the fieldwork stage, November 2020.

⁵⁰ Information collected during the fieldwork stage, December 2020.

⁵¹ BirGun, "Antep Geri Gonderme Merkezi'nde Supheli Multeci Olumu", 02 August 2020, available at: <https://bit.ly/3krlswS>.

Lawyers reported that deportations had been suspended in general due to Covid-19 pandemic.⁵² In contrast, OCHA reported that 6,000 Afghans were deported from Turkey as of August 2020.⁵³ ⁵⁴ In particular, it was noted that the PDMs in Izmir, Van, Gaziantep, Adana and Kayseri have been executing deportations, especially those of lonely Afghan men.⁵⁵

In general, deportations are taking place in a non-public and non-transparent manner. Different numbers regarding the quantity of deportation flights and the number of people concerned are circulating; however, in the absence of an independent monitoring program and transparent data, they cannot be confirmed. Regarding the deportation of Afghan refugees, increased efforts can be observed. In 2018, the Afghan Analysts Network reported that an Afghan delegation arrived in Turkey and provided travel documents for detained Afghans. In a joint press conference the Turkish Prime Minister and the Afghan Chief Executive announced that the two countries reached an agreement on the matter of returning “those who arrived illegally”. In the same year, deportations by charter flights took place from Turkey to Afghanistan.⁵⁶ According to GAR Association’s recent report, between the years of 2017-2019, approximately 92,000 Afghans were deported from Turkey to Afghanistan⁵⁷. In 2019, The Ministry of Interior Affairs declared that approximately 200,000 Afghans got caught and more than one third of those Afghans were deported⁵⁸. Covid-19 pandemic has severely affected NGOs field operations especially in the east region through where Afghans mostly enter Turkey and it is difficult to provide reliable observations from 2020 on deportations and practices at the border.

⁵² Information collected during the fieldwork stage, November 2020.

⁵³ United Nations Office for the Coordination of Humanitarian Affairs, *AFGHANISTAN: Snapshot of Population Movements (January to July 2020)*, 20 August 2020, available at: <https://bit.ly/3uwiwU1>.

⁵⁴ Unfortunately, Eurostat return statistics are annual at the moment and not yet available for 2020. There is a mixed picture from Europe. Germany as one of the main countries of asylum for Afghan nationals in Europe halted returns due to the coronavirus pandemic for parts of 2020: <https://bit.ly/2NDptCh>.

⁵⁵ Information collected during the fieldwork stage, November 2020.

⁵⁶ AAN, *Mass Deportations of Afghans from Turkey: Thousands of migrants send back in a deportation drive*, 21 June 2018, available at: <https://bit.ly/3rrQGga>.

⁵⁷ GAR Association Report, *“Ghost of Istanbul: Afghans at the Margins of Precarity”*, September 2020, available at: <https://bit.ly/3tedBpz>, 36-3.

⁵⁸ *Ibid*, 37.

V. RECEPTION CONDITIONS

Reception conditions in general are tied to the formal registration of the protection claim with the competent authorities. Due to the fact that the vast majority of Afghan refugees remain without registration, they are not entitled to such services. It is reported that unregistered refugees frequently abstain from going to public institutions such as hospitals or police stations where there is a high risk of detention or deportation.^{59 60}

Regarding the question of practical access and entitlement of Afghan refugees **with conditional status or subsidiary protection** it is important to note that there is little reliable knowledge about this, either in the literature or among actors in the field, which is why these two groups are not discussed further below.

a. Access to health care

Registered refugees having an identity card can benefit from the general health insurance scheme (GSS) with spontaneous access to initial diagnosis, treatment, and rehabilitation services at primary health care institutions in the designated province.⁶¹ However, with a recent amendment to the article 89/3 (a) of LFIP, health insurance of international protection applicants including Afghans was limited to one year from the date of registration. As a result, all Afghan refugees except Afghans with special needs and children whose registration for the asylum procedure dates back more than a year are excluded from access to basic medical care.⁶² However, in practice, it is reported from several provinces that GSS of ‘*persons having special needs*’ and children have also been deactivated in defiance of the law.⁶³

