

REGULATION

From Ministry of Interior:

IMPLEMENTING REGULATION ON THE LAW ON FOREIGNERS AND INTERNATIONAL PROTECTION**SECTION ONE
General Provisions****CHAPTER ONE
Purpose, Scope, Basis and Definitions****Purpose and Scope**

ARTICLE 1 – (1) The purpose of this Regulation shall be to regulate the procedures and principles with regard to entry into, stay in and exit from Turkey of foreigners and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey.

(2) This Regulation shall cover the procedures and proceedings related to foreigners within the framework of the Law No. 6458 on Foreigners and International Protection dated 04/04/2013 and the procedures and principles related to implementation of international protection to be provided upon individual protection requests of foreigners in Turkey.

Basis

ARTICLE 2 – (1) This Regulation is prepared on the basis of Article 121 of the Law No. 6458 on Foreigners and International Protection dated 04/04/2013.

Definitions

ARTICLE 3 – (1) In implementation of this Regulation, the following definitions shall apply;

- a) Family members: The spouse, the minor child and the dependent adult child of the foreigner, applicant or the international protection status holder,
- b) European Countries: Member States of the Council of Europe as well as other countries to be determined by the Council of Ministers,
- c) Minister: The Minister of Interior,
- ç) Ministry: The Ministry of Interior,
- d) Applicant: A person who has made an international protection claim and a final decision regarding whose application is pending,
- e) Child: A person who is under the age of 18 and has not yet attained majority,
- f) Sponsor: A Turkish citizen or a foreigner legally staying in Turkey who undertakes the expenses of foreigners who would come to Turkey for the purpose of family reunification and who is referenced as the supporter in the application by the residence permit applicant,
- g) Director General: The Director General of Migration Management,
- ğ) Directorate General: The Directorate General of Migration Management,
- h) Removal center: Centers, where foreigners under administrative detention are temporarily held and their basic needs are met during that time,
- ı) Migration: Regular migration whereby foreigners' legally enter into, stay in or exit from Turkey as well as irregular migration whereby foreigners enter into, stay in or exit from Turkey through illegal channels and work in Turkey without a permit; as well as international protection,
- i) Migrant document: Document by free migrants and settled migrants and their family members after signing a naturalization statement following an application to the highest administrative authority for free migrants settled within the scope of the Law No. 5543 on Settlement of 19/6/2006 and for settled migrants settled for their temporary or exact settlement,
- j) Residential address: The domicile recorded in Turkey in the address-based registration system,
- k) Residence permit: The permit issued to foreigners for the purpose of staying in Turkey,
- l) Subsidiary protection: Status granted to a foreigner, who could neither be qualified as a refugee nor as a conditional refugee, shall nevertheless be granted subsidiary protection upon the status determination because if returned to the country of origin or country of [former] habitual residence would be sentenced to death or face the execution of the death penalty; face torture, inhuman or degrading punishment or treatment; face serious threat to himself/ herself by reason of indiscriminate violence in situations of international or nationwide armed conflict; and therefore is unable or for the reason of such threat is unwilling to avail himself/herself of the protection of his/her country of origin or country of [former] habitual residence.
- m) Provincial Directorate: The Provincial Directorate of Migration Management,
- n) District Directorate: The District Directorate of Migration Management,
- o) Victim of human trafficking: Real person who has been or strongly suspected to be subject to the crime of human trafficking,
- ö) Inadmissible passenger: Persons, who come to border gates to enter the country or to transit the country and whose entry into country or transit through the country is not permitted as they do not meet necessary conditions,
- p) Reception and accommodation center: Center where basic human needs of applicants or international protection status holders are provided,
- r) Law: The Law No. 6458 on Foreigners and International Protection dated 4/4/2013,
- s) Consulate: Consulate generals, consulates or embassy consulate branches of the Republic of Turkey,

s) Victim support services: Victim support program and voluntary repatriation program, which is provided based on the principle of briefing and consent, taking into consideration the security, health, special condition of the victim during and after the reflection period,

t) Country of origin: Country of citizenship or nationality of a migrant,

u) Refugee: A status holder foreigner who as a result of events occurring in European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country; or who, not having a nationality and being outside the country of his former residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it,

ü) Preliminary permit condition: Permit required to be obtained from the Directorate General for entry into the country,

v) Person with special need: An unaccompanied child; a disabled person; an elderly person; a pregnant woman; a single mother or a single father with an accompanying child; or a person who has been subjected to torture, sexual assault or other serious psychological, physical or sexual violence,

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

z) Travel document: Document substituting a passport,

aa) Deportation decision: Administrative decision made for a foreigner, who is not entitled to stay in Turkey, for the purpose of his/her exit from the country to be sent to the country of origin, transit country, country he/she transited to come to Turkey or to a third country,

bb) Administrative detention for deportation: Holding persons, who have a risk of escaping or disappearing; violate rules regarding entry into or exit from Turkey; use false or unfounded document; do not exit Turkey within a stipulated period without an acceptable reason; do not comply with administrative obligations following the termination of their administrative detention; pose a threat to public order, public security or public health, at a removal center in line with the duration stipulated in the Law until their deportation,

cc) Border gates: Land, air, sea and railway border crossing points designated by a Council of Ministers Decree for entry into and exit from Turkey, which are physically isolated from external environment or deemed so.

çç) Final decision: With regard to decisions concerning the claim of an applicant or the status of an international protection beneficiary; the decision of the Directorate General, where administrative review request or an appeal before the judiciary has not been made; or in case of an appeal, judicial decision which can no longer be appealed,

dd) Convention: the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the 1967 Protocol Relating to the Status of Refugees,

ee) Conditional refugee: A status holder foreigner who as a result of events occurring outside European countries and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it,

ff) Carrier: Real or legal entities or their managers for air, sea, land and railway vehicles carrying foreigners,

gg) International protection status: Refugee, conditional refugee or subsidiary protection status,

ğğ) Board for International Student Assessment: A board established pursuant to Article 19 of the Law No. 5978 on Organization and Duties of the Presidency for Turks Abroad and Related Communities of 24/3/2010,

hh) Satellite city: Provinces determined by the Directorate General, where foreigners requesting international protection are obligated to reside,

ii) Country of nationality: The country of which the foreigner holds the citizenship or, in case of more than one citizenship, each of the countries of which the foreigner is a citizen,

jj) Stateless person: A person who does not hold the citizenship of any state and who is considered as foreigner,

kk) Visa: A permission that entitles stay up to a maximum of ninety days in Turkey or to transit through Turkey,

ll) Visa exemption: The regulation waiving the visa requirement to enter Turkey,

mm) Foreigner: A person who does not have citizenship bond with the Republic of Turkey,

nn) Foreigner identification number: The identification number issued to foreigners pursuant to Population Services Law No. 5490 dated 25/04/2006.

CHAPTER TWO

Non-refoulement

Non-refoulement

ARTICLE 4 – (1) Non-refoulement shall be implemented for all foreigners within the scope of the Law.

(2) Following matters shall be investigated *ex officio* by the governorate before deportation or removal of foreigners, who are not entitled to stay in Turkey;

a) Whether they will be subjected to torture, inhuman or degrading punishment or treatment where they will be deported or removed,

b) Whether their life or freedom will be threatened on account of their race, religion, nationality, membership of a particular social group or political opinions.

(3) Foreigners cannot be deported or removed to a country, where it is understood that they may face threats as a result of the conducted research. Proceedings shall be constituted for these persons pursuant to the provisions related to international protection, residence or deportation of the Law and Directorate General shall be immediately informed.

(4) During the investigation, information and documents may be requested from the foreigner and country of origin information shall be benefited.

SECTION TWO
Foreigners

CHAPTER ONE
Entry into Turkey and Visa

Entry into Turkey

ARTICLE 5 – (1) Entry into and exit from Turkey shall be through the border gates with a valid passport or a document substituting a passport. The Ministry shall take necessary measures in order not to prevent persons from lodging international protection applications at border gates under this general provision.

Comprehensive control proceedings during entry into the country

ARTICLE 6 – (1) In case of suspicions that a foreigner may be a person, whose entry into Turkey would not be permitted, comprehensive control proceedings shall be conducted by the law enforcement unit responsible from entry proceedings.

(2) Comprehensive control proceedings shall not be administrative detention and shall be finalized in maximum four hours. Judicial proceeding periods shall not be included in this period. The foreigner's consent shall be sought, if the four hour period would be exceeded. During the comprehensive control period, a foreigner may return to his/her country or wait for the finalization of the proceedings related to his/her entry into the country.

(3) Comprehensive control proceedings shall be conducted at a place near passport control point and a separate location, considering the security and personal privacy of the foreigner. The foreigner's access to basic needs shall be ensured during the control. The foreigner shall be informed about the purpose and procedure of the control.

(4) Comprehensive control proceedings shall generally cover the below aspects;

- a) Control and examination of travel documents,
- b) Review of restrictions related to the records of entry into the country,
- c) Whether he/she is subject to a proceeding by judicial and administrative authorities,
- ç) Determination of whether he/she is wanted at international level,
- d) Determination of the purpose of arrival in the country,
- e) Clarification on how he/she will earn his/her livelihood in Turkey,
- f) Investigation of whether he/she is among foreigners, whose entry into Turkey would not be permitted and for whom visa would not be issued,

g) Other matters deemed necessary in terms of public security.

(5) Procedures and proceedings related to comprehensive controls shall be finalized by the governorates, to which border gates are affiliated with.

Identification of inadmissible passenger and general provisions

ARTICLE 7 – (1) Foreigners, who have been identified to be among persons whose entry into Turkey would not be permitted, and persons, who are under the same scope and have lodged international protection application at border gates and whose applications have been rejected with a final decision, shall be considered as inadmissible passenger and proceedings shall be conducted for these foreigners within the framework of the Regulation on Procedures and Principles Regarding the Obligations of Airline Carriers, which was published in the Official Journal dated 7/11/2015 and numbered 29525 and other regulations that will be issued under Article 98 of the Law.

(2) The Directorate General shall immediately be informed about foreigners, who have been identified to be among persons whose entry into Turkey would not be permitted due to public order or security, who had obtained the documents to be used for entry into Turkey in fraudulent ways or whose documents have been identified to be subject of fraud.

(3) Necessary coordination with the carrier shall be ensured for inadmissible passenger's exit proceedings from the country.

(4) Decision notified to the foreigner and the carrier shall cover the rights of the foreigner and appeal procedures.

Entry ban into Turkey and preliminary permit condition

ARTICLE 8 – (1) Entry ban into the country may be imposed by the Directorate General for foreigners, whose stay in Turkey is deemed undesirable for reasons of public order or public security or public health; by the Directorate General or governorates for foreigners, for whom deportation decisions are taken during their stay in Turkey.

(2) Procedures related to entry ban shall be listed below:

a) Start of entry ban into Turkey for foreigners, who will be deported, shall be the date of the foreigner's exit from the country.

b) Duration of entry ban into Turkey for foreigners, whose visa, visa exemption, work permit or residence permit period has expired more than ten days and who lodge an application to governorates to exit Turkey before a deportation decision is taken or the notification of this decision to the related person, cannot exceed one year on condition that fees derived from violation of visa, visa exemption or residence permit and fines to be accrued accordingly have been paid, without prejudice to a situation, which requires entry ban due to another reason.

c) An entry ban decision due to visa or residence permit violation may not be taken for foreigners, whose visa, visa exemption, work permit or residence permit period has expired more than ten days and who come to a border gate to exit the country on their own without a deportation decision is taken, on condition that fees derived from violation of visa, visa exemption or residence permit and fines to be accrued accordingly have been paid, without prejudice to a situation, which requires entry ban due to another reason.

ç) Necessary data shall be entered for the purpose of following-up collection of travel expenses of foreigners, whose travel expenses are covered partially or fully by the Directorate General for deportation. Entry into the country of a foreigner, who does not pay back the travel expenses covered by the Directorate General, may not be permitted.

d) The maximum period of entry ban shall be five years. Previously taken five-year entry ban may be extended for another ten years for one time or separately at the end of five years, in case of a serious threat in terms of public order or public security. However, the duration of entry ban shall not be more than fifteen years based on the same reason.

e) The Directorate General may lift the entry ban without waiting for expiration of the duration where necessary or may permit the foreigner to enter Turkey for a certain period of time without prejudice to the entry ban.

(3) Reception of some foreigners to the country may be dependent on the preliminary permit condition upon request of the related public institutions and organizations or by the Directorate General directly due to public order or public security. Foreigners, who are seen to be dependent on preliminary permit condition in the system, shall not be permitted to enter the country without approval of the Directorate General.

Notification of entry ban to Turkey and preliminary permit condition

ARTICLE 9 – (1) Notification related to entry ban and preliminary permit condition shall be given by,

a) Consular officials in case foreigners, who are within the scope of entry ban to Turkey or preliminary permit condition, lodge application to consulates in order to obtain visa, residence or work permit;

b) Governorates, if the foreigner is in Turkey;

c) Law enforcement unit responsible for entry-exit proceedings at the border gates during their exit from Turkey for foreigners, for whom entry ban decision has been taken.

Visa requirement and its principles

ARTICLE 10 – (1) Without prejudice to the provisions of visa exemption, foreigners wishing to stay in Turkey for up to ninety days shall obtain a visa that indicates the purpose of their visit from the consulates in their country of citizenship or legal stay. The period of stay in Turkey provided by visa or visa exemption cannot exceed ninety days within a period of one hundred and eighty days.

(2) Foreigners listed below shall not be within the scope of this implementation:

a) Foreigners, who have a valid residence or work permit in Turkey.

b) Foreigners within the scope of Article 28 of the Turkish Citizenship Law No. 5901 dated 29/05/2009.

c) Foreigners, who are exempt from residence permit pursuant to bilateral or multilateral agreements to which the Republic of Turkey is party.

ç) Diplomacy and consulate officials assigned in Turkey and their family members, who are notified to the Ministry of Foreign Affairs, being limited to their spouses and dependent children.

d) Persons, who work at the Turkey representations of international organizations and whose status are determined by agreements.

e) Holders of “stateless person identification document” issued within the scope of the first paragraph of Article 50 of the Law.

f) Holders of a valid “registration document” or “international protection applicant identification document” or “international protection status holder identification document” within the framework of international protection application.

g) Persons under temporary protection within the framework of Article 91 of the Law.

ğ) Drivers and their accompanying assistants, who arrive in our country with multi-entry visas for the purpose of transportation.

h) Migrants, who are received in Turkey within the scope of the Settlement Law.

(3) The fact that a foreigner had obtain a visa shall not prevent the implementation of provisions of the Law related to foreigners, whose entry into Turkey would not be permitted, during entry into the country. Foreigner shall not be permitted to enter the country, if he/she has been identified to be among persons, whose entry into Turkey would not be permitted.

(4) Visas shall be issued to be used within a period of maximum five years. Visas, which are not used within six months as of the date of issuance, shall lose their validity.

(5) Foreigners with residence permits may use the period of stay obtained with a visa when they enter the country after obtaining a visa, if the duration of their visa is longer than the duration of their residence permit. Persons arriving within the scope of visa exemption agreements may also stay until the end of their exemption period, if their residence permit duration is short.

(6) The foreigner’s entry with his/her current visa may be permitted when he/she is forced to enter through an unplanned border gate due to *force majeure* including weather conditions, accidents, technical malfunctions that may arise in the vehicles, health problems.

(7) These provisions shall be implemented without prejudice to the provisions of bilateral or multilateral agreements Turkey is a party to and implementation of the principle of reciprocity.

(8) The Ministry and the Ministry of Foreign Affairs shall present joint proposals to the Council of Ministers in conducting visa and passport proceedings, taking into account the opinions of the related public institutions and organizations when necessary.

Visa types and the purpose of visa

ARTICLE 11 – (1) Visa types shall be listed below:

a) Tourist visa: It shall be issued to foreigners who wish to come to Turkey for the purposes of touristic or official visits, business meetings, conferences, seminars, meetings, festivals, fairs, exhibitions, sporting events, cultural and artistic events.

b) Transit visa: Stay period determined by the transit visa, which will be issued to foreigners, who wish to enter Turkey through any border gate and cross through Turkey within a determined period of time, shall start at each time of entry through border gate within the validity duration of the visa.