Due to the fact that a vast majority of Afghan refugees remain **unregistered refugees**, they are not entitled to such services in practice. Furthermore, even if they can afford hospitalization fees, it is reported that unregistered refugees frequently abstain from going to public institutions such as hospitals or police stations where there is a high risk of detention or deportation.^{64 65}

As reported by Afghan refugees in Ankara, unregistered pregnant women do not have free access to required treatment even in case of emergency. In several cases, women were suffering a miscarriage due to being turned away by hospital administration and sent back

⁵⁹ Evrensel, “GDD Sosyal Hizmet Koordinatörlüğü: Sağlık Erisim Herkes İçin Güvenceye Alınmalı”.

⁶⁰ Karar, “‘Zayıf Halka’ Kacak Göçmen”, 11 April 2020, available at: <https://bit.ly/3l38Ufd>.

⁶¹ AIDA Country Report 2019, 79.

⁶² Mixed Migration Centre, “Concerns and Confusion: Afghan Refugees and Migrants in Turkey Face COVID-related Challenges Every Day”, (Briefing Paper, July 2020), available at: <https://bit.ly/3smyf6c>, 2.

⁶³ Information collected during the fieldwork stage, November 2020.

⁶⁴ Evrensel, “GDD Sosyal Hizmet Koordinatörlüğü: Sağlık Erisim Herkes İçin Güvenceye Alınmalı”.

⁶⁵ Karar, “‘Zayıf Halka’ Kacak Göçmen”, 11 April 2020, available at: <https://bit.ly/3bKiXSq>.

home to give birth unassisted. Similarly, it is mentioned that, while public hospitals do not provide health service for unregistered Afghans since they do not have an identity card, private hospitals frequently overcharge for treatment.

In general, language barriers remain an ongoing obstacle.⁶⁶ From getting an appointment on the phone to receiving diagnosis and treatment, Afghan refugees seek the assistance of a Turkish-speaking person since no other viable option is provided for them by the public authorities at hospitals.

b. Access to education

Although Turkish Constitution guarantees the right to education, it is not possible for parents to register their children in a public school without an identity card.⁶⁷ Given the fact that Afghans face particular difficulties during the registration process and sustaining Afghans as unregistered protection seekers is an unspoken public policy,⁶⁸ it can be concluded that many Afghan refugees are excluded from the Turkish public education system.⁶⁹ As reported by UNICEF, the number of non-Syrian refugee children enrolled in public education by the end of March 2019 was only 56,701.⁷⁰ While 17-18% of Syrians and Iraqis faced registration issues that prevented them from sending their children to school, 61% of Afghan children cannot go to schools due to non-registration.⁷¹

Moreover, public authorities' failure to eliminate discrimination against refugee children at schools also represents an ongoing pattern in almost every city in Turkey. For instance, in a Central Anatolian province, Syrian and non-Syrian refugees, including Afghans, were grouped into separate schools. It was stated that the provincial directorate of education, inspectors from the Ministry of Education and school administrators did not take any measure despite complaints from families.⁷²

c. Housing

Turkish government does not provide accommodation or any kind of shelter to refugees.⁷³

⁶⁶ AIDA Country Report 2019, 81.

⁶⁷ AIDA Country Report 2019, 76.

⁶⁸ Mixed Migration Centre, "*Destination Unknown - Afghans on the Move in Turkey*", 23 June 2020, available at: <https://bit.ly/2O4S9Ur>, 48.

⁶⁹ AIDA, Country Report 2019, 76.

⁷⁰ UNICEF, "*Turkey Humanitarian Situation Report #36*", 31 December 2019, available at: <https://bit.ly/3uzzkK7>.

⁷¹ World Food Programme, "*Comprehensive Vulnerability Monitoring Exercise (CVME), Round 4*", January 2020, available at: <https://bit.ly/2Pc6WNT>, 15.

⁷² Stockholm Centre for Freedom, "*Refugee children isolated in separate school after Turkish parents reject mixed education*", 15 October 2020, available at: <https://bit.ly/3ko928M>.