- c) Airport transit visa: It shall be issued to foreigners, who only wish to cross through air border gates without entering Turkey.
- ç) Education visa: It shall be issued to foreigners, who wish to arrive in Turkey for the purpose of education, training, internships, courses, student exchange programs, Turkish language courses.
- d) Work visa: It shall be issued to foreigners within the scope of Article 55 of the Implementing Regulation of the Law on Work Permits of Foreigners, which was published in Official Journal No. 25214 dated 29/08/2003, and foreigners, who are not within this scope and wish to come in order to work.
- e) Official duty visa: It shall be issued to foreigners, who are appointed to an official post or appointed as a diplomatic courier.
- f) Other visas: They shall be issued to foreigners, who are not within the scope of sub-paragraphs (a), (b), (c), (ç), (d), (e) and wish to come to Turkey for the purposes including archeological excavation, research, movie or documentary shooting, treatment, accompany, family unification, humanitarian assistance, transportation.
- (2) The foreigner's purpose of arrival shall be indicated in the visas.
- (3) Matters related to open migrant visa, which shall be issued pursuant to the first paragraph of Article 5 of the Settlement Law, taking into account the exclusive conditions of the Ministry and the Ministry of Foreign Affairs.

Visa application, finalization and cancelation

- ARTICLE 12** – (1) Visa applications shall be lodged at the consulate, where foreigner is a citizen or legally reside. Applications may also be received electronically.
- (2) Visa Application Form shall be filled separately for each foreigner.
- (3) The foreigner shall be obligated to present information and documents, which may be requested based on visa types, to the competent authority during the application. Applications of foreigners, who cannot collect the requested documents within the identified period of time, shall not be evaluated. Procedures and proceedings related to visa applications may be conducted through service purchasing.
- (4) Visa applications shall be finalized latest within ninety days. This period starts with completion of the requested documents by the foreigner.
- (5) Consulates shall convey visa applications to the Directorate General. The embassies of the Republic of Turkey shall issue *ex officio* visas to diplomats of foreign countries and to foreigners, for whom issuance of visa is deemed beneficial due to country interests as an exemption. Other foreigners, for whom visas may be issued *ex officio*, shall be jointly determined by the Ministry and the Ministry of Foreign Affairs. The Directorate General and the Ministry of Foreign Affairs shall be informed about visas issued *ex officio*. The Directorate General shall finalize the applications by taking into account the opinions of the related institutions and organizations when necessary and shall inform the consulate or embassy. Notifications may be conducted electronically.
- (6) In case matters related to cancelation of the visa regulated under the Law arise, issuing authorities or governorates shall cancel the visa, necessary records shall be entered, if the visa is on the passport.

Foreigners exempted from visa obligation

- ARTICLE 13** – (1) Foreigners listed below shall not be required to have a visa while entering Turkey:
- a) Citizens of country, who are exempted from visa requirement by the agreements the Republic of Turkey is a party to or by a Council of Ministers decree.
- b) Holders of a valid residence permit, work permit or Work Permit Exemption Verification Document as of the date of entry into Turkey.
- c) Holders of a document, which provides exemption from residence permit under the Law.
- ç) Holders of valid Passports Stamped Exclusive for Foreigners, which are issued pursuant to Article 18 of the Law No. 5682 on Passports dated 15/7/1950.
- d) Persons within the scope of Article 28 of the Turkish Citizenship Law.
- e) Holders of Migrant Document within the scope of the Law No. 5543.

Foreigners exceptionally exempted from visa obligation

- ARTICLE 14** – (1) Governorates may permit entry into the country of foreigners, who are in vessels forced to use Turkish air and sea ports due to *force majeure* including weather conditions, accidents, technical malfunctions that may arise in vessels and health problems, without seeking a visa requirement during the period of *force majeure* and being limited to the port city. The permit, which entitles the right to stay up to fifteen days, shall end when *force majeure* is over.
- (2) Only the foreign patient and person accompanying him/her in the vessels, which are forced to use Turkish air and sea ports due to health problems of passengers, shall be considered within the scope of the first paragraph. Foreigners, whose entry into Turkey would not be permitted, shall not be considered within the scope of the first paragraph, unless they experience health problems.
- (3) Entry permit without a visa may be granted to foreigners, who arrive in the port city or the surrounding cities for tourism purposes, at sea border gates to be no more than seventy-two hours. The related law enforcement units shall be informed about such entry proceedings for necessary measures in terms of public order or public security.
- (4) The procedures and principles related to entry without a visa under the third paragraph are listed below:
- a) Passports of foreigners shall not be taken when they enter the country. However, passports of persons, who are considered to be subject of irregular migration, shall be taken by the law enforcement unit responsible for entry and exit controls at the port; Port City Permit Document shall be issued to these persons, whose passports have been taken.
- b) Exits shall be made through the same port. Exits shall be permitted after collecting transit visa fee, if persons wish to exit through a port or border gate other than the entry port.
- c) Foreigners, who exceed the duration of seventy-two hours, shall be processed under staying without permit in Turkey.

ç) Passports of foreigners, who are considered to be subject of irregular migration and whose passports have been taken to be returned during exit, shall be sent to provincial directorates, if they do not return to collect their passports at the end of seventy-two-hour period.

d) Agencies or carriers shall guarantee the exit of foreigners, who are permitted to enter the country.

(5) Records of foreigners, who are permitted to enter the country within this scope, shall be ensured to be stored in line with the system used by law enforcement units at the border gates.

Visas issued at border gates

ARTICLE 15 – (1) Excluding the foreigners, whose entry into Turkey would not be permitted, governorates may issue visas to foreigners, who arrive at border gates without obtaining a visa, on condition that they document their conditions listed below and departure from Turkey in due time within the framework of the exceptional circumstances listed below:

a) In case of the absence of a consulate in the country, where foreigner legally resides, or visa proceedings cannot be conducted through consulates.

b) In case of compelling reasons including disease, death or accident of the foreigner or his/her spouse and close relatives.

c) Notification of risks by the related units in terms of health condition of the foreigner in case of his/her removal.

ç) Arrival of a foreigner to participate in national and international scientific, economic, cultural and commercial events.

d) Arising of the obligation that commercial vessel crews, which arrive at sea ports, to continue moving towards their own country or another country or to join another vessel at the same port.

e) Notification by public institutions and organizations that a visa needs to be issued to a foreigner at the border gate.

(2) Health insurance requirement may not be sought in issuance of visas at border gates depending on compelling reasons.

(3) Visas, which entitle the right to stay for a maximum period of fifteen days for the conditions stipulated in sub-paragraphs (a), (b), (c), (ç) and (e) of the first paragraph and for a maximum period of seventy-two hours for the conditions stipulated in sub-paragraph (d), unless a different duration is determined by the Council of Ministers.

(4) Having sufficient money and return ticket as well as commitment by vessel agencies for exiting the country in due time shall be required for issuance of border visas to foreigners within the scope of sub-paragraph (d) of the first paragraph.

Airport transit visas

ARTICLE 16 – (1) Consulates shall directly finalize airport transit visa applications.

(2) The validity period of airport transit visas shall be maximum six months as of the issuance date of visa.

(3) Planned duration between the hours of arrival in Turkey and departure from Turkey cannot exceed twenty-four hours except possible delays in the flights.

(4) This visa shall not entitle the right to enter the country. Provision related to visas to be issued at border gates shall be implemented within the framework of Article 13 of the Law in reception of a foreigner into the country for only emergency and extraordinary circumstances.

(5) Conditions listed below shall be required for issuance of airport transit visa:

a) Holding a valid passport or a document substituting a passport.

b) Having a reservation or ticket for flights, which would enable arrival in Turkey and transiting through Turkey.

c) Holding a visa or a document enabling entry without a visa, in case the foreigner is subject to a visa in destination country.

(6) Airport transit visa shall be valid for the airport, through which crossing right is granted, for ordinary conditions.

(7) Visas shall be issued to third country nationals and persons accompanying them, who will be deported through Turkey, pursuant to the provisions of this article.

(8) Principles related to airport transit visa implementation and which country citizens will be subject to airport transit visa shall be jointly determined by the Ministry and the Ministry of Foreign Affairs.

Foreigners who shall not be granted a visa

ARTICLE 17 – (1) Without prejudice to the second paragraph of Article 15 of the Law regarding foreigners who shall not be granted a visa, visas shall not be granted to foreigners stipulated in the first paragraph of the same article.

(2) In identification of diseases qualified as a threat to public health, whether the disease is listed in the Law No. 1593 on Public Health dated 24/4/1930 and whether it is a contagious or contagious parasite disease, which is listed in the Health Statute of World Health Organization and is potentially epidemic, shall be taken into consideration.

(3) Aspects including sponsor's contribution, bank account breakdowns, cash, traveler's check and salary payroll may be taken into consideration during an evaluation within the framework of sub-paragraph (g) of the first paragraph of Article 15 of the Law.

Notification of visa proceedings

ARTICLE 18 – (1) Rejection and cancelation decisions of the visa request shall be notified to the foreigner.

CHAPTER TWO Residence Permit

Residence permit

ARTICLE 19 – (1) Foreigners, who will stay in Turkey more than the period stipulated by the visa or visa exemption or more than ninety days, shall be obligated to obtain residence permits.

(2) Foreigners, who will stay less than the durations stipulated in the first paragraph, may also lodge residence permit applications.

(3) Residence permit applications shall be lodged at governorates within Turkey, otherwise applications shall be lodged at the consulates in the country, of which foreigner is a citizen or a legal resident.

(4) Residence permit applications may be received electronically within the framework of the determined procedures and principles.

(5) Residence permits obtained abroad shall lose their validity, unless they are used within six months.

Foreigners exempted from residence permit

ARTICLE 20 – (1) Foreigners listed below shall be exempted from residence permit obligation:

a) Persons staying in Turkey during the period of visa or visa exemption.

b) Persons within the scope of Article 28 of the Turkish Citizenship Law.

c) Holders of Stateless Person Identification Document.

ç) Persons exempted from residence permit with the agreements the Republic of Turkey is a party to.

d) Diplomatic and consular officials serving in Turkey and their family members, who are notified by the Ministry of Foreign Affairs.

e) Persons, who are temporarily appointed at foreign missions resident in Turkey and whose passport has temporary appointment annotation, which ensures exemption from residence permit for a maximum period of six months and is applied by the Ministry of Foreign Affairs.

f) Persons, who work at Turkey representations of international organizations and whose status are determined with agreements.

g) Holders of a valid “Registration Document” or “International Protection Applicant Identification Document” or “International Protection Status Holder Identification Document” within the framework of international protection application.

ğ) Holders of work permit or Work Permit Exemption Verification Document.

h) Holders of Migrant Documents within the scope of the Settlement Law.

ı) Holders of Temporary Protection Identification Document.

(2) Foreigners indicated in sub-paragraphs (ç), (d) and (f) of the first paragraph shall stay in Turkey with a document, form and content of which is jointly determined by the Ministry and the Ministry of Foreign Affairs.

(3) Foreigners indicated in sub-paragraphs (ç), (d), (e) and (f) of the first paragraph, who will continue staying in Turkey at the end of their condition enabling residence permit exemption or at the end of their appointment in Turkey, shall be obligated to lodge an application to the governorate, in which they would reside, latest within ten days in order to obtain one of the residence permits regulated under the Law.

(4) Excluding stateless persons and international protection status holders, durations passed as exempted from residence permit with documents and permits, which constitute their stay in Turkey, by foreigners indicated in the first paragraph shall not be included in the total duration of residence permit.

Principles of residence permit applications

ARTICLE 21 – (1) Foreigners lodging residence permit applications shall submit requested information and documents to governorates for applications within the country and to the consulates for applications abroad. Documents to be requested for application shall be determined by the Directorate General and published on the website of the institution.

(2) Residence permit applications that can be lodged to governorates in Turkey shall be lodged within the legal deadline for the application. Applications of persons, whose residence permit, visa or visa exemption has expired up to ten days, shall also be received. Ten-day period condition shall not be abided where necessary due to the foreigner’s condition and administrative needs. The Directorate General shall determine the related procedures and principles separately.

(3) The new residence permit duration shall start from the date of application for foreigners, whose applications have been received without abiding by the condition of ten-day deadline period where necessary due to the foreigner’s condition and administrative needs and have been finalized positively. Fees accrued for the durations passed until the date of application shall be calculated pursuant to the Law No. 492 on Legal Fees dated 2/7/1964 for these foreigners.

(4) It shall be the primary principle that foreigners shall lodge residence permit applications in person. These applications may also be lodged by the legal representative of the foreigner or foreigner’s lawyer vested with power of attorney.

(5) Renewal applications shall be lodged to governorates as of sixty days prior to the expiration of residence permit and in any case before expiration of the residence permit.

(6) Residence permit applications of persons, whose work permit has been canceled or has ended, shall be finalized within the scope of Article 22 of the Law.

(7) Mandatory ten-day period for residence permit applications of persons, whose work permit renewal application has been finalized negatively, shall start from the date of notification for negative work permit renewal application.

(8) Residence permit application document shall be issued to persons, who have concluded their residence permit application, within the framework of the provisions of the Law related to residence permit applications that can be lodged in Turkey or renewal of residence permits.

(9) Principles related to issuance of residence permit application document and the rights granted to the foreigner with the document shall be listed below:

a) The form and content of the document shall be determined by the Directorate General.

b) Condition of foreigners, who are exempted from residence permit fee, shall be indicated in the document.

c) The document shall not be subject to any charge, duty and other fee on its own.

ç) This document shall grant the right to stay in Turkey until the finalization of application.

d) Except for foreigners, whose exemption from fee has been documented, foreigners may exit from border gates multiple times and shall be exempted from visa requirements during their entry into the country, if they return within fifteen days each time without waiting for the finalization of their residence permit applications on condition that they prove the residence fees and are within the residence permit duration they requested. In case they exceed the fifteen-day limit, they shall be subjected to a process pursuant to the general provisions for visa. Provision of staying ninety days within one hundred and eighty days pursuant to Article 10 shall be reserved.

(10) A reason for the new residence permit request shall be sought from persons, whose residence permit application and residence permit have been rejected and who lodge another residence permit application within six months.

(11) A new reason shall not be requested from foreigners, whose short-term residence permits have been canceled due to staying abroad for more than one hundred and twenty days in total within last year; whose family residence permits have been canceled due to staying abroad for more than one hundred and eighty days within last year; whose long-term residence permits have been canceled due to staying outside of Turkey for more than a year continuously, in case they lodge an application to obtain these permits again.

(12) Foreigners within the scope of the eleventh paragraph, who are in Turkey, may lodge residence permit application within ten days as of the notification of cancelation decision. In this case, single entry visa fee and residence permit fee for the duration passed from the cancelation date of the residence permit to the date of application shall be collected as twice the amount. Periods of time passed abroad shall not be taken into account in calculation of this duration.

(13) Foreign children born in Turkey may stay in Turkey with their birth certificates until a travel document is issued and residence permit application is lodged, based on the valid residence permit duration of the parents. The birth certificate alone shall not entitle the right to enter into and exit from Turkey. It shall be mandatory to obtain a residence permit appropriate to the condition of these children within one hundred and eighty days. Residence permit shall be issued to be valid as of the date of birth of the child. Fees calculated to cover the exceeding period of time due to not obtaining a residence permit pursuant to the Law on Legal Fees shall be collected as twice the amount for persons, who have not lodged an application to obtain a residence permit within one hundred and eighty days even though they reside with a birth certificate. On the condition that the fee is paid, an entry ban for a certain period of time shall not apply.

(14) Governorates shall make necessary regulations, considering the conditions of disabled and persons with health problems in residence permit applications.

(15) The Directorate General may regulate regarding the provinces where residence permit may be granted due to public order or public security.

(16) Special provisions under bilateral or multilateral agreements shall be reserved.

Examination and finalization of residence permit applications

ARTICLE 22 – (1) The foreigner shall be notified about the missing or required complementary information and documents during application. The application shall be removed from the process, if the information and documents cannot be presented within thirty days as of the date of notification.

(2) Residence permit applications shall be finalized latest within ninety days as of the initiation of application process. Ninety-day period shall start on the delivery date of information and documents in full to competent authorities. The foreigner shall be informed in case the period is extended.

(3) Interview may be conducted with the foreigner during the evaluation process of residence permit application.

(4) Whether there are any undesirable conditions in terms of public order or public security shall be investigated when necessary.

(5) Health reports shall be required from persons, who are understood to have previously gone under process due to a disease threatening public health.

(6) The foreigner's statement shall be the primary principle in determination of whether the foreigner has sufficient and regular financial capabilities during his/her stay in the country for residence permit applications except family and long-term residence permits. In case the statement is not found credible, information and documents, which would enable concrete determination of financial capabilities, shall be requested and the following aspects shall be sought for determination of sufficient financial capabilities:

a) Whether he/she has financial capabilities to cover monthly expenses corresponding to net minimum wage applicable by the year of application.

b) Whether he/she has financial capabilities corresponding to one-third of the minimum wage for each family member including himself/herself, having a total income not less than minimum wage.

c) Not basing his/her financial capabilities only on the commitments of third persons.

(7) The foreigner's statement shall be the primary principle in determination of appropriate accommodation conditions in line with general health and security standards. Investigation shall be conducted through address registration system or in place when necessary.

(8) The foreigner's address in Turkey may be a permanent address or an address of an accommodation facility. In any case, the foreigner shall declare his/her address information in full. Additional information or documents shall be requested from the foreigner for complete determination of address information when necessary.

(9) Foreigners, who arrive within the scope of yacht tourism, may declare the marinas their yachts are moored in Turkey as residence address.

(10) Residence permit applications shall be rejected for persons, who do not pay the receivables, which derive from visa violation or previous residence permit or which should be tracked and collected pursuant to the Law No. 6183 on Collection Procedure of Public Receivables dated 21/7/1953; trial expenses and representation fees ruled to be paid as a result of the adjudication they are party to or debts and fines, which are tracked pursuant to the Turkish Penal Code No. 5237 dated 26/9/2004.

(11) A document, which is not subject to any charge, the form and content of which is determined by the Directorate General, shall be issued to a foreigner to enable him/her to stay in Turkey only up to ten days, in case the expired residence permit has not been renewed or the residence permit request has been rejected.

(12) Foreigners shall be obligated to register their address in address registration system latest within twenty business days as of the date of entry into the country for foreigners, who obtain their residence permit, work permit or work permit exemption verification document from consulates, and as of the date of delivery of permit documents for foreigners, who obtain these permit within the country.

(13) Foreigners shall be required to have a valid health insurance, which covers the duration of the residence permit they request. Persons under general health insurance in Turkey shall be deemed to have a valid health insurance. Provisions

and clauses falling under the regulations of the related institutions shall be sought in insurance policies presented for a valid health insurance. Private health insurances drafted by foreign companies shall be accepted for applications lodged within the country on condition that they are accredited in Turkey. Private or public health insurance condition shall not be required for persons, who can benefit from health services in Turkey within the scope of bilateral social security agreements.

(14) Private health insurance valid for one year shall be required in residence permit requests for one year and more from persons, who are not within the scope of general health insurance or lodge an application to the Social Security Institution.

(15) Residence permit applications shall be accepted without seeking for health insurance condition in case the Undersecretariat of Treasury indicates that obtaining a private health insurance is not possible.

(16) Health insurance condition shall not be required for foreigners, whose treatment are conducted or who are brought to our country for treatment free of charge within the scope of agreements, protocols and related legislation between the Ministry of Foreign Affairs and the Ministry of Health provided that they document their situation.

(17) Health insurance condition may not be required for foreigners, whose health expenses will be covered as notified by foreign countries or their representations.

(18) The foreigner's family ties in Turkey, residence duration, condition in the country of origin and the best interest of the children shall be taken into consideration for proceedings related to rejection of residence permit application lodged in Turkey, non-renewal or cancelation of residence permit and execution of the decision may be postponed. A document, which is not subject to any charge and entitles the right to stay in Turkey for a month, shall be granted to a foreigner in this situation. At the end of the one-month period, the Governorate shall conduct a re-evaluation and duration of the aforementioned document may be extended for one-month periods in case the condition, which requires the foreigner to stay in our country continues. In this case, charges for the duration of stay shall be collected from the foreigner pursuant to the provisions laid down in the Law on Legal Fees.

Issuance and renewal of residence permit

ARTICLE 23 – (1) Issuance and renewal of residence permit shall be carried out as below:

a) It shall be issued for a period sixty days shorter than the validity period of residence permit, passport or a document substituting a passport.

b) The type of permit shall be indicated in residence permit document.

c) Separate residence permit documents shall be issued to each foreigner. Valuable paper fee, which is determined by the Ministry of Finance pursuant to the Law No. 210 on Valuable Papers dated 21/2/1963, shall be collected for this document.

ç) Validity of residence permit shall start from the expiration date of visa or visa exemption or from the date of application upon request.

d) Validity of renewed residence permit shall start from the expiration date of the previous permit.

e) All residence permits except long-term residence permits shall be granted for a certain period and shall be renewed within the framework of principles determined in Article 24 of the Law.

f) A new residence permit document shall be issued each time in case of a renewal of residence permits.

g) Applications for renewal of residence permit may also be received electronically. Procedures and principles related to receiving applications shall be determined by the Directorate General.

(2) The governorate shall be notified in twenty business days in cases of changes in residence address, marital status, name or surname in the passport.

(3) Foreigners, who move their residence address to an address in a province other than the province they have obtained the residence permit from, shall lodge an application latest within twenty business days for the purpose of obtaining a new residence permit. In case the type of the residence permit does not change in this proceeding, a new residence permit document shall be issued but the period, charges of which had already been paid, shall not be subject to any charges again.

(4) The residence permit document shall be issued again, in case it is lost, stolen, inaccurate or worn out. In case of lost, stolen, inaccurate or worn-out residence permit documents, fees of residence permit document shall be collected in full and its charges shall be collected in half. Inaccurate residence permits shall be taken back from the foreigner and sent to the Directorate General to be forwarded to the Directorate General of Stamp Printhouse.

(5) Duration of residence permit may be shortened upon the foreigner's request.

(6) The form of the residence permit document and other regulatory principles shall be determined by the Directorate General.

Foreigners under detention and in prison as well as foreigners under administrative detention

ARTICLE 24 – (1) Foreigners listed below shall not be considered to have committed a visa or residence permit violation following the constitution of a proceeding for them:

a) Persons under detention.

b) Persons under arrest or convicted in prisons.

c) Persons, for whom administrative detention decision is taken.

ç) Persons being held at removal centers.

(2) In case of a visa or residence permit violation prior to be within the scope of the first paragraph, proceedings shall be conducted pursuant to general provisions for the periods of violation and if they have residence permits, they shall be canceled.

(3) Residence permit requests of foreigners listed under this article shall not be evaluated, procedures and principles related to granting foreigner identification number shall be determined by the Directorate General.

Work permit as residence permit

ARTICLE 25 – (1) Work permits, which are granted by the Ministry of Labor and Social Security or public institutions and organizations that are authorized to issue work permits in their legislation, shall be deemed as residence permits as long as they are valid. These foreigners and foreigners, who hold a Work Permit Exemption Verification Document, shall not obtain

a separate residence permit on condition that they pay the charge for residence permit. International protection applicants shall be exempted from this charge.

(2) Foreigners, who have requested issuance of work permit or renewal of their work permit, shall be required to be among foreigners, whose entry into Turkey would not be permitted. Institutions authorized to issue work permits may issue work permits on condition that they seek the approval of the Directorate General.

(3) Expiration date of the work permit shall also be the expiration of residence permit. Foreigners, who do not renew their work permit or obtain a residence permit appropriate to their new situation even though their work permit has expired, shall be considered to commit a residence permit violation.

(4) Durations of work permits and Work Permit Exemption Verification Documents shall be included in the total duration in calculation of residence permit durations.

(5) Public institutions and organizations, which issue work permits, shall share updated information on work permits with the Directorate General.

Transfer between residence permits

ARTICLE 26 – (1) Foreigners, who hold one of the residence permits and will continue to stay in Turkey after the primary reason for issuance of residence permit is over, shall lodge an application to the related governorate to obtain a residence permit fit for his/her new purpose of stay within ten days as of the expiration date of the reason. Residence permit application document shall be issued to these foreigners.

(2) Current residence permit of the foreigner, who lodge a transfer application within the scope of the first paragraph, shall be ended as of the date the reason for the permit is over.

(3) In case the foreigner, who has one of the residence permits, has a new reason in addition to his/her current reason, he/she may continue to stay with the current residence permit or may request a new residence permit from a governorate without waiting for the sixty-day period laid down in the fifth paragraph of Article 21.

(4) In case a foreigner, who has a student residence permit, becomes eligible for family residence permit, family residence permit shall be issued to this foreigner and he/she shall benefit from the rights derived from student residence permit as long as he/she continues to meet the conditions for student residence permit.

(5) In case a foreigner, who has a family residence permit, becomes eligible for student residence permit, his/her family residence permit shall continue to be valid and the foreigner shall also benefit from the rights derived from student residence permit.

(6) In case a foreigner, who has a work permit, becomes eligible for student residence permit, his/her work permit shall continue to be valid and he/she shall benefit from the rights derived from foreign student residence permit.

(7) In case foreigners, who have humanitarian residence permit or victim of human trafficking residence permit, become eligible for student residence permit, they may benefit from the rights derived from student residence permit without transferring to that permit.

(8) Refugees, conditional refugees, subsidiary protection status holders, persons with humanitarian residence permit and persons under temporary protection shall not be entitled to transfer to a long-term residence permit.

(9) Cooperation with related institutions and organizations shall be ensured to provide effective supervision on residence permit transfers.

Residence permit types

ARTICLE 27 – (1) Types of residence permits are listed below:

a) Short-term Residence Permit, which is issued for a maximum period of one year each time.

b) Family Residence Permit, which is issued for a maximum period of two years each time.

c) Student Residence Permit, which is issued based on education durations.

ç) Long-term Residence Permit, which is issued without a duration limit.

d) Humanitarian Residence Permit, which is issued for a maximum period of one year each time.

e) Victim of Human Trafficking Residence Permit, which is initially issued for thirty days and is issued for a maximum period of six months each time without exceeding the total duration of three years.

Short-term residence permit

ARTICLE 28 – (1) Short-term residence permit shall be issued for a maximum period of one year each time. The foreigner's request, reason and other matters related to residence permit shall be taken into consideration in determination of residence permit duration.

(2) In cases of short-term residence permit applications for scientific research purposes;

a) In case the scientific research is subject to permit, the permit document obtained from related institution or organization, otherwise a statement related to the subject of research shall be requested.

b) The foreigner's request, duration deemed appropriate and the granted permit shall be sent by institutions and organizations to the provincial directorate along with the information of the foreigner for researches other than archeological and surface researches. Reports prepared as a result of the research shall be notified to related institutions and organizations by the foreigners.

c) Foreigners, who will come for the purpose of archeological and surface researches, shall be required to have a visa fit for the purpose.

ç) Information and documents related to research subject and plan shall be requested when necessary.

d) Requests of foreigners, who will participate in archeological and surface researches while having another residence permit, shall be sent to the Ministry by the related organization along with their opinions.

(3) In case of residence permit applications lodged by foreigners, who have properties, the property should be a house and used for this purpose. Moreover, if family members have shared or cooperated right to the property, they may lodge residence permit under this sub-paragraph as well. Property may only constitute basis for only determination of financial capacity for family members, who do not have shared or cooperated right to the property.

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(4) A letter of invitation or a similar document may be requested from a foreigner, who lodge residence permit application for commercial connection or establishment of a business, if they request a residence permit for longer than three months.

(5) Residence permits, which are issued for the purpose of participation in in-service training programs, shall be issued for the duration of program based on the information and document related to the content, duration and location of the training to be provided by institution or organization.

(6) Information or documents from the related institution shall be requested for persons, who will be granted a residence permit for education or similar purposes within the framework of bilateral or multilateral international agreements or student exchange programs. Duration of residence permit cannot exceed the duration of the training or similar purpose. Provisions of the eighth paragraph of Article 35 shall be implemented related to health insurance condition to be sought for student, who come within the scope of student exchange programs.

(7) Statement related to travel plan including where, when and for how long foreigner will stay in the country shall be taken into consideration for residence permit application for the purpose of tourism. Information or document on travel plan or indicating the purpose of stay may be requested from the foreigner.

(8) Residence permits, which will be issued to foreign teachers serving at the schools under Embassies or Consulates in Turkey, officials of cultural institutions of foreign countries in Turkey, religious officials to be assigned at religious institutions pursuant to Article 54 of the Implementing Regulation of Law on Work Permits of Foreigners, shall be issued by collecting work and residence permit charges separately within the scope of sub-paragraph (g) of the first paragraph of Article 31 of the Law.

(9) Residence permit shall be issued to foreign press members working in Turkey, who are not within the scope of Law No. 4817 on Work Permits of Foreigners, within the scope of sub-paragraph (g) of the first paragraph of Article 31 of the Law not longer than the period indicated in press member card on condition that they present their press member card issued by Directorate General of Press and Information.

(10) Residence permit requests other than the short-term residence permit applications listed above shall be considered as requests for tourism purposes.

(11) Reception by public or private hospitals shall be sought for foreigners who do not have any disease qualified as a threat to public health and come to Turkey for treatment purposes only. Health insurance condition shall not be required for persons who document that they paid all treatment expenses. Residence permits shall be issued in line with their treatment durations. Valid health insurance condition shall not be required for foreigners, whose accommodation, food or health related expenses are covered by related public institutions and organizations during their treatment. Information or documents related to foreigner's treatment may be requested from related hospital or public institution and organization when necessary.

(12) Durations of residence permits to be issued upon requests or decisions of judicial or administrative authorities shall be issued taken into consideration the period indicated in the decision or request and valid health insurance and sufficient financial capability conditions may not be required.

(13) Residence permit issued for the purpose of learning the Turkish language can be issued to a foreigner, who enrolls to an institution competent to provide Turkish language courses, twice at most. Residence permit duration cannot exceed the duration of the course, if the course lasts less than a year. Institution providing Turkish language course must have necessary permit from Ministry of National Education. Institution providing the course shall be obligated to notify the provincial directorate the start and attendance situation of the foreigner, who enrolls for Turkish language education.

(14) Duration of the residence permit to be issued to persons, who will participate in education, research, internship or courses in Turkey through public institutions, cannot exceed one year. Valid health insurance condition shall not be required for foreigners, whose accommodation, food or health related expenses are covered by related public institutions. Information or document may be requested from institutions.

(15) Necessary proceedings shall be conducted for military personnel, who are in our country for training purposes within the framework of bilateral or multilateral agreements, without prejudice to the special provisions in the agreements. Short-term resident permit may be granted to their dependents in case family residence permit cannot be issued.

(16) Residence permit valid for one year may be granted to persons, who complete their higher education in Turkey, if they lodge an application within six months as of the date of their graduation for one time only. In addition to taking into consideration the reasons, which would constitute the basis of granting this permit, opinions of related institutions and organizations can also be considered.

Rejection, cancelation and non-renewal of short-term residence permit

ARTICLE 29 – (1) In cases listed below, short-term residence permit shall not be granted, shall be canceled if granted and shall not be renewed when expired:

a) Non-performance of one or multiple conditions stipulated in Article 32 of the Law or when these conditions no longer apply.

b) Determination of using residence permit for wrong purposes.

c) Staying abroad for more than one hundred and twenty days in total within last year except for mandatory public service, duty, education or health reasons.

ç) Valid deportation decision or entry ban to Turkey for the foreigner.

(2) Rejection, cancelation or non-renewal of residence permit application shall be notified to the foreigner or his/her legal representative or his/her lawyer.

Family residence permit

ARTICLE 30 – (1) Family residence permit may be granted based on the sponsors listed below:

a) Turkish citizens.

b) Persons who lost their Turkish citizenship by obtaining citizenship relinquishing permit pursuant to Article 28 of Turkish Citizenship Law.

c) Holders of one of the residence permits regulated in the Law on condition that they reside in Turkey at least for a year with a residence permit.

ç) Holders of identification documents substituting a residence permit as stipulated in the Law, except international protection applicants, conditional refugees and persons under temporary protection.

d) Refugees and subsidiary protection status holders.

(2) Foreigners who can obtain family residence permit are listed below:

a) Foreigner spouse of the sponsor.

b) Minor foreign child and adopted child of the sponsor or his/her spouse.

c) Dependent adult child of the sponsor or his/her spouse.

(3) In case the sponsor is married with multiple spouses pursuant to the laws of his/her citizenship, family residence permit shall be granted to only one spouse. However, family residence permit may be granted to sponsor's children, who are born from other spouses and are younger than eighteen, and dependent children, who are over eighteen.

(4) Consent of the mother or father, who are outside of Turkey and have joint custody, shall be sought for family residence permit requests of children.

(5) Family residence permits shall entitle right to education at primary and secondary institutions until the age of eighteen without obtaining student residence permit. Foreigners, who are not dependent to their legal representative even though they are over eighteen, shall be obligated to obtain student residence permit, if they would continue their education. However, family residence permit of foreigners, who are dependent to their legal representative, shall continue and they shall benefit from the rights derived from student residence permit. Provisions of Law No. 5510 on Social Insurances and General Health Insurance of 31/5/2006 shall be implemented in determination of a foreigner, who is dependent on his/her sponsor or sponsor's spouse, even though he/she is over eighteen.