⁷³ Advancing Alternative Migration Governance, "*Refugee Protection in Turkey during the First Phase of the COVID-19 Pandemic, Turkey Interim Report*", 11.

While accommodation conditions may vary from one province to another, the vast majority of refugees are forced to live on the periphery of the assigned provinces with low housing standards for financial reasons.⁷⁴ Overcrowded households are also extremely common among Afghans in Turkey. In some cases, the number of people sharing a house can be over 25. As illustrated in recent medical research, these conditions are likely to have a negative effect on lives of Afghan refugees.⁷⁵

Unregistered Afghan refugees experienced significant difficulties with housing due to landlords' unwillingness to rent house to Afghans who do not have legal documents.⁷⁶ This obstacle is the consequence of the widespread prejudice against refugees in Turkey but also of the recent amendment to LFIP in December 2019. The law foresees an administrative fine to those providing accommodation to unregistered foreigners, even if they are unaware of the fact.⁷⁷ A research shows that 67.7% of the unregistered Afghan refugees experience an accommodation-related problem such as high rents, lack of proper housing and sharing the house with different families. For example, an Afghan refugee noted that real estate agents ask for higher rental fees from refugees.⁷⁸

The 2020 incidents at the western borders of Turkey have also affected Afghan refugees' living status since most of them left their houses with the hope of fleeing to Greece. However, shortly after the outbreak of the pandemic, they were sent to removal centres by the Turkish government and released two weeks later with no support or guidance. Following their release, many Afghans were forced to spend their nights at public parks since they could not afford or find a place to stay. Although some of them were financially capable to pay for a rental fee, it is reported that landlords were often reluctant to sign a contract with them.⁷⁹

In Istanbul Fikirtepe, for instance, damaged buildings that were emptied by public authorities due to urban transformation are being rented by Afghan refugees because of low rental fees. Approximately 25,000 refugees live in the buildings which have a high risk of collapse.

⁷⁴ Mixed Migration Centre, *Destination Unknown: Afghans on the Move in Turkey*, 54.

⁷⁵ Emel Demir, "Identifying the quality of life in Afghan adolescent migrants in Turkey: A fieldwork with nursing diary perspective", *Annals of Medical Research* 26, no.7 (2019): p.1314-9, available at: <https://bit.ly/3aTDHYH>.

⁷⁶ Mixed Migration Centre, *Destination Unknown: Afghans on the Move in Turkey*, 54.

⁷⁷ AIDA Country Report 2019, 129.

⁷⁸ Mixed Migration Centre, *Destination Unknown: Afghans on the Move in Turkey*, 54.

⁷⁹ Multeci Medyasi, "Edirne Sonrasi Kayseri'ye Donen 3 Afgan Aile Sokakta Kaliyor", 5 May 2020, available at: <https://bit.ly/38suZyK/>.

The earthquake that hit Izmir on 30 October 2020 particularly affected refugees. It is reported that refugees, including unregistered Afghans, are residing in the outskirts of Izmir where buildings are often poorly constructed.

d. Access to the labour market

Registered applicants have the possibility to apply for a work permit 6 months following the date of lodging their international protection application. However, the number of issued work permits remains meagre. E.g. the latest figures available for 2018 indicate that only 823 permits were issued to Afghans.⁸⁰

In reaction to the impossibility of obtaining a work permit and the public policy of Turkish authorities to keep Afghans **unregistered**,⁸¹ Afghan refugees in Turkey are left with no other option than to work at physically demanding jobs such as agriculture and construction works, predominantly undocumented. Unschooled Afghans are commonly considered to be low-skilled labour, and accordingly, they are in need of decent work opportunities and better working conditions.⁸² This group of refugees constitute the majority of the daily laborer in metropolises such as Istanbul and Ankara, thus they are mostly underpaid.⁸³ As mentioned by an Afghan refugee, in some cases, they are at risk of getting attacked or killed by their employers when they ask for payment.⁸⁴ Out of fear of detention, deportation and issuance of a code, seeking justice is not considered an option among unregistered refugees. To our knowledge, there are N99 and N82 codes in relation to work without a permit. However, it is unclear what the direct results of having these codes are, due to the non-transparency of security codes procedures.