(6) Persons who stay in Turkey with family residence permit for at least three years and are over eighteen may transfer to short-term residence permit or lodge application, upon request, for another residence permit, conditions of which they meet.

(7) In case of divorce, short-term residence permit may be granted to a foreigner, who was married to a Turkish citizen, on condition that they stayed with family residence permit for at least three years. Aforementioned foreigner's right to lodge application for another residence permit, conditions of which he/she meets, shall be reserved.

(8) Short-term residence permit may be granted to a foreigner spouse without seeking the three-year period condition on condition that the spouse would present a court decision related to him/her being a victim of domestic violence.

(9) In case of the sponsor's death, family residence permit obtained depending on the sponsor shall be used until the end of family residence permit. Short-term residence permit may be granted without seeking a condition of duration. At the end of this period, foreigner's residence permit request shall be evaluated pursuant to general provisions.

Sponsor's income standard in issuing family residence permit

ARTICLE 31 – (1) Sub-paragraph (b) of the fifth paragraph of Article 40 shall be implemented in calculation of sponsor's total monthly income for family residence permit requests.

Submitting sponsor's information and documents

ARTICLE 32 – (1) Sponsor shall submit information and documents, which establish that he/she is within the scope of first paragraph of Article 35, to the governorate of his/her residence as of lodging family residence permit application to a consulate. Family residence permit application shall be processed following the submission of information and documents.

Rejection, cancelation or non-renewal of family residence permit

ARTICLE 33 – (1) In cases listed below, family residence permit shall not be granted, shall be canceled if granted and shall not be renewed when expired;

a) Non-performance of one or multiple conditions stipulated in first and third paragraphs of Article 32 of the Law or when these conditions no longer apply.

b) Not granting a short-term resident permit when the conditions for family resident permit no longer apply.

c) Valid deportation or entry ban to Turkey decision for the foreigner.

ç) Determination of using family residence permit for wrong purposes.

d) Staying abroad for more than one hundred and twenty days in total within last year except for mandatory public service, duty, education or health reasons.

e) Determination of a marriage carried out for the purpose of obtaining a residence permit.

(2) Rejection, cancelation or non-renewal of residence permit application shall be notified to the foreigner or his/her legal representative or his/her lawyer.

Family residence permit requested through marriages of convenience

ARTICLE 34 – (1) In case of one or multiple conditions listed below, reasonable doubt shall arise regarding a marriage for the purpose of obtaining residence permit and investigations shall be conducted:

a) In case spouses do not live in the same house or a notice or complaint is filed that the marriage does not continue within family unity.

b) In case there is not a common language spoken by the spouses.

c) In case of an unreasonable age difference between spouses.

ç) In case foreigner commits visa or residence permit violations.

d) In case spouses indicate that it is a marriage of convenience.

e) In case one of the spouses is subjected to proceedings due to providing livelihood through illegal ways or illegal employment.

f) Inconsistency between family's income and living standards.

(2) Investigation shall be conducted in consideration of the below matters:

a) Investigation shall avoid disturbing and degrading treatments.

- b) Necessary measures shall be taken in order not to violate the right to privacy and immunity of residence.
- c) Separate and joint interviews shall be conducted with spouses. Spouses shall be obligated to comply with the interview invitation.
- ç) Whether any responsibilities are shared or not shall be determined.
- d) Information shall be received from close neighbors, address surroundings and family members.
- e) Information shall be received from local units. These units shall immediately comply with information and document requests.
- f) Sociologists, social workers, psychologists or other members of profession may be referred to during the investigation.
- g) Accompany of law enforcement personnel may be requested in the investigation.
- ğ) Other matters to be determined by the Ministry shall be paid attention to.
- (3) Following the investigation laid down in the first paragraph, a commission, which consists of one representative from provincial directorate of family and social policies, provincial directorate of population and citizenship and provincial directorate of security with at least one woman member under the chair of the representative from the provincial directorate, shall be established for evaluation and determination of whether the marriage was carried out only to obtain residence permit.
- (4) Governorate may conduct supervision regarding whether it is a marriage of convenience even after family residence permit is granted.
- (5) Residence permits obtained through marriages of convenience and canceled afterwards shall not be calculated in residence permit durations stipulated in the Law.
- (6) Related provincial directorate of security units shall be informed in case of the determination of marriage of convenience.

Principles concerning student residence permits

ARTICLE 35 – (1) Foreigners who shall attend an associate, undergraduate or graduate (master's and doctoral) program in a higher education institution in Turkey and those who do not have family residence permit and shall receive primary and secondary education shall be responsible for obtaining student residence permit. Provisions about international protection applicants and international protection status holders shall be reserved.

(2) Foreigners who apply from Turkey and who shall receive primary and secondary education shall be required to hold a visa fit for purpose.

(3) A residence permit shall be issued without any fees for students studying at Turkish schools and universities. A residence permit fee shall be collected from students studying at embassy school and international schools which are not considered as a Turkish school.

(4) The Directorate General shall take necessary measures in cooperation with primary and secondary schools, higher education institutions and relevant institutions and organizations to facilitate the implementation of procedures and proceedings of students.

(5) Criteria about covering care and expenses of foreigners who shall receive primary and secondary education shall be determined by the Directorate General in consultation with relevant institutions.

(6) Student residence permits shall grant students the right of being sponsor only in residence permit applications of their spouses and children. It shall not grant any rights to other relatives in terms of obtaining residence permit.

(7) In cases where the period of study is less than one year, the duration of the residence permit shall not exceed the period of study.

(8) Pursuant to the provisions of the Law on Social Security and General Health Insurance, another health insurance shall not be required from foreign students who have already applied for being covered by general health insurance within three months following their first registration. However, those who have not applied for being covered by general health insurance within three months following their registration and lost the right to benefit from general health insurance shall be requested to be covered by a private health insurance.

(9) A declaration of income shall not be required from foreign students who have arrived in our country by way of public institutions and organizations if they submit a document indicating that their food, healthcare and accommodation needs would be met by the relevant institutions.

(10) Student residence permits shall be issued until the beginning of the following academic term for students who arrived in our country to enroll in universities and who have been referred to Turkish preparatory classes/courses if they submit a document indicating their condition.

(11) Students and the relevant education institutions shall report any changes in attendance and registration conditions to the provincial directorates.

(12) The following procedures shall be implemented in university, faculty or department changes of undergraduate students:

a) The current residence permit shall be valid provided that the student does not discontinue his/her studies and report to the authorities within due time in case of changes of department or faculty in the same higher education institution.

b) The current residence permit shall be ended and a residence permit for the new period of studies shall be issued by the provincial governorate if the student would continue his/her studies in another province.

(13) If the undergraduate student suspends his/her studies, the resident permit shall be ended on the date of suspension.

(14) A student residence permit shall not be issued in cases of special studentship, open or distance education.

Application for student residence permit

ARTICLE 36 – (1) The application for student residence permit shall be lodged following the preregistration by the student or the school where he/she would receive education pursuant to the procedures and principles stipulated by the Directorate General. Preregistration shall not be required from those who have been placed by the Board for International Student Assessment. Procedures and principles regarding implementation shall be jointly determined by the Directorate General and the Secretariat of the Board for International Student Assessment.

(2) The education institution shall also apply for those who want to obtain their student residence permit from consulates.

(3) The provisions of Article 122 shall apply to the applicants of student residence permit who are under the age of 18 and have not yet attained majority.

Issuance of student residence permit

ARTICLE 37 – (1) A residence permit shall be issued, for a maximum of one year from the beginning of the period of study until the beginning of the following academic year, for students who would receive education at primary and secondary schools.

(2) The residence permit may be issued to foreigners who would attend an associate, undergraduate or graduate (master's and doctoral) program in a higher education institution in Turkey in a manner that it would cover the whole period of study as of the date of residence permit application. The residence permit of the students who cannot graduate within the stipulated time shall be extended up to a maximum of one year and in a manner that it would not exceed the maximum period of study. Residence permits of students who have graduated shall be ended and the period of ten days stipulated in the first paragraph of Article 26 shall start as of the graduation date.

Right to employment of graduate (master's and doctoral) students

ARTICLE 38 – (1) Master's and doctoral students studying in Turkey may work provided that they obtain a work permit.

(2) The total duration of work permits granted to students shall be added to the total duration of residence permits. The duration of student residence permits valid for the same period shall not be added to the computation.

(3) Students who have been granted a work permit shall be exempted from obtaining student residence permit as long as the work permit is valid. However, the foreigner shall obtain student residence permit when his/her work permit expires.

Rejection, cancellation or non-renewal of student residence permit request

ARTICLE 39 – (1) If the necessary conditions for student residence permit are not present or no longer apply, if evidence exists that the studies are possibly not to be continued, if it is determined that the student residence permit has been used for a purpose other than that it is issued for and if there is a current deportation decision or an entry ban to Turkey with respect to the foreign student, student residence permit shall not be issued, shall be canceled if there is any and shall not be extended.

(2) In case of rejection, non-renewal or cancellation of student residence permit of students who have a scholarship in Turkey, the institution awarding the scholarship shall be notified.

(3) Rejection, cancellation or non-renewal of the residence permit application shall be notified to the foreigner or his/her legal representative or lawyer.

Long-term residence permit

ARTICLE 40 – (1) A long-term residence permit shall be issued for an indefinite period of time by the governorates upon approval of the Ministry for foreigners who meet the conditions stipulated for long-term residence permit in the Law or set out by the Migration Policies Board.

(2) Foreigners shall apply for long-term residence permit if they meet the conditions. When checking whether the condition of residing in Turkey continuously for at least eight years on a permit has been fulfilled, an interruption of residence shall be identified as follows:

a) The date of application shall be referred to in computations. Any stay outside of Turkey or stays in Turkey without obtaining a residence permit by the foreigner shall be considered an interruption of residence.

b) If there is no interruption exceeding a total of one hundred and eighty days within one year retrospectively as of the date of application, a possible interruption in the next period of a year shall be checked. This checking proceedings shall include eight consecutive years.

c) If there is no interruption exceeding a total of one hundred and eighty days within one year, whether there is an interruption of a total of three hundred days in the last five years shall be checked.

ç) Requests of foreigners whose stay outside of Turkey or stay in Turkey without a residence permit exceeds six months once or consecutively within eight years shall be finalized negatively without doing any computations of interruption.

d) The previous duration of residence permits of foreigners in respect of whom a deportation decision has been made shall not count towards the summing of residence durations.

(3) In regard to the condition of residing continuously in Turkey on a permit for at least eight years, a computation shall be done pursuant to the second paragraph for residence permits issued before the Law entered into force.

(4) Checks shall be carried out to determine whether the foreigner has received social assistance in the last three years as of the date of application. If it is determined that he/she has received social assistance, his/her request shall be finalized negatively.

(5) The following matters shall be considered in implementation of the rule of possessing sufficient and sustainable source of income:

a) The foreigner shall possess a monthly income sufficient to cover monthly expenses and not less than the net minimum wage which is valid as of the year of the application.

b) The foreigner shall have a monthly income not less than the minimum wage in total corresponding one-third of the minimum wage per each family member.

c) The commitments of third persons shall not be accepted in income tests.

(6) Requests of those who are not covered by a valid medical insurance as of the date of application shall be finalized negatively.

(7) Whether the foreigner poses a threat to public order or public security shall be investigated when needed in cooperation with relevant security units.

Rights conferred by a long-term residence permit

ARTICLE 41 – (1) Foreigners holding a long-term residence permit shall benefit from the same rights as accorded to Turkish citizens pursuant to the following procedures and principles:

- a) They shall be exempted from compulsory military service in Turkey.
- b) They shall not exercise the rights to vote and be elected, of entering public office and of exemption from customs duties when importing vehicles.
- c) Without prejudice to acquired rights with respect to social security, they shall be subject to provisions stipulated in relevant laws in the enjoyment of these rights.
- ç) Proceedings of these persons such as residence, travel, employment, investment, commercial activities, acquisition and alienation of movable and immovable properties in Turkey shall be carried out pursuant to the legislation applied to Turkish citizens by relevant institutions and organizations.

(2) If the condition of being a Turkish citizen is required in private laws to exercise rights and obligations set out in the first paragraph, persons holding long-term residence permit shall not apply to exercise these rights.

(3) Rights foreigners holding long-term residence permit are entitled to shall be partly or fully restricted upon proposal of the Ministry or *ex officio* upon a Council of Ministers' decree.

Cancellation of long-term residence permit

ARTICLE 42 – (1) Long-term residence permit of those who are determined to pose a serious threat to public order or public security in consultation with relevant security units shall be canceled.

(2) Long-term residence permit of those who have been staying out of Turkey continuously for more than one year for reasons other than health, education or compulsory public service in his/her country shall be canceled.

(3) Long-term residence permit shall be canceled by the governorates upon approval of the Ministry.

(4) Those whose residence permit has been canceled pursuant to the first paragraph shall not apply to obtain one of the residence permit types.

(5) Cancellation of residence permit application shall be notified to the foreigner or his/her legal representative or lawyer.

Re-applications by foreigners whose long-term residence permits have been canceled

ARTICLE 43 – (1) Foreigners whose residence permit have been canceled due to their stay out of Turkey continuously for more than one year for reasons other than health, education or compulsory public service may reapply for this permit.

(2) Applications shall be lodged, in person or in compliance with the application procedures stipulated by the Directorate General, to consulates outside of Turkey and to the governorate where the foreigner resides.

(3) Priority shall be given to the assessment of these applications and the assessments shall be finalized no later than within one month.

(4) The following issues regarding the foreigner shall be taken into account in assessments:

- a) His/her will of staying in Turkey to settle in the country,
- b) Whether his/her relatives are in Turkey or not,
- c) His/her immovable property,
- ç) Active business and work relations,
- d) His/her social, economic and cultural ties with Turkey.

(5) Whether the requirement of obtaining long-term residence permit has been fulfilled shall be checked. However, the requirement of staying continuously in the country for eight years on a permit shall not be sought.

(6) The assessment carried out by the governorates shall be submitted to the Ministry with the opinion of the governorate. Issuing long-term residence permit again shall be subject to the approval of the Ministry.

Issuance, renewal or cancellation of humanitarian residence permit

ARTICLE 44 – (1) Proceedings regarding humanitarian residence permit shall be initiated upon request of the Directorate General or the governorate.

(2) The governorate shall assess *ex officio* whether the conditions constituting a basis for the permits have been removed within the duration of humanitarian residence permits and shall inform the Ministry. Humanitarian residence permit shall be canceled or shall not be renewed by the governorates in cases where the compelling conditions no longer apply, subject to the approval of the Ministry. The governorate shall notify the foreigner of the decision on cancellation or renewal of the humanitarian residence permit upon approval of the Ministry at least fifteen days before the residence permit ends.

(3) Those holding humanitarian residence permit may apply for another residence permit, conditions of which are fulfilled by them except long-term residence permit.

(4) The duration of stay in the country with a humanitarian residence permit shall not count towards the total duration of residence permits stipulated in the Law.

(5) Foreigners who have been issued with a humanitarian residence permit must register with the address based registration system no later than twenty working days as of the date of issuance of the permit.

(6) Humanitarian residence permits shall be subject to the provision of the Law on Legal Fees. When the necessary conditions for humanitarian residence permit have been fulfilled, non-payment of the fee due to a previous breach of the time limit of the residence permit shall not prevent the issuance of humanitarian residence permit.

(7) The decision on cancellation or non-renewal of humanitarian residence permit shall be notified to the foreigner or his/her legal representative or lawyer.

Victim of human trafficking residence permit, its renewal and support program for victims of human trafficking

ARTICLE 45 – (1) A victim of human trafficking residence permit valid for thirty days shall be granted without any fees, by the governorates, to foreigners who are victims of human trafficking or where there is a strong circumstantial evidence that they might be victims of human trafficking with a view to allow them to break from the impact of their experience and ensure that they cooperate with the competent authorities. It is necessary that the victim stays in a shelter or support center and participates in a support program upon his/her consent within this period.

(2) The support program to be provided for victims at a minimum level and within the framework of opportunities shall include support in different areas such as accommodation, health, psychosocial support, interpreter support and education.

(3) Obligations may be imposed on the victim within the period of support program or open residence permit.

(4) When issuing victim of human trafficking residence permit, conditions attached to other types of residence permits such as valid passport, visa, means of livelihood, address registration, medical insurance, and absence of a deportation decision or entry ban to the country shall not be sought.

(5) Victim of human trafficking residence permit may be renewed for a period of six months in a manner which it would not exceed three years for reasons of safety, health or special circumstances of the victim.

Discontinuation of victim of human trafficking support program and cancelation of victim of human trafficking residence permit

ARTICLE 46 – (1) Victim of human trafficking support program shall be discontinued and victim of human trafficking residence shall be canceled under the following circumstances:

a) In cases where it is determined that foreigners who are victims of human trafficking have reconnected with the perpetrators of the crime through their own volition.

b) When the obligations are not complied with.

c) In cases where it is determined that the foreigner is not a victim.

(2) The residence permit shall not be canceled when it is determined that the victim has been involuntarily performing the actions such as forcing, intimidation, violence and threat stipulated in the subparagraphs (a) and (b) in the first paragraph.

CHAPTER THREE

Stateless Persons

Application

ARTICLE 47 – (1) Persons who have arrived in Turkey as stateless or who have lost their citizenship in Turkey shall apply to the governorate for the determination of statelessness.

(2) Applications shall be lodged in person. Applications of minor children shall be lodged by either parent and by assigned guardian or trustee if there are no parents.

(3) Applications lodged to law enforcement units or other public institutions or organizations within the country or at border gates shall be promptly notified to the governorate.

(4) A reasonable period of time shall be granted to the applicant to allow him/her to present documentary evidence substantiating his/her claim of being a stateless person. The statements of those who cannot present any document regarding their identification may be accepted as basis.

(5) An application document to be valid until a decision is made shall be issued without subject to any fees for those whose applications have been accepted. Legal permit for stay pursuant to this document shall not be taken into account while calculating total residence period.

(6) Applications lodged by persons holding a stateless person identification document or a passport reserved for stateless persons of another country shall not be processed.

(7) Requests of those who have applied for a residence permit in Turkey while holding a stateless person identification document of another country shall be discontinued under general provisions and they must hold a passport or a valid document substituting a passport under any circumstances.

Interview in stateless person applications

ARTICLE 48 – (1) An interview shall be conducted no later than fifteen days after the completion of application and registration proceedings with the exception of compelling reasons. The report drafted after the interview and including the views of the governorate shall be submitted to the Directorate General.

(2) The below-mentioned matters shall be clarified in the interview:

a) When and through which channels the entry was made into the country.

b) Whether he/she has relatives in the country and where they live, if there are any.

c) How he/she provides his/her livelihoods.

ç) Process regarding his/her being stateless.

d) Determination of previous citizenship and revealing relevant documents.

e) Determination of whether the person has applied for statelessness status in another country and investigating the grounds for and regarding information and documents of the rejection, if there has been such an application.

f) Whether there is a possibility of acquiring the previous citizenship which he/she has lost.

Determination of statelessness

ARTICLE 49 – (1) The Directorate General shall conclude the proceedings related to determining whether the person is stateless within ninety days latest through obtaining opinions of relevant institutions and organizations when necessary.

(2) The steps to be followed in determining statelessness are as follows:

a) The person shall be requested information and documents to prove that he/she has no longer any citizenship links with the country that he/she has been a national of.

b) In cases where evidence cannot be presented in person, provisions of the legislation on the nationality of the relevant country shall be accepted as evidence.

c) The Directorate General may request necessary information and documentation from the country with which the person had previously citizenship links when required.

(3) Investigations shall be carried out to determine whether the foreigners are among the unrecorded population by establishing contact with provincial/district directorates of civil registration and citizenship when there is a doubt as to the foreigner may be among the unrecorded population.

Issuance of Stateless Person Identification Document, rights and guarantees granted to stateless persons and cancelation of the document

ARTICLE 50 – (1) Stateless Person Identification Document shall be issued without any fees for individuals who are determined to be stateless. This document shall be extended for periods of two years as long as the statelessness status continues.

(2) The form and content of the Stateless Person Identification Document shall be determined by the Directorate General.

(3) Persons holding a Stateless Person Identification Document:

(a) may apply to obtain any of the residence permits, conditions of which have been fulfilled.

(b) shall not be deported unless they pose a serious threat to public order or public security.

(c) shall be exempted from reciprocity requirement.

(ç) shall be subject to the provisions of the Law on Work Permits of Foreigners in procedures and proceedings regarding work permit.

(d) may obtain a passport reserved for foreigners under the provisions of Article 18 of the Passport Law.

(4) Stateless Person Identification Document shall be canceled if the person acquires citizenship or it is determined that he/she had presented untruthful information and documents in his/her application or a deportation decision has been taken due to posing a serious threat to public order or public security.

CHAPTER FOUR

Deportation

Deportation

ARTICLE 51 – (1) Foreigners may be deported to their country of origin or a transit country or the country he used as a transit country in order to come to Turkey and a third country by virtue of a deportation decision.

(2) When determining the country to which the foreigner is to be deported; the foreigner's nationality, whether he/she would be admitted into the country where he is planned to be sent to and, if any, his/her request regarding a third country shall be considered in the identification of the country to which the foreigner may be deported.

Deportation decision

ARTICLE 52 – (1) Deportation decision shall not be issued with respect to foreigners within Article 55 of the law as well as the below-listed foreigners:

a) who arrive at the border gates themselves to exit from Turkey within ten days in cases where their visas or residence permits have been canceled.

b) among those who have overstayed their visa or the visa exemption period for more than ten days, those who arrive at the border gates themselves in order to exit from Turkey.

c) among those who arrived with a visa or a visa exemption and whose residence permit requests have been rejected, those who are within their visa and visa exemption duration.

ç) among those who have a residence permit but who have overstayed for more than ten days the residence permit duration without an acceptable excuse, those who arrive at the border gates themselves in order to exit from Turkey.

d) among those whose residence permit extension application has been rejected and among those who have not exited from Turkey within ten days, those who arrive at the border gates themselves in order to exit from Turkey.

e) among foreigners who have withdrawn their international protection application or whose application has been deemed as withdrawn, those who have stated, in writing, that they renounce their right to litigate and their will to return to their country voluntarily.

f) among those who have withdrawn their international protection application or whose application has been deemed as withdrawn, those who have stated, in writing, that they renounce their right to litigate and those who have the right to stay in Turkey pursuant to other provisions of the Law.

g) who, until the final decision is made by the Court, seek judicial remedy within the framework of inadmissible applications of international protection applicants and accelerated procedure.

(2) The following elements shall be considered in respect of those a deportation decision is to be issued within the scope of Article 54:

a) Approval shall be requested from public institutions and organizations while identifying the foreigners posing a threat to public order or public security.

b) Health report shall be taken into consideration in the identification of those posing a threat in terms of public health.

(3) The situation of foreigners whose work permit has been canceled shall be notified to the Directorate General by the related institution for assessment pursuant to Article 54 of the Law.

(4) Subparagraph (ğ) of paragraph one of Article 54 of the Law shall apply to those who have been considered to have used the work permit in a way that does not conform to its purpose.

(5) In cases where, as a result of the assessment regarding the deportation decision, it has been deemed unnecessary to issue a deportation decision, the governorate shall issue a decision regarding the unnecessary of issuing a deportation decision and the decision shall be notified to the foreigner.

The duration for issuing a deportation, invitation to leave Turkey and administrative detention decision, the protection of the foreigner within this period

ARTICLE 53 – (1) Deportation, invitation to leave Turkey and administrative detention decisions shall be issued within forty-eight hours at the latest.

(2) With respect to foreigners who have been apprehended by law enforcement units;

a) The forty-eight hour period shall start, in the provinces with removal centers, as of the moment when the foreigner is handed over to the removal center.

b) In cases where there is no removal center in the province where the foreigner was apprehended or the removal center is full, the forty-eight hour period starts as of the moment when the law enforcement unit conveys the documents gathered with regard to the foreigner to the provincial directorate through an official report.

c) The law enforcement unit shall submit the information and documents with regard to the foreigner to the provincial directorate as soon as possible. In cases where there is no information and documentation regarding the identity of the foreigner, the statement of the foreigner may be referred to.

(3) With respect to foreigners identified by the provincial directorate;

a) The forty-eight hour period shall start as of the moment when the foreigner is present at the provincial directorate.

b) An official from the law enforcement units shall be requested for the protection of the foreigner and he/she shall be protected by the law enforcement units until the foreigner's deportation proceedings are carried out or he/she is transferred to the removal center.

(4) The general directorate shall cover the costs regarding the food and other needs of foreigners protected by the law enforcement units within the scope of the second and third paragraphs.

(5) Deportation decision shall be issued to foreigners whose deportation has been deemed necessary in his/her absence.

Issuing a deportation decision

ARTICLE 54 – (1) Deportation decision shall be issued separately for each foreigner.

(2) The assessment justifying the decision shall be carried out by the provincial directorate. Coordination with regard to the facility where the assessment will be conducted shall be ensured by the provincial directorate. According to this, assessment shall be conducted at the following facilities;

a) Provincial Directorate,

b) Removal centers,

c) A different facility deemed appropriate by the Provincial Directorate.

(3) In case there is a removal center in the province where the foreigner is apprehended, the foreigner shall be taken to the removal center by the law enforcement units after receiving the notification regarding the capacity situation of the removal center. Deportation decision and other decisions regarding deportation shall be issued at the removal center.

(4) Additional security measures may be taken by the governorate, when deemed necessary, according to the region of responsibility. Transfer of foreigners apprehended within the region of responsibility of Turkish Coast Guard Command, Land Forces Command and General Directorate of Customs Enforcement to the location where the assessment will be conducted shall be undertaken by the law enforcement units determined by the local authority.

(5) A single deportation decision shall be issued with regard to the foreigner for each incident when one of the cases listed under Article 54 of the Law takes place. In cases where the foreigner, with regard to whom a deportation decision is issued, is transferred to another province, deportation decision shall not be issued for the same reason by the province to which he/she is transferred. Deportation procedures shall be carried on referring to the first deportation decision.

(6) Deportation decision shall be issued with regard to those who applied themselves to the provincial directorates for going to a third country or the country of origin prior to the identification of the situation of irregular migrants by the competent authorities. Those considered to not pose any threats to general security shall be placed in an address in compliance with paragraph 4 of Article 57 of the Law and their deportation proceedings shall be followed from this address.

Assignment of general law enforcement personnel

ARTICLE 55 – (1) After the general law enforcement units notify the provincial directorate about the foreigners assessed and identified to be deported, the provincial directorate shall establish contact with law enforcement units according to their region of responsibility and request the assignment of the personnel for deportation and referral proceedings. The provincial directorate may also request the assignment of general law enforcement units that realized the apprehension or other law enforcement units in consideration of the region of responsibility.

(2) The provincial directorate's requests regarding the law enforcement units to escort the referral and deportation proceedings shall primarily be assessed and carried out in order to minimize the risks that may arise during the deportation proceedings of foreigners.

(3) During the proceedings such as the transfer of foreigners to be deported to removal centers or border gates or from the removal center where they are held to another, the required number of general law enforcement personnel shall be assigned by the governorate. Governorates may assign, when required, general law enforcement personnel regardless of the region of responsibility. Law enforcement units shall escort the transfer of foreigners to places such as consulates, hospitals, courts.

(4) During the transfer of foreigners, assigned law enforcement personnel shall take security measures as well as all measures for preventing foreigners from absconding or disappearing.

(5) With regard to foreigners who are held in removal centers or foreigners for whom a deportation decision has been issued and who are under administrative detention, but have been taken directly to health units without being taken to removal center;

a) The assessment regarding the ending of the administrative decision with regard to those whose inpatient treatment in health units has been documented with a health report shall be done by the governorates, save for the situations which may pose general security risks.

b) In cases where the decision to continue the administrative detention is issued, the situation of the foreigner shall be notified to the general law enforcement units by the provincial directorate. General law enforcement units shall carry out the security risk assessment, including the foreigner's risk of absconding or disappearing and determine the nature of the measures to be taken and carry them out.

(6) Procedures and proceedings specified under this article with regard to the foreigners who fall within the scope of deportation and who are apprehended by the Land Forces Command or Coast Guard Command shall be carried out by the nearest general law enforcement units.

(7) Procedures and proceedings, regulated under this article, of the foreigners who fall within the scope of deportation and who are apprehended by customs enforcement units shall be carried out by the related general law enforcement units in compliance with the region of responsibility.

(8) The list of the general law enforcement personnel to be assigned in the transfer of the foreigners to be deported, except for the law enforcement personnel assigned temporarily at the provincial directorates, shall be determined every year within the month of January and shall be submitted to the provincial directorates, provided that they remain under the duty of their units for ensuring the specialization.

(9) Domestic assignment letter of the personnel to be assigned in Turkey for the deportation proceedings shall be issued by the provincial directorate and foreign assignment letter of the law enforcement personnel to be assigned abroad shall be issued by the law enforcement unit.

(10) Temporary domestic and foreign duty travel allowances of the law enforcement personnel to escort the deportation proceedings shall be covered by the provincial directorate.

(11) Governorates shall take, within the scope of public order or public security, all measures with regard to the appointment and identification of the general law enforcement personnel to be assigned for the deportation proceedings. Disagreements regarding the identification of the general law enforcement personnel shall be finalized by the governorates. If deemed necessary by the governorates, law enforcement units may be assigned, regardless of the region of responsibility.

Issuance and notification of the deportation decision

ARTICLE 56 – (1) The deportation decision shall be issued by the governorate of the province where the foreigner is apprehended, processed or identified *ex officio* or upon the request of the Directorate General.

(2) The deportation decision shall include the information as to the fact that the foreigner will be deported directly, that he/she is invited to leave Turkey or that he/she is under administrative detention.

(3) The deportation decision shall be notified to the concerned. The notification shall include the requirement to inform the authority in cases where the deportation decision is appealed to the administrative court.

Implementation or cancelation of the deportation decision

ARTICLE 57 – (1) Following the issuance of the deportation decision, the deportation of the foreigner who falls under subparagraph (a) of the first paragraph of Article 55 of the Law to a third country shall primarily be assessed. In cases where it is impossible to remove the foreigner to a third country, deportation decision shall not be implemented and the foreigner shall be issued with a valid humanitarian residence permit. Within the period of the humanitarian residence permit, the opportunities for deporting the foreigner to his/her country of origin or a third country to which he/she could go. In cases where the obstacle to deportation no longer applies, humanitarian residence permit shall be canceled and deportation decision shall be finalized without issuing a new decision.

(2) Following the issuance of the deportation decision, the deportation decision shall not be implemented with regard to foreigners who are under subparagraph (b) and (c) of the first paragraph of Article 55 of the Law and the foreigner shall be issued with a humanitarian residence permit. The health condition of the foreigner shall be monitored during the period of the humanitarian residence permit. In cases where the obstacle to deportation no longer applies, humanitarian residence permit shall be canceled and deportation proceeding shall be finalized without issuing a new decision.

(3) Deportation decisions and, if any, administrative detention decisions with regard to foreigners for whom a decision to cancel the deportation has been issued by the administrative authorities shall be canceled. The necessary activities regarding their legal stay in Turkey shall be carried out.

(4) Assessments within the scope of the first and second paragraphs shall be made on case by case basis. These persons may be asked to reside at a given address and report to authorities in form and periods as requested.

Invitation to leave Turkey

ARTICLE 58 – (1) Foreigners who fall outside the scope of subparagraph (b) and (d) of the first paragraph of Article 54 of the Law shall be invited to leave Turkey provided that they meet the criteria mentioned under Article 54 of the Law.

(2) Among foreigners who have been invited to leave Turkey within a period no less than fifteen days and up to thirty days, provided that this period is stated in the deportation decision, and whose exit permit has been issued, those who have not left Turkey, without an acceptable excuse, after the expiry of the period granted to them to leave shall be issued with an administrative detention decision.

(3) Foreigners who have been invited to leave Turkey shall not apply for the residence permit or work permit within the stipulated period.

(4) Administrative detention of the foreigner shall be canceled when the decision to cancel the administrative detention is issued by the governorate or the Judge of the Criminal Court of Peace and he/she shall be invited to leave Turkey, provided that there is no court decision, with regard to him/her, imposing a ban on leaving the country. In cases where the foreigner, with regard to whom a decision to cancel the administrative decision has been issued as such, is determined to pose a public security risk, the related security and intelligence units shall be notified by the provincial directorate in order for the required activities to be carried out and the administrative obligations shall be fulfilled and the administrative detention of the foreigner shall be finalized.

(5) The necessary data entry shall be made by the provincial directorate carrying out the proceeding with regard to the foreigner in respect to whom a deportation decision is issued and who is invited to leave Turkey.