A recent study indicates that 73.3% of Afghans in Turkey reported that they lacked legal access to the labour market. Similarly, 68.5% of Afghans stated that language barriers caused problems for employment.⁸⁵ Additionally, a young Afghan refugee drew attention to discrimination against refugees by mentioning that Afghans do not get employed in Turkey even when they learn Turkish; therefore, they have no other option than migrating to the EU.⁸⁶

⁸⁰ AIDA Country Report 2019, 74, 75.

⁸¹ AIDA Country Report 2019, 33.

⁸² ILO, *Lessons Learned of ILO's Refugee Response Programme in Turkey: Supporting Livelihoods -Opportunities for Refugees and Host Communities*, June 2019, available at: <https://bit.ly/3t3cTv4>.

⁸³ Hurriyet, "Istanbul'un Ortasında... Gunluk 50 TL Icin Bunu Yapiyorlar", 21 April 2018, available at: <https://bit.ly/3bzk73Z>.

⁸⁴ Mixed Migration Centre, *Destination Unknown: Afghans on the Move in Turkey*, 53.

⁸⁵ Mixed Migration Centre, *Destination Unknown: Afghans on the Move in Turkey*, 64.

⁸⁶ Deutsche Welle, "We Have No Other Choice: Afghans Stranded at Greece's Gates", 4 March 2020, available at: <https://www.dw.com/en/we-have-no-other-choice-afghans-stranded-at-greeces-gates/a-52641941>

In general, work-related fatalities appeared as the most common problem in terms of violations of the right to life between January and September in 2020. As recorded by the Human Rights Association, almost 50% of deaths are related to workplace homicide.⁸⁷

e. Access to financial and social support

Registered applicants 'in need' can seek a financial allowance and social support. According to article 89 of LFIP, there is a 'means test' for financial allowance consideration which is conducted by PDMs on the basis of these criteria:

- whether the applicants have the means to pay for their shelter;
- level of monthly income;
- number of dependent family members;
- any real estate owned in Turkey or country of origin;
- whether they receive financial assistance from family members in Turkey or country of origin;
- whether they receive financial assistance from any official bodies in Turkey or NGOs;
- whether they already have health insurance coverage;
- any other considerations deemed appropriate.⁸⁸

However, there is no application of the article 89(5) therefore the possibility of obtaining a financial allowance for international protection applicants in need remains only on paper.

In terms of social assistance and support, **registered** Afghans 'in need' can seek support at Social Assistance and Solidarity Foundations of the Governorates which provide in kind assistance such as coal and wood for heating purposes, food and hygiene items and financial assistance in some cases.⁸⁹ However, it is reported that the applicants can open bank accounts only with the authorization of branch managers in the appointed state bank, Ziraat Bank⁹⁰.

Registered as well as **unregistered** Afghan refugees in need are also relying on support by NGOs. NGOs report that Turkey's financial policy is Syrian-centered and funds are mainly allocated to the Syrian population while non-Syrians are neglected.⁹¹ For instance, the EU financed ESSN⁹² and CCTE⁹³ programs are primarily addressed to Syrian temporary protection holders. As stated by an NGO, public authorities such as governorates and

⁸⁷ Human Rights Association, "*Yasamin Kiyisindakiler: Multecilere Yonelik Hak Ihlalleri Raporu*", 23 September 2020.

⁸⁸ AIDA Country Report 2019, 64.

⁸⁹ AIDA Country Report 2019, 64.

⁹⁰ World is Our Home (Dunya Evimiz) Association Annual Report, 2020, 29.

⁹¹ Swedish Research Institute, *Refugee Protection Turkey Report*, January 2020, available at: <https://bit.ly/2OMqyrt>.

⁹² ESSN is a multi-purpose cash transfer scheme providing monthly assistance through debit cards to over one and a half million of the most vulnerable refugees in Turkey. Those receiving assistance decide for themselves how to cover essential needs like rent, bills, food and medicine.