(6) When the foreigners who are invited to leave country arrive at the border gates in order to leave the country, their exit shall be ensured regardless of the period granted to them to leave.

(7) The entry ban shall not be imposed on those who paid the fines originating from overstaying the duration of visa or a residence permit, if any, among those who arrive at the border gate within the granted duration.

(8) The entry ban shall be imposed on those who arrive at the border gate after having overstayed the duration of the invitation to leave Turkey, according to the duration of the visa or residence permit overstay.

(9) The deportation proceeding of those who are determined to have overstayed the duration of the invitation to leave Turkey shall be carried out at the removal center.

(10) In cases where, during the entry proceedings at the border gates, records stating that the foreigner had been invited to leave Turkey are found, this record shall be lifted *ex officio*. In cases where there are records of entry bans imposed due to reasons other than this, action shall be taken within the framework of the related regulation.

(11) Foreigners who do not have a passport at the time when they are apprehended in any way shall benefit from the invitation to leave practice, provided that the foreigner fulfills all the criteria listed above regarding the invitation to leave practice.

Administrative detention for deportation

ARTICLE 59 – (1) When issuing an administrative detention for deportation; during the determination of foreigners posing a threat to public order and public security, the opinion of security units and during the determination of the foreigners posing a threat to public health, the opinion of the Ministry of Health shall be sought.

(2) Among foreigners who are not issued with a residence permit, whose residence permit is canceled; those found to have used false or fabricated documents or pose a threat to public order, public security or public health shall be placed under administrative detention.

(3) The petition against the deportation decision submitted to the administration by the foreigner shall be conveyed immediately to the competent administrative court and the appeal petition against the administrative detention decision shall be conveyed immediately to the competent Criminal Court of Peace.

(4) The application of the foreigner under administrative detention only against the deportation decision shall not cancel the administrative detention. The administration shall cancel the deportation proceeding when the information regarding the judicial remedy sought against the deportation decision is received.

(5) The deportation decision, administrative detention decision and the extension of the administrative detention decision issued with regard to the foreigner and the results of the monthly assessments and the reasons of the proceedings carried out and the notification forms shall be submitted to the Judge of the Criminal Court of Peace within the requested period of time. The application lodged to the Judge of the Criminal Court of Peace against the administrative detention decision shall not cancel alone the deportation proceeding.

(6) The duration of the administrative detention decision to be issued with regard to the deportation decision issued as a result of the assessment carried out on the case of the foreigner during his/her absence shall begin as of the apprehension of the foreigner.

(7) The administrative detention of foreigners whose deportation proceedings cannot be carried out within the period stipulated in Article 57 of the Law shall be canceled immediately after fulfilling certain administrative obligations.

Foreigners subjected to judicial proceeding

ARTICLE 60 – (1) Among foreigners with regard to whom judicial proceeding has been initiated due to involvement in crime, the necessary evaluation regarding the stay in Turkey of those who are released;

a) having carried out a proceeding on the document at the prosecution office,

b) having taken their statement,

c) with a decision of non-prosecution,

ç) on conditions of trial without arrest,

shall be carried out by the law enforcement unit prior to the handover of the released foreigners to the provincial directorates.

(2) Those who have the right to legal stay in Turkey shall be released by the law enforcement unit, to use this duration, with a notification and the provincial directorate shall be informed accordingly.

(3) Those who do not have the right to legal stay shall be informed to the provincial directorates for the necessary assessment to be conducted pursuant to the provisions of the Law.

(4) The follow-up and controls of foreigners in our country, who are released by judicial authorities upon issuing them with a judicial control decision and exit ban decision, shall be carried out within the framework of judicial control provisions by the related law enforcement units in view of the region of responsibility.

(5) In cases where the exit ban decisions with respect to the mentioned foreigners are canceled, the proceedings pursuant to the provisions of the Law shall be carried out by the provincial directorate.

(6) As long as a ban to exit is not stipulated by the judicial control decision, if there is no decision imposing a ban on the exit of the foreigner, the authority issuing the judicial control decision shall be notified prior to initiating the deportation proceedings of these foreigners.

Review of the administrative detention decision

ARTICLE 61 – (1) The administrative detention shall be reviewed on a monthly basis for the determination of whether there is a necessity to continue.

(2) The continuation of the administrative detention may not be deemed necessary under the following conditions:

a) Where it is foreseen that the deportation decision shall not be implemented within six months following the administrative detention of the foreigner.

b) Where there are strong reasons to believe that the foreigner under the administrative detention falls within the scope of those who are not to be issued with deportation decision.

c) Where the risk of absconding or disappearing which constituted the basis for issuing an administrative detention decision with regard to the foreigner is no longer available.

ç) Where the foreigner applies for voluntary return support.

(3) The implementation of the proceedings under the second paragraph shall be carried out without prejudice to the provisions of the subparagraphs (b) and (d) of the first paragraph of Article 54 of the Law.

Implementation of the deportation decision

ARTICLE 62 – (1) Implementation of the deportation decision shall be carried out by the law enforcement units with the coordination of the provincial directorate or the directorate of the removal center.

(2) The governorate shall assign personnel in issuing deportation or administrative detention decision, transfer of foreigners to removal centers or border gates or the implementation of the deportation proceeding

(3) The following procedures shall apply to the transfer of foreigners to the border gates:

a) All expenses regarding the transfer of foreigners to the border gates shall be covered by the provincial directorates.

b) The number of law enforcement personnel to be assigned for the transfer shall be determined after the risk assessment of the transfer is carried out by the law enforcement unit. The removal center or the provincial directorate shall, to that end, inform the relevant law enforcement unit beforehand about the foreigner subject to transfer proceeding.

c) The personnel of the provincial directorate may also be assigned in the transfer of those to be deported in case it is required by the provincial directorate.

ç) The law enforcement personnel assigned for the transfer proceeding shall take security measures for transfers to be made to border gates as well as all measures for the prevention of absconding and disappearing of foreigners.

(4) Those who bear risks to travel alone shall be escorted during their travel. Within this framework, the governorate may assign law enforcement personnel to escort the foreigner to the country where he/she is to be removed.

Voluntary repatriation requests of those to be deported

ARTICLE 63 – (1) Among foreigners with regard to whom administrative detention decision has been issued, those who lodge an application to return to their country or a third country may be returned, if there is no obstacle to their travelling, directly to their country or a third country of their choosing, without being transferred to removal centers or regardless of the period stipulated in Article 53 of the Law.

(2) Foreigners who lodge a voluntary return application while they are at the removal center shall be taken to the border gate by the general law enforcement in coordination with the provincial directorate. Deportation and administrative detention decisions with regard to these persons shall be canceled at the time of arrival at the border gate and exit proceedings shall be recorded as “return on a voluntary basis” or “voluntary leave”.

Deportation proceedings of foreigners admitted to Turkey pursuant to readmission agreements

ARTICLE 64 – (1) The Ministry shall determine the procedures and principles with respect to the deportation proceedings of foreigners to be admitted to Turkey pursuant to readmission agreements separately.

SECTION THREE International Protection

CHAPTER ONE International Protection Application

General principles

ARTICLE 65 – (1) Every foreigner or stateless person may lodge an international protection application on his/her behalf. International protection applications cannot be lodged by the legal representative or the lawyer of the person without prejudice to Article 68.

(2) International protection applications shall be lodged to the governorates in person. However, in cases where unaccompanied children and other applicants could not lodge applications in person, the applications of these persons may be taken by the concerned units on site.

(3) During application, a statement regarding his/her international protection application shall be received from the applicant in a language that he/she is capable of expressing himself/herself. This statement shall contain elements including the reasons for coming to the country and their special needs. In cases where a Turkish translation of his/her statement cannot be provided by the foreigner, the administration may benefit from the resources of public institutions and organizations along with international organizations including cooperation with non-governmental organizations.

(4) Persons who, approach the governorates on their own accord to lodge international protection application within a reasonable time, shall not be subjected to a criminal action for violating the conditions for legal entry into Turkey or legal stay in Turkey, on condition that they present the reasons for such illegal entry or stay. However, persons who cannot present valid reasons for their illegal entry or stay during the assessment carried out by the governorates shall be subjected to criminal action.

(5) Whether the application is lodged within a reasonable time, as well as the reasons expressed for the illegal entry or stay shall be examined on an individual basis for each applicant in consideration of the individual circumstances and the reasons for arrival in Turkey.

(6) Copies of the information and documents related to the applicant shall be taken to be maintained in his/her personal file in compliance with confidentiality and the original documents shall be returned to the applicant.

(7) Persons processed under international protection shall be permitted to stay in the country until a final decision is made regarding them.

(8) When a decision is made regarding the international protection applicants and status holders, the information obtained from related public institutions and organizations, international organizations and other sources shall be taken into account along with their statements.

(9) Necessary measures shall be taken by governorates for applicants who might be considered to pose a danger for public health.

(10) All information and documents regarding judicial and administrative proceedings related to persons processed under international protection before and after their application shall be requested from related institutions.

Common provisions regarding receiving applications and notification of interviews

ARTICLE 66 – (1) Information related to international protection application shall be obtained by provincial directorate during the application.

(2) Rights and obligations in Turkey along with the time and place of the interview on condition that this can be determined, shall be notified to the applicant during the application. Otherwise, time and place of interview may be notified to the applicant afterwards.

(3) In case of the applications lodged out of satellite cities, the applicant shall be permitted to reside at a certain address in the province of application until a decision regarding the province where it would be appropriate for the applicant to reside is made by the Directorate General or an authorized provincial directorate.

Applications lodged at other authorities

ARTICLE 67 – (1) In case applicants wish to lodge international protection applications at the border gates or to law enforcement units within the country or to other public institutions and organizations, provincial directorates shall promptly be notified by these units.

(2) International protection applications of persons whose freedom is restricted shall immediately be notified to the provincial directorate. Receiving and assessment of the applications shall not disrupt enforcement of other judicial and administrative proceedings or measures and sanctions.

(3) The Directorate General or provincial directorates shall notify relevant public institutions and organizations and particularly law enforcement units of the nature of international protection proceedings and steps to be taken in such applications.

Applications lodged on behalf of family members

ARTICLE 68 – (1) The applicant may file an application for his/her family members whose applications are based on the same ground and who accompany the applicant. In such cases, consent shall not be sought from the family members who have not attained maturity.

(2) Before giving consent for an application to be filed on their behalf, adult family members shall be informed about;

- a) Rights of an applicant,
- b) Procedures related to international protection application,
- c) That their application may also be assessed individually,
- ç) That they will be processed as an applicant under all circumstances,
- d) Other issues deemed appropriate by the administration.

(3) Family members for whom an application is lodged by consent or without requiring their consent since they have not attained maturity shall also be acknowledged as applicants. Applications of these persons shall be assessed together with the persons who had lodged application on their behalf. Unless adult family members submit a written request related to being assessed separately, they shall be assessed together with their accompanying family members.

(4) When it is deemed appropriate during application process that any family member needs an independent assessment, the application of this person shall be taken separately.

Determining identity

ARTICLE 69 – (1) The applicant shall be obligated to reveal his/her identity information truthfully, and if available, to hand over documents and travel documents to prove his/her identity. In case of suspicion with regards to non-genuineness of the documents presented, examination of these documents by the relevant units shall be ensured.

(2) Personal information of the applicant shall be taken, recorded on the database and compared with the data present in this database by the provincial directorate. The applications of the applicants objecting to the collection of their personal information shall be considered withdrawn.

(3) In case the applicant cannot submit documents related to his/her identity information, information obtained from the comparison of personal data in the identification process and information obtained from the investigations carried out shall be used. During investigations for determining identification, methods such as language analysis may also be benefited. The statement of the applicant shall be relied on in case his/her identification cannot be determined as a result of investigations.

(4) A body and belonging search may be duly performed on the applicant for the purpose of identification.

Issues to be considered during registration

ARTICLE 70 – (1) Confidentiality shall be the primary principle in registration proceedings. Necessary measures shall be taken to this end.

(2) Registration shall be conducted in a separate place furnished with adequate equipment and that would ensure the completion of the registration proceedings without any interruption. No one shall be allowed in the place where registration proceedings are conducted except for those who must be present during registration.

(3) The registration personnel shall avoid every sort of behavior and attitude that may prevent the applicant from giving information.

(4) International protection applications shall be recorded within the shortest time on the institutional software system.

(5) If the applicant is a person with special needs, information regarding his/her special needs shall be recorded.

(6) At the end of the registration, all information recorded on the screen of the system shall be precisely read back to the applicant and he/she shall be asked whether there are any points related to the accuracy of the previously presented information by him/her that he/she would like to add.

(7) A copy of the filled-out electronic registration form shall be printed, shall be signed by those who are present in the registration and shall be given to the related person.

Registration document

ARTICLE 71 – (1) Upon completion of the registration proceedings, an International Protection Application Registration Document, which is not subject to any fees, the form and content of which is determined by the Directorate General and which is valid as long as it is not canceled, shall be issued to the applicant by the provincial directorate. The applicant shall be entitled to stay in Turkey with this document without taking any residence permit.

(2) The Registration Document shall be issued on the date of international application regardless of the expiry dates of visas or visa exemptions of applicants entering into the country through regular migration or the illegal entry dates of applicants entering into the country through illegal channels.

Determining province of residence of the applicant

ARTICLE 72 – (1) The province where the applicant would reside shall be determined by the Directorate General or provincial directorate in case of authorization.

(2) The applications of applicants, who do not go to the province where they are permitted to stay within the determined period, shall be considered withdrawn.

First examinations to be conducted

ARTICLE 73 – Whether the application is considered inadmissible and whether it may be subjected to an accelerated procedure shall be assessed by the provincial directorate.

Inadmissible application

ARTICLE 74 – (1) Before making a decision on the inadmissibility of an international protection application, an interview shall be conducted with the applicant.

(2) The decision on inadmissibility following the interview shall be made by the governorates following an evaluation after the interview.

(3) Applications shall also be considered inadmissible in case any of the reasons stated in the first paragraph of Article 72 of the Law at any stage of the assessment of the application.

(4) The decision on inadmissibility may also be made by the Directorate General following an examination of registration, interview and other documents of the applicant.

(5) The decision regarding inadmissibility of the application shall be notified to the applicant.

First country of asylum

ARTICLE 75 – (1) In case of circumstances listed below, the applicant shall be accepted as having arrived from a first country of asylum:

a) Being recognized as a refugee in another country as well and being currently provided with the opportunity to benefit from this protection,

b) Although not being recognized as a refugee, being currently entitled to benefit from the sufficient and effective protection of the third country, including the principle of non-refoulement.

(2) A separate assessment shall be made for each applicant regarding whether a country is a first country of asylum for the applicant.

(3) In case it is accepted that the applicant has arrived from a first country of asylum, the application shall be considered inadmissible and proceedings for his/her return to the first country of asylum shall be initiated. If these persons cannot be sent to the first country of asylum, proceedings regarding their international protection application shall continue.

Assessment on whether an applicant currently benefits from the sufficient and effective protection in a third country

ARTICLE 76 – (1) In case of circumstances listed below, the applicant shall be considered as currently benefitting from the sufficient and effective protection in the third country:

a) The applicant do not have a well-founded fear of persecution or to not be at risk of serious harm in the third country,

b) The applicant do not have a risk of being sent to another country from this country where he/she cannot benefit from effective and sufficient protection,

c) The third country is a party of the Convention and the implementations of the country to be in accordance with the provisions of the Convention,

ç) The continuance of the effective and sufficient protection provided by the third country until a durable solution could be found for the person.

Safe third country

ARTICLE 77 – (1) The below conditions shall be sought for a country to be qualified as a safe third country for the applicant:

a) Meeting the conditions mentioned under the second paragraph of Article 74 of the Law,

b) The existence of a link between the person and the third country, as mentioned under the third paragraph of Article 74 of the Law.

(2) Realization of one of the below situations shall be sought for an assessment on the existence of a reasonable link, as mentioned under Article 74 of the Law:

a) The applicant to have resident family members in the safe third country,

b) Long period of previous stay of the applicant in the safe third country for the purposes including work, education, settlement,

c) The applicant to have solid cultural links with the safe third country, such as having a basic knowledge of the language of this country,

ç) The applicant to have entered the safe third country with the purpose of settlement, not just for transit.

(3) A separate assessment shall be made for each applicant regarding whether a country is a safe third country for the applicant.

(4) In case it is accepted that the applicant has arrived from a safe third country, the application shall be considered inadmissible and proceedings for his/her return to the safe third country shall be initiated. In case they cannot be sent to the safe third country, proceedings regarding their international protection application shall continue.

Exclusion from international protection

ARTICLE 78 – (1) The applicant shall be excluded from international protection under circumstances stipulated under Article 64 of the Law.

Withdrawal of the application or application that is deemed withdrawn

ARTICLE 79 – (1) Applications of those who fall under the first paragraph of Article 77 of the Law shall be considered withdrawn by the governorate, the assessment shall be discontinued and it shall be recorded on the institutional software system.

(2) Decision regarding an application that is deemed withdrawn shall be notified to the foreigner.

(3) Among the applicants, who declare withdrawal of his/her application in writing, a final decision shall not be waited for those who want to voluntarily repatriate.

(4) If it is determined that among those whose applications are deemed withdrawn the applicants who fall under the sub paragraph (a) of the first paragraph of Article 77 of the Law have not left Turkey after the expiry of the period granted to them to leave shall be deported and those who fall under the sub paragraphs (b), (c), (ç), (d) and (e) of the first paragraph of Article 77 of the Law shall also be deported following the final negative decision regarding the application's being deemed withdrawn if they are not entitled to stay in Turkey pursuant to the other provisions of the Law. However those who have not been notified of the fact that their applications are deemed withdrawn shall not be deported.

(5) Re-applications for international protection after the applications have been withdrawn or have been deemed withdrawn shall be assessed under accelerated procedures.

(6) The Directorate General may forbid entry into the country for those whose international protection applications have been deemed withdrawn or rejected or may delegate this authority to the governorates.

Accelerated assessment

ARTICLE 80 – (1) Under the circumstances stipulated in the first paragraph of Article 79 of the Law, international protection applications shall be assessed under accelerated procedures.

(2) Accelerated assessment shall not prevent the application to be assessed in detail within the scope of provisions on international protection.

(3) Applications, which are estimated to take longer than the time period foreseen in the second paragraph of Article 79 of the Law, may be removed from accelerated assessment.

(4) Whether an international protection application is assessed under accelerated procedures regardless of place and type of the application shall be decided by the provincial directorate.

(5) International protection application may be assessed under accelerated procedures at any stage of the application by the Directorate General or the provincial directorate.

CHAPTER TWO

Interview

General principles

ARTICLE 81 – (1) The interview shall be conducted within thirty days from the date of registration and the interview with an applicant whose application is assessed under accelerated procedures shall be conducted no later than three days.

(2) The interviews shall be conducted by personnel who are trained in the fields such as interviewing techniques, refugee law, human rights law and country of origin.

(3) The applicant's application shall be considered withdrawn and the assessment shall discontinue in case he/she does not attend to the interview on the dates notified to him/her for three consequent times without an acceptable excuse.

(4) Due to disability status or other compelling reasons, the interview may also be conducted in the foreigner's place of residence.

(5) The form and content of the interview form and the interview report to be used in the interview process shall be determined by the Directorate General.

Persons who may attend the interview

ARTICLE 82 – (1) The interview shall be conducted individually. However, the below listed persons may attend the interview when deemed necessary:

a) The family members upon consent of the person,

b) The applicant's lawyer as an observer upon the request of the applicant,

c) Interpreter,

ç) A psychologist, a pedagogue, a child development expert or a social worker, or officials from other relevant areas of expertise to be designated by the administration to the extent possible.

d) In the interviews conducted with children, the parent or the legal representative of the child.

(2) Individual interviews may be conducted when deemed necessary with family members on whose behalf an application has been lodged upon their consent, or without requiring their consent since they have not attained maturity.

Preparation for the interview

ARTICLE 83 – (1) The interviewer shall, before the interview, examine the claims of the applicant, country of origin information and information on other areas required related to the application and shall collect adequate information in order to determine the accuracy of the reasons expressed by the applicant during registration.

(2) The interviewer may prepare additional questions in addition to the questions on the interview form in order to clarify the claims.

(3) Interviewer shall inform the interpreter and other officials, who would be present at the interview, regarding the scope of interview and rules to be complied with.

Interview room

ARTICLE 84 – (1) The interviews shall be conducted in interview rooms, which are furnished with necessary technical equipment and ensure the conduct of the interview without any interruption.

(2) In the interview rooms, all kinds of measures to ensure the confidentiality and security of the interview shall be taken to provide the applicant with the opportunity to express himself/herself in the best possible way.

Elements to take into consideration before interviews

ARTICLE 85 – (1) Before the interview, the interviewer shall inform the applicant on the below-mentioned subjects:

- a) His/her role and duty, and the roles and duties of those persons who are present in the interview,
- b) The proceeding process related to the application,
- c) The purpose of the interview,
- ç) The importance for the applicant to deliver accurate information related to his/her application,
- d) The applicant's obligation to submit his/her documents, if there is any,
- e) That the interview may be recorded in audio and/or video format,
- f) That the statements provided by the applicant and any kind of information and documentation related to him/her will be kept confidential, and will not be disclosed to the authorities of the country of origin or to the third persons without his/her consent,
- g) Other issues to be determined by the Directorate General.

(2) The interviewer shall establish communication by taking into consideration the special conditions and the culture of the country of origin or country of habitual residence of the applicant and avoid every sort of behavior and attitudes that may prevent the applicant from giving information.

(3) Special circumstances of the applicants shall be taken into consideration in the interviews to be conducted with persons with special needs.

(4) On condition that the interview is recorded in audio or video format, an official report shall be drafted and a copy shall be handed to the interviewee.

Interview

ARTICLE 86 – (1) The interview shall be conducted by taking the country of origin information into account, examining the claims during the registration, identifying the credibility of the claims and carrying out examinations on other issues to be needed with a view to reach an effective and fair decision.

(2) In case the applicant cannot communicate properly with the interviewer or the interpreter for any reason during the interview, this fact shall be ascertained by an official report and the interview shall be postponed to be conducted at another date. Before the interview that is planned to take place, necessary measures shall be taken to eliminate the issues leading to the inability to communicate in the first interview.

(3) At the end of the interview, the application form shall be read back to the applicant and any corrections, explanations and additional information provided by him/her shall be inserted to the interview form.

(4) The Interview form shall be signed by those who were present at the interview.

When the interview cannot be conducted

ARTICLE 87 – (1) In cases that the interview cannot be conducted due to the reasons arising from the administration or the applicant, a new interview date shall be determined. The interview shall be conducted on the determined date.

(2) There shall be at least ten days between the dates of the interviews.

Conducting additional interview

ARTICLE 88 – (1) Additional interviews may be conducted with the applicant when needed. The rules, which are valid for the first interview, shall also be valid for the additional interviews.

(2) A time restriction shall not be set between the date of the first interview that had been conducted and the date of additional interview.

Interview report

ARTICLE 89 – (1) The interview report shall be prepared following the completion of the interview.

(2) The interviewer shall indicate his/her opinions and assessments in the interview report.

(3) In case an additional interview is conducted, the report of the previous interview shall be updated. If the report of the previous interview has not been drafted yet, a new interview report shall be drafted.

International protection applicant identification document

ARTICLE 90 – (1)“International Protection Applicant Identification Document”, which bears the foreigner identification number, is not be subject to any fees, form and content of which is determined by the Directorate General and is valid as long as it is not canceled, shall be issued to applicants, whose interviews are completed, and their accompanying family members by the Directorate General or the authorized provincial directorate with the exception of the persons that fall under the scope of Articles 72 and 79 of the Law and their family members.

(2) This document shall give the applicant the right to reside in Turkey without obtaining residence permit during its validity period.

Permission request to leave the province of residence

ARTICLE 91 – (1) Applicants may be granted permission for leaving the province up to thirty days when needed by the provincial directorate. The form and content of the permission document shall be determined by the Directorate General. Necessary measures shall be taken in order to prevent misuse of permissions to leave the province.

(2) The applicant may approach to the provincial directorate in the province where he/she is present if a need regarding the extension of the permission period arises. This request shall be assessed together with the province of residence. In case the request is accepted, the period of permission may be extended up to thirty days for once only by adding an annotation on the permission document.

(3) Permission requests following the permission of a total of sixty days granted pursuant to the first and second paragraphs shall be submitted to the Directorate General together with the view of the provincial directorate and necessary proceedings shall be initiated according to the decision of the Directorate General.

(4) In case it is determined that the applicants do not return to the province of residence at the end of the determined period or leave the province of residence without obtaining permission, data shall be inserted in the institutional software system regarding those applicants, necessary proceedings regarding searching for those applicants within the country shall be initiated and proceedings regarding their application to be considered withdrawn shall be initiated.

(5) In case foreigners, about whom there are search warrants, are identified in another province, decisions made about them, if there are any, shall be notified in consultation with the province of residence. The foreigner shall be referred to the province of residence through his/her own means or in company with law enforcement officers in charge when deemed necessary.

(6) Restrictions may be imposed for foreigners, who do not go to the province where they would reside or who leave these provinces in defiance of the rules stipulated by the governorates, regarding their rights, except the right to education and right to primary healthcare.

CHAPTER THREE

Decisions Concerning International Protection and Administrative Detention

General principles

ARTICLE 92 – (1) International protection applications shall be decided by the Directorate General or the governorate, in case the authorization is granted, within six months as of the registration date of the application. In case the decision cannot be taken within this period of time, the applicant shall be informed accordingly.

(2) Before taking a decision, the registration and interview forms and the interview report of the applicant, the country of origin information and all information and documents related to the applicant shall be reviewed and detailed investigation and examination shall be conducted. If required, additional information or documents may be requested through an additional interview to be conducted with the concerned person.

(3) The decisions shall be taken on an individual basis. However, the application lodged on behalf of the family shall be assessed as a whole and the decision taken for such applications shall be applied to all family members, without prejudice to the decisions on exclusion from international protection.

(4) Removal decision may be taken for applicants or international protection status holders, who are considered to pose a threat to public order and public security.

(5) The decisions taken within the scope of international protection, appeal procedures and periods shall be notified to the foreigner or his/her legal representative or lawyer.

International protection applicant identification document

ARTICLE 93 – (1) “International Protection Applicant Identification Document”, which bears the foreigner identification number, is not be subject to any charge, form and content of which is determined by the Directorate General and is valid as long as it is not canceled, shall be issued to persons, who are granted international protection status.

(2) This document shall provide, as long as it is valid, the applicant with the right to reside in Turkey without obtaining a residence permit.

(3) The international protection applicant identification document set out under Article 90 and the international protection status holder identification document set out under this Article may be issued as a single document bearing the foreigner identification number, free of charge and form and content of which is determined by the Directorate General. This identification document may be issued by the Directorate General or the provincial directorate, in case the authorization is granted.

Resettlement to a third country and the permit to exit our country

ARTICLE 94 – (1) Proceedings related to resettlement to a third country of foreigners, who are processed within the scope of international protection, shall be conducted under the coordination of the Directorate General. In the proceedings related to resettlement to a third country, cooperation may be ensured with public institutions and organizations, international organizations and non-governmental organizations.

(2) The permit to exit to a third country shall be issued by the Directorate General and the governorates, in case the authorization is granted.

Administrative appeal and judicial process

ARTICLE 95 – (1) When an administrative appeal is lodged or a legal remedy is sought against international protection proceedings constituted by the administration, applicants shall be permitted to stay in Turkey until the process is

finalized. Lodging an appeal or seeking a legal remedy shall not constitute an impediment to imposing residence and notification obligation.

(2) Humanitarian residence permit may be issued when a legal remedy is sought against proceedings taken under Article 72 and 77 of the Law.

Administrative detention of applicants

ARTICLE 96 – (1) Subjecting applicants to administrative detention shall be an exceptional proceeding. The governorate may determine alternative procedures to administrative detention. In cases these measures are insufficient, applicants may be subjected to administrative detention under the conditions stipulated under the second paragraph of Article 68 of the Law.

(2) Whether administrative detention is necessary shall be assessed individually.

(3) The administrative detention decision, including its reasons and duration shall be notified to the person subjected to administrative detention or to his/her legal representative or lawyer. They shall be informed about the consequences of the decision and appeal procedures.

(4) The administrative detention decision shall be taken upon the instruction of the Directorate General or *ex officio* by governorates according to the procedures and principles stipulated in Article 68 of the Law. Administrative detention shall be lifted under the same procedure or upon the decision of the criminal court of peace judge. The court decision for lifting the administrative decision shall immediately be notified to the Directorate General.

(5) The applicant whose administrative detention is lifted may be obligated to fulfil other obligations besides mandatory residence and notification obligation.

(6) The person placed under administrative detention or his/her legal representative or lawyer may appeal against the detention decision to a criminal court of peace judge at the place, where administrative detention decision is taken or where foreigner is held under administrative detention. Appeals shall not suspend the administrative detention. In case the petition is handed to the administration, it shall immediately be conveyed to the competent criminal court of peace judge. The criminal court of peace judge shall finalize the assessment within five days. The decision of the criminal court of peace judge shall be final. The person placed under administrative detention or his/her legal representative or lawyer may further appeal to the criminal court of peace judge with a claim that the administrative detention conditions no longer apply or have changed.

(7) In case a foreigner, who is placed under administrative detention at a removal center, applies to international protection, international protection proceedings shall continue to be conducted by the Directorate General, unless otherwise decided, during the administrative detention decision taken pursuant to Article 57 of the Law without taking a new administrative detention pursuant to Article 68 of the Law.

CHAPTER FOUR

Cessation and Cancellation of International Protection Status

Cessation of status

ARTICLE 97 – (1) In case the conditions laid down in first paragraph of the Article 85 of the Law arise, international protection status shall be cease. The foreigner, his/her lawyer or legal representative shall be informed of the decision and he/she shall be given an opportunity to provide information and documentation orally or in writing in a reasonable time period.

(2) The decision on the cessation of the international protection status pursuant to Article 85 of the Law shall be taken by the Directorate General or by the governorates, in case the authorization is granted, and notified to the foreigner or his/her legal representative.

(3) Cessation decision shall be given individually. However, the status of family members, who were recognized based on the same ground, shall be ceased with the same decision.

Cancellation of status

ARTICLE 98 – (1) In case the conditions laid down in the first paragraph of Article 86 of the Law arise, international protection status shall be canceled. The foreigner, his/her lawyer or legal representative shall be informed of this decision and he/she may be given an opportunity to provide information and documentation orally or in writing in a reasonable time period.

(2) In case the informing in the first paragraph cannot be done through person's contact or address information, cancellation decision may be taken in the absence of the person.

(3) Cancellation decision of international protection status to be given in line with Article 86 of the Law shall be taken by the Directorate General or the governorates, in case the authorization is granted, and shall be notified to the foreigner or his/her legal representative.

(4) Cancellation decisions shall be given individually. However, the status of family members, who were recognized based on the same ground, shall be canceled with the same decision.

CHAPTER FIVE

Administrative Appeal and Legal Remedy

Appeal to international protection evaluation commission

ARTICLE 99 – (1) Decisions taken on international protection applications can be appealed against before the International Protection Evaluation Commission in ten days following the notification of the decision to the person concerned except administrative detention decisions, inadmissible application decisions and accelerated assessment decisions.

(2) Appeals shall be conveyed to the Commission by the provincial directorate along with the information and documents to be presented.

Decisions of the Commission and their nature

ARTICLE 100 – (1) The Commission shall consider the following issues while assessing the appeal:

- a) The Commission shall examine the administration's decision in terms of procedure and principle.
 - b) The Commission may request information from the Directorate General, a representative of the Directorate General or the provincial directorate.
 - c) The Commission may have an interview with the appellant or his/her legal representative or lawyer directly or through the provincial directorate.
- (2) The Commission shall reach a decision as a result of its assessment in two ways as follows:
- a) The Commission may reject the appeal of the applicant.
 - b) The Commission may request from the administration to review its previous decision in terms of procedure and principle.
- (3) The Commission shall deliver a decision within fifteen days following the notification of the appeal. This period can be extended maximum five more days.
- (4) The decision of the Commission shall be notified to the foreigner or his/her lawyer or legal representative.
- (5) The new evaluation to be conducted upon the request of the Commission for the review of the administration's decision in terms of procedure and principle shall be carried out by an official different from the one who reviewed it at first instance.

Application to the administrative court

ARTICLE 101 – (1) The applicant or his/her lawyer or legal representative may appeal against inadmissible application decisions and accelerated assessment decisions to the competent administrative court in fifteen days following the notification of the decision. Applications lodged to the Court within this scope shall be finalized within fifteen days. The Court's decision on this subject shall be final.

(2) Administrative decisions taken on other issues can be appealed against to the administrative court within thirty days following the notification of the decision except administrative detention decisions, inadmissible application decisions and accelerated assessment decisions.