⁹³ CCTE programme is a national social assistance programme which aims to encourage enrolment and improve school attendance of refugee children.

municipalities have failed to meet Afghans' basic needs such as nutrition and housing. Although NGOs try to address the needs of Afghan refugees, considering their limited resources and the number of refugees hosted in Turkey, there is an undeniable need for an effective national assistance network. For instance, it is reported that only 200 out of 500 Afghan families who are registered with an NGO are able to access a food allowance.⁹⁴ In Konya, for example, a local NGO provides the majority of basic nutrition needs of the Afghan population regardless of their status.⁹⁵

According to the World Food Programme's report, just 3% of refugees in Turkey have no access to basic nutrition - this number dramatically rises to 18% among Afghan refugees.⁹⁶ In addition, Afghan households' ability to access basic needs such as food, hygiene products and potable water is far lower compared to other refugee groups. Similarly, multidimensional poverty rates are higher among Afghans compared to other groups of refugees. Studies show that 76% of Afghans are multidimensionally poor⁹⁷ while this number is only 38% among Syrians.⁹⁸ These significant differences can be interpreted as the consequence of public authorities' failure to provide adequate aid and support to Afghan refugees.

f. Multiple discrimination against Afghan refugees

Discrimination against Afghan population is one of the fundamental problems preventing them from accessing and benefitting from sufficient protection in Turkey. Marginalization from the host community as well as arbitrary practices by the authorities force Afghans to live in districts far from the city centres, schools, hospitals and public buildings.^{99 100} Direct and indirect discriminatory practices against the Afghan population especially affect those with special needs such as women, children, elderly people and persons with disabilities.

Afghan refugee women constitute 20% of all Afghans in Turkey. In addition to obstacles they face during their journey to Turkey such as sexual harassment at borders, Afghan women encounter gender-specific problems in their daily lives. First of all, Afghan women with fewer Turkish language skills are more likely to become the target of exploitation and abuse. Unfortunately, this vulnerable group of women also has difficulties in accessing state support, shelters and legal protection mechanisms since their complaints are often not

⁹⁴ Multeci Medyasi, "Edirne Sonrasi Kayseri'ye Donen 3 Afgan Aile Sokakta Kaliyor".

⁹⁵ Information collected from the fieldwork stage, November 2020.

⁹⁶ World Food Programme, "Comprehensive Vulnerability Monitoring Exercise (CVME), Round 4", 1.

⁹⁷ The Multidimensional Poverty Index considers the following dimensions: education, health, food security, income, living conditions, and income resources. World Food Programme, CVME, WTP Turkey Country Office, January 2020, 19.

⁹⁸ World Food Programme, "Comprehensive Vulnerability Monitoring Exercise (CVME), Round 4", 19.

⁹⁹ See Chapter V (a,b,c,d and e) for the impact of discriminatory practices.

¹⁰⁰ AIDA Country Report 2019, 73.

taken seriously. Whether qualified or not, Afghan women are widely regarded as unqualified labour comparing to other refugee women and this treatment increases their dependency on their spouses.¹⁰¹ If they are employed, most of them work in cleaning services and the textile industry without insurance.¹⁰² Along with the sexual violence they face in the workplace, it is also stated that Afghan refugee women struggle with non-payment of their wages and receiving lower wages compared to Turkish citizens and male Afghan workers in general.¹⁰³

An NGO highlights specific issues that refugee women face in terms of their access to healthcare due to not being documented. In some cases, unregistered refugee women were compelled to leave their newborn children in private hospitals because they could not afford the medical expenses.¹⁰⁴

As stated above, Afghan women who are assigned to relatively conservative cities of Turkey are exposed to further threat of sexual and psychological violence. Single Afghan women reported that they experience harassment and abuse in rural areas where public authorities often fail putting legal protection mechanisms into practice.¹⁰⁵

Unaccompanied Afghan children constitute yet another vulnerable group among the refugee population which are recognized as 'persons having special needs' and should benefit from prioritization of their international protection application at PDMMs. However, the practice changes from one PDMM to another: An NGO reported that the applications by five unaccompanied Afghan children who escaped from smugglers were rejected due to the overcrowded Afghan population residing in the province. They had to walk for 3.5 days to reach the city to which they were referred.¹⁰⁶ Also, the case about criminal charges against police officers in relation to the suspicious death of an unaccompanied Afghan child in Van Removal Centre, the Lütfullah Tacik case, has not been resolved for seven years.¹⁰⁷

INGOs claim that public authorities have failed in the field of protecting refugee children in general: *"the cases which we observed include disabled, exploited, neglected kids, criminalized kids, child labour, child marriage, traumatic cases, children who need*

¹⁰¹ Lucy Williams, Emel Coskun and Selmin Kaska, *"Women, Migration and Asylum Seeking in Turkey: Research, Policy and Practice"*, (Switzerland, Palgrave Macmillan, August 2020), available at: <https://bit.ly/3vhe6Rj>, 33.

¹⁰² Evrensel, *"Multeci Kadınlar Somuru ve Sıddet Pencesinde Yasam Mucadelesi Veriyor"*, 01 October 2020, available at: <https://bit.ly/38nSIW9>.

¹⁰³ Lucy Williams et al, *Women, Migration and Asylum Seeking in Turkey: Research, Policy and Practice*, 34.

¹⁰⁴ Evrensel, *"Multeci Kadınlar Somuru ve Sıddet Pencesinde Yasam Mucadelesi Veriyor"*.

¹⁰⁵ Foreign Policy, *"For Afghan Refugee Women, There's No Escape From Violence"*, 5 April 2019, available at: <https://bit.ly/3ccnm0E>.

¹⁰⁶ Swedish Research Institute, *Refugee Protection Turkey Report*, 72.

¹⁰⁷ AIDA Country Report 2019, 56.

psychological support, separated children, children suffered from family violence, gender-based violence."¹⁰⁸

Statistics illustrate that Afghan children are 44% more likely to be sick compared to other refugee children.¹⁰⁹ This outcome should be read as the result of significant differences in their ability to access state aid and social support. In the same parallel, it is reported that children are more likely to attend school if their parents are beneficiaries.¹¹⁰

g. Impact of Covid-19

Access to international protection application has become almost impossible for Afghans due to Covid-19-related restrictions and measures. Lawyers and NGOs have widely complained that the procedure to apply for international protection was stopped in many provinces, such as Izmir and Konya. Also, Afghan refugees are required to provide an HES code in order to access PDMM buildings as of 7 September 2020. During controlled social life conditions, HES (Hayat Eve Siğar – Life Fits Into Home) code was introduced to help people safely share their Covid-19 risk status with institutions and individuals for activities like transportation or visit. This code is only provided to those having an identity card which in fact hinders refugees, including Afghans who wish to register with PDMM, from making protection applications.¹¹¹ HES code application hinders access to registration of those who are referred to a satellite city but cannot travel due to lack of this code.¹¹² Also, the assessment period for vulnerable cases and *'persons having special needs'* takes longer in the post-Covid-19 period – up to 3 or 4 months in most cases.¹¹³

Afghan refugees have been severely affected by the pandemic since (for a big share) the health insurance was cancelled due to the recent legal change.¹¹⁴ Although the Presidency announced that everyone would have access to Covid-19-related healthcare services including testing kits and medicine, regardless of the type of their social insurance,¹¹⁵ it is observed that Afghan applicants have difficulties in accessing to health services including essential protective equipment such as face masks and hand sanitizers.¹¹⁶ It is reported that

¹⁰⁸ Ibid, 69.

¹⁰⁹ World Food Programme, *"Comprehensive Vulnerability Monitoring Exercise (CVME), Round 4"*, 11.

¹¹⁰ Ibid, 12.

¹¹¹ Information collected during the fieldwork stage, November 2020.

¹¹² World is Our Home (Dunya Evimiz) Association Annual Report, 2020, 28.

¹¹³ Information collected during the fieldwork stage, November 2020.

¹¹⁴ Mixed Migration Centre, *"Concerns and Confusion: Afghan Refugees and Migrants in Turkey Face COVID-related Challenges Every Day"*, 2.

¹¹⁵ Presidential Directive of the Republic of Turkey, Decision Number: 2399, 13 April 2020, available at: <https://bit.ly/30qWhkJ>.

¹¹⁶ Heinrich-Böll-Stiftung, *"Migrants and Refugees in a Time of Pandemic: Access to Healthcare Services in Turkey"*, 18 May 2020, available at: <https://bit.ly/30qXtEJ>.

the application differs from one PDMM to another: Denizli PDMM, for instance, notifies GSS of Afghans showing Covid-19 symptoms.¹¹⁷

In addition, the housing and employment conditions of refugees also prevent them from taking precautionary measures such as social distancing.¹¹⁸ As reported by an Afghan refugee living in Central Anatolia, there are many single Afghans who live in houses where 10-15 people are staying in the same room.¹¹⁹ They have severe difficulties in getting daily jobs or have to go out to find work to survive during the pandemic. Also, many lost their jobs.

An NGO from Izmir reported that approximately 100 refugees, mostly Afghans, were released from a removal centre and abandoned on the street during an official lockdown with no travel documents and no transportation opportunity. It is reported that they had to walk for three to four hours to the bus terminal and they had trouble accessing food because of the lockdown restrictions.¹²⁰

Refugee children have faced difficulties with EBA system, the distance education network in Turkey. Lack of electronic devices and a space to study are the most common ones. The language barrier also constitutes a significant problem giving the fact that understanding recordings on the EBA system¹²¹ is difficult without the assistance of their teachers.¹²² Moreover, the distribution of hygiene and Psychosocial Support (PSS) kits mainly targets Turkish children and Syrian refugees: non-Syrians such as Afghans experience severe difficulties in accessing to such fundamental services.¹²³

According to the report the Commission on Migration and Asylum on Harmandalı Removal Centre published on April 2020, 30 refugees and a guard tested positive. Due to the quarantine measures, access of the refugees to their lawyers was hindered. The Commission revealed that the refugees kept in the removal centres are vulnerable to infections since

¹¹⁷ Information collected during the field work stage, November 2020.

¹¹⁸ Open Democracy, "What does it mean to be an urban refugee in Turkey during a pandemic?" 01 May 2020, available at: <https://bit.ly/3qBO7AQ>.

¹¹⁹ Mixed Migration Centre, "Concerns and Confusion: Afghan Refugees and Migrants in Turkey Face COVID-related Challenges Every Day", 4.

¹²⁰ Advancing Alternative Migration Governance, "Refugee Protection in Turkey during the First Phase of the COVID-19 Pandemic, Turkey Interim Report", 20.

¹²¹ EBA created by the Ministry of National Education is an online social education platform providing convenience to teachers and students in classes. Teachers can upload their specially prepared content to EBA as they wish.

¹²² Istanbul Policy Centre, "Long-Term Exclusionary Effects Of Covid-19 For Refugee Children In The German and Turkish Education Systems: A Comparative Perspective", July 2020, available at: <https://bit.ly/2N3BUqM>, 6.

¹²³ UNICEF, Turkey COVID-19 Response Monthly Situation Report, September 2020, available at: <https://bit.ly/3enTl0k>.

they are kept in overcrowded rooms without having adequate access to hygiene materials and healthcare professionals.¹²⁴

It was reported from the field that the closure of NGOs and public support bodies' offices during the Covid-19 pandemic interrupted face to face counselling services provided to Afghan communities which severely affected their access to basic services¹²⁵. For example, due to HES code application, 28 Afghan families could not apply for a child protection measure¹²⁶ and access to the legal aid in Ankara in 2020¹²⁷.

¹²⁴ Gazete Duvar, "İzmir Barosu: Harmandalı'da 30 Multecinin COVID-19 Testi Pozitif Çikti", 18 April 2020, available at: <https://bit.ly/2Of5IGW>.

¹²⁵ World is Our Home (Dunya Evimiz) Association Annual Report, 2020, 29.

¹²⁶ A child protection measure is a legal safeguard awarded by the judge of a juvenile court to protect the best interest of the child in need and ensure the child's access to basic services such as education, healthcare or housing.

¹²⁷ World is Our Home (Dunya Evimiz) Association Annual Report, 2020, 28.

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