(3) Lodging an appeal to the International Protection Evaluation Commission shall not preclude the concerned person's right to appeal to the competent administrative court and shall not end the term of litigation. However, in case it is discovered that the person, who appealed to the Commission, has at the same time appealed to the competent administrative court as well, then the Commission shall end evaluation of the application.

CHAPTER SIX Rights and Obligations

Informing and interpretation

ARTICLE 102 – (1) Applicants and status holders shall be informed on rights and obligations, and the sanctions for failure to comply with the obligations and to cooperate with the authorities and appeal procedures. The procedures and principles, under which information is to be provided, shall be determined by the Directorate General.

(2) In application, registration, interview, and other procedures deemed necessary by the administration, interpretation services shall be provided free of charge when the necessary level of communication cannot be achieved without the services of an interpreter.

(3) In case the applicant submits documents supporting his/her claim in a language other than Turkish, copies of these documents translated by authorized persons shall be requested. In case the translation of these documents cannot be provided by the applicant, the administration may benefit from the resources of public institutions and organizations along with international organizations including cooperation with non-governmental organizations.

(4) At any stage of international protection proceedings, it shall be the primary principle to notify the applicant in the language of the country of his/her nationality or another language he/she can understand.

(5) Interpretation services to be provided at any stage of international protection proceedings may be provided by the Directorate General or the provincial directorate through their own personnel or service procurement.

(6) Regarding the interpretation services, administration may cooperate with public institutions and organizations and non-governmental organizations and international organizations.

Informing on legal aid and counseling services

ARTICLE 103 – (1) Applicants and international protection status holders shall be informed in writing on matters regarding access to and benefiting from the rights and services regulated under Article 81 of the Law.

Travel Documents

ARTICLE 104 – (1) The format, validity period and content of the travel document to be provided to refugees within the scope of the Convention shall be determined by the Ministry in compliance with the Convention and shall be issued by the Directorate General or the governorate, in case the authorization is granted.

(2) Requests related to travel documents by conditional refugees and persons benefiting from subsidiary protection shall be evaluated within the framework of Article 18 of the Law No.5682 on Passports.

Education

ARTICLE 105 – (1) Applicants or international protection status holders and their family members may benefit from the education services in primary and secondary education institutions by presenting their documents showing their statuses.

(2) Enrollment proceedings in the primary and secondary education institutions and other matters shall be conducted within the framework of Ministry of National Education legislation.

(3) Those persons among the applicants and international protection status holders, who obtain a right to an associate degree, bachelor's degree, graduate degree or doctoral studies in Turkey in accordance with the general provisions, may receive

education by presenting their documents showing their statuses without being required to obtain a separate student residence permit.

Access to social assistance and services

ARTICLE 106 – (1) Identification of the persons in need among the applicants and international protection status holders and the access of these persons to social assistance and services shall be determined by the governorates in consideration of the following criteria:

- a) Means of accommodation,
- b) Situation of regular income,
- c) Number of dependent family members,
- ç) Movable and immovable properties in Turkey or in his/her country,
- d) Whether the person receives assistance from relatives in Turkey or in his/her country,
- e) Whether the person receives assistance from public institutions and organizations or other foundations, associations and private organizations,
- f) Whether the person has health insurance,
- g) Whether the person has a disability or a disease,
- ğ) Other factors which to be determined by the administration.

(2) The social assistance and service support, which may be provided to persons in need, shall be provided according to the procedures and principles determined by the Ministry and The Ministry of Family and Social Policies.

Health

ARTICLE 107 – (1) Applicants or international protection status holders, who are not covered under any medical insurance and do not have financial means, shall be subject to the provisions of the Law on Social Insurance and General Health Insurance.

(2) Whether the applicants or international protection status holders fall under the scope of the first paragraph shall be determined by the governorates pursuant to the procedure under the first paragraph of Article 106.

(3) The procedures and principles regarding the start, end of coverage or cancelation of the general health insurance of applicants or international protection status holders shall be determined by the Directorate General in cooperation with the Social Security Institution.

Work

ARTICLE 108 – (1) Applicants or international protection status holders may work in Turkey within the framework of fourth paragraph of Article 89 of the Law.

(2) Access of applicants or international protection status holders to labor market shall be ensured according to the procedures and principles determined by the Ministry of Labor and Social Security, in consideration of the Ministry's opinion.

Stipend

ARTICLE 109 – (1) Destitute situation of persons, regarding the cash allowance to be provided by the governorates in accordance with fifth paragraph of Article 89 of the Law shall be determined by the governorates according to the procedures and principles set forth in first paragraph of Article 106.

(2) Cash assistance, which will be provided to persons in need, may be provided by the governorates in accordance with procedures and principles to be determined by the Ministry in consideration of the favorable opinion of the Ministry of Finance.

Residence and notification obligation of applicants and international protection status holders

ARTICLE 110 – (1) The Directorate General, in consideration of public order; public security; person's request, his/her special situation; medical and educational situation; kinship relations; culture; personal circumstances and capacity of the provinces, may determine the places where applicants will be accommodated and the province where they will reside in the course of application or registration proceedings and make changes in the later stages.

(2) The provinces where conditional refugees and persons benefiting from subsidiary protection will reside may be determined by the Directorate General or they may be choose from the provinces to be determined by the Directorate General. In case the provinces are not determined by the Directorate General, they may reside in provinces of their own preference.

(3) Applicants, refugees, conditional refugees and persons benefiting from subsidiary protection shall be obligated to register with the address registration system and to inform their address of residence and change of address to the provincial directorate in twenty work days at the latest.

(4) In addition to obligation to reside in a specific province, notification obligation in line with the determined intervals and procedures may be imposed on applicants, conditional refugees and persons benefiting from subsidiary protection due to public order and public security.

(5) Applicants may request to change the province of residence for family, health and other reasons and these requests shall be assessed by the Directorate General and the provincial directorate, in case the authorization is granted.

(6) The provisions of this article may also be applicable for refugee status holders.

Other obligations

ARTICLE 111 – (1) Applicants or international protection status holders shall be obligated to comply with the conditions set forth in the first paragraph of Article 90 of the Law and with the additional conditions notified to them by the Directorate General or the provincial directorate.

(2) Persons, who receive assistance and services specified in the third section of the Law unjustly as indicated in subparagraph (ç) of the first paragraph one of Article 90 of the Law, shall be obligated to reimburse the cost of assistance and services provided completely or partially to the extent they can afford.

(3) No restriction to benefit from their rights to education and primary healthcare shall be imposed for persons, who do not comply with their obligations set forth in Article 90 of the Law, with regard. Prior to imposing restrictions regarding other rights, the necessary notifications regarding their obligations shall be given to them by the provincial directorate. In case noncompliance with the mentioned obligations continues, the decision on limiting the applicant or international protection status holders' rights, with the exception of the right to education and primary healthcare, shall be taken by the Directorate General or by the governorates in accordance with the procedures and principles to be determined.

(4) Save for the right to education and primary healthcare, restrictions to benefit from other rights may be imposed for those who are issued a negative decision by the Directorate General of Migration Management or governorate regarding applications of the applicants or statuses of international protection status holders.

(5) Assessment regarding the restriction shall be conducted individually and the decision shall be notified to the person concerned.

CHAPTER SEVEN

Other Provisions on International Protection

Cooperation during international protection processes

ARTICLE 112 – (1) The Ministry may cooperate and sign protocols with international organizations and non-governmental organizations within the scope of Article 92 of the Law.

Persons with special needs

ARTICLE 113 – (1) Whether the applicant is an unaccompanied child, disabled, elderly, pregnant, single parent with a child or a person who has been subject to torture, sexual assault or other forms of serious psychological, physical or sexual violence shall be primarily determined.

(2) Persons, who are identified as persons with special needs at any stage of the international protection proceedings, shall be prioritized in all the proceedings and procedures to be conducted, all kinds of necessary facilitation shall be ensured and their situation shall be recorded.

(3) Cooperation may be conducted with the relevant public institutions and organizations, non-governmental organizations and international organizations for the treatment of persons, whose proceedings are conducted within the scope of international protection and who are considered to have been subject to torture, sexual assault or other forms of serious psychological, physical or sexual violence.

Victims of human trafficking who fall under the scope of international protection

ARTICLE 114 – (1) The provisions related to the victims of human trafficking shall also be applicable for the individuals, who have been or suspected to be victims, from among the applicants or international protection status holders.

Country of Origin Information

ARTICLE 115 – (1) Information on the countries of origin, residence and transit shall be gathered through more than one resource in order to identify the accuracy of the applicant's claims during the evaluation process of international protection application.

(2) The Directorate General may establish a source country report obtaining system with the aim of gathering and updating country of origin information.

(3) The establishment of a source country report obtaining system and its management shall be conducted within the framework of the procedures and principles determined by the Directorate General.

(4) The Directorate General may cooperate with the public institutions and organizations, universities, international organizations, non-governmental organizations and other institutions which may provide information within the country of origin.

(5) The Directorate General may assign personnel in the relevant countries with the aim of gathering country of origin information.

(6) The Directorate General shall take necessary measures to update the country of origin information.

The principle of confidentiality

ARTICLE 116 – (1) Confidentiality shall be the primary principle for all information and documents pertaining to the applicants and international protection status holders. Level of confidentiality shall be determined within the scope of related legislation based on the content of proceedings to be conducted.

(2) Information and documents shall be maintained in archive areas specially designated by the Directorate General or the provincial directorate and shall be processed by the authorized personnel.

(3) Information related to the applicant or international protection status holder shall not be shared with any institution of his/her country of origin during the international protection application evaluation process.

(4) No information and document, which would endanger the applicant, his/her dependents and his/her family members who are at present living in the country of origin, shall be shared in any communication, which may be established with the authorities of the country of origin regarding persons whose international protection applications were rejected and proceedings related to their return to their country of origin have been initiated.

(5) Personal data deemed appropriate by the Directorate General may be shared with countries other than the country of origin, related public institutions and organizations, universities, international organizations, non-governmental organizations and third persons.

(6) Documents in the personal file pertaining to the foreigners within the scope of this Regulation may be examined by the foreigner himself/herself, his/her legal representative or lawyer who presents a power of attorney and their copies may be taken. Information and documents related to the national security, the protection of public order and public security and the prevention of crime shall not be examined or handed over. The determination of the information and documents, which shall

not be examined and handed over, shall be conducted according to the procedures and principles to be determined by the Directorate General.

(7) Civil servants and other personnel responsible for the implementation of the Regulation shall not disclose any confidential information, document and personal secrets they acquired on duty with unauthorized persons and shall not use them for their own or third persons' benefit.

(8) The principle of the best interest of the child shall be observed for information sharing concerning children.

Access to personal file

ARTICLE 117 – (1) In case a copy of the documents present in the personal file pertaining to the applicant or international protection status holder are requested in writing, a copy of these documents shall be provided, with an official report, to the person or to his/her legal representative or lawyer who present power of attorney. It shall be indicated in the official report that the provided copies of the documents could only be used for defense purposes during an administrative appeal and a judicial process and that liability may arise in case of sharing with or disclosing to third persons.

SECTION FOUR Common Provisions and Migration Policies Board

CHAPTER ONE Common Provisions

Integration

ARTICLE 118 – (1) Directorate General shall cooperate with public institutions and organizations, local authorities, non-governmental organizations, universities and international organizations in order to plan and implement mutual integration between legally staying foreigners, international protection applicants or status holders or persons under temporary protection and to establish centers for this purpose.

(2) Centers to be established to carry out integration activities and standards of services to be provided at these centers shall be determined by the Ministry after receiving the opinions of related institutions and organizations. Cooperation and coordination between national and international institutions and organizations shall be ensured by the Directorate General.

(3) Provincial migration boards, which plan and implement integration activities at provincial level, shall convene once a month under governor with the participation of public institutions and organizations, municipalities, chambers of commerce, non-governmental organizations and universities. Decisions taken at each meeting shall regularly be submitted to the Directorate General.

Statistical data

ARTICLE 119 – (1) Statistics of foreigners and applicants or international protection status holders shall be stored and shared by the Directorate General or governorates based on the procedures and principles to be determined by the Directorate General.

(2) Directorate General shall publish statistics related to procedures and proceedings within the scope of the Law in cooperation with Turkish Statistics Institution.

Procedures and principles related to notification proceedings

ARTICLE 120 – (1) Provisions of Law No. 7201 on Notifications of 11/2/1959 shall be implemented in all notification proceedings in this Regulation.

(2) Proceedings subject to notification shall be carried out as listed below:

- a) Form and content of the notification shall be determined by the Directorate General or governorate.
- b) All notifications shall be conveyed in languages to be determined by Directorate General
- c) Governorate shall determine the most appropriate language for the notification, in case reliable notification proceedings cannot be conducted in the determined languages.
- ç) Conditions of persons with special needs shall also be taken into consideration in notification proceedings.
- d) Notifications shall be conveyed to the related person or his/her legal representative or his/her lawyer.
- e) In cases where the related person is not represented by a lawyer, he/she or his/her legal representative shall be informed about the result of the decision, appeal procedures and periods.

(3) Notification proceedings may also be conducted through registered electronic mail. Procedures and principles related to assigning Registered Electronic Mail for Foreigners and using this system shall be conducted within the framework of Electronic Notification Regulation, which was published in the Official Journal No. 28533 of 19/1/2013.

Voluntary repatriation support

ARTICLE 121 – (1) Voluntary repatriation support may be granted to foreigners within the scope of the Law, who wish to return to their country of origin or a third country, in order to facilitate their return and contribute to their integration within the framework of procedures listed below:

- a) Decisions related to support to be provided to person, who will voluntarily return, shall be taken by the Directorate General upon governorate's request.
- b) Support could be in kind or in cash as well as in the form of vocational training and may be provided in Turkey or in foreigner's country of origin.
- c) Entry ban to Turkey decision may not be taken for foreigners who return to their countries of origin with the provided support.

(2) Persons who are under administrative detention and lodge application for voluntary repatriation support may be taken to a separate center or a decision may be taken to end their administrative detention.

(3) The Directorate General may cooperate with public institutions and organizations, international organizations, authorities of related countries and non-governmental organizations for the provision and implementation of voluntary repatriation support and may benefit from the funds of international organizations.

(4) Status of an international protection status holder, who requests voluntary repatriation and withdraws his/her request, shall be maintained. Proceedings of applicants shall resume.

(5) Status of an international protection status holder, who voluntarily repatriate, shall be ceased.

Matters to be taken into consideration in procedures and proceedings of children

ARTICLE 122 – (1) Following matters shall be observed in procedures and proceedings related to foreign children except for the provisions in exclusive laws:

a) Joint consent of the mother and father shall be sought in case of joint custody. Consent may be given before the administrative authorities, where application will be lodged. In case one of the spouses and the child are in separate countries, consent of the other spouse related to this request shall be requested from the mother or father, who lodge application for the child.

b) Mother or father, who document his/her custody, may carry out the proceedings alone.

c) In cases where legal representative and the child are in different countries, person who accompanies the child shall be entitled to conduct proceedings related to the child on condition that consent of the legal representative before a competent authority and undertaking that the accompanying person assumes the care of the child.

ç) As to the best interest of the child, the administration shall *ex officio* initiate procedures and proceedings within the scope of the Law and take a decision without seeking any consent, request or application.

d) Matters related to international protection shall be reserved for provisions related to children.

Unaccompanied children

ARTICLE 123 – (1) Provisions of the legislation related to Child Protection Law No. 5395 shall be implemented for children who arrive in Turkey without the attendance of an adult who by law or custom is responsible for him/her or for children who are left unaccompanied after entry into Turkey, unless he/she is not taken under the active care of a person responsible for him/her.

(2) The following matters shall be taken into consideration in all proceedings related to unaccompanied children, in consideration of the best interest of the child:

a) Unaccompanied children shall immediately be taken under the protection of the Ministry of Family and Social Policies and shall be placed in an appropriate accommodation place or his/her adult relatives or a foster family by the Ministry of Family and Social Policies.

b) Comprehensive age determination, which includes physical and psychological assessment, shall be conducted by governorates for applicants and irregular migrants, whose age cannot be proved with documentation and who is suspected to be over eighteen years old.

c) Foreigners, who would undergo age determination, shall be informed about the purpose and process of the proceeding. Foreigner shall be considered a child, in case the suspicion related to the age of foreigner cannot be eliminated as a result of the determination proceeding.

ç) Applicants or irregular migrants, whose age determination is requested, shall be accommodated by a competent public institution or another place deemed appropriate by that institution until the final report is issued.

d) Persons who are over sixteen may be accommodated at removal centers, in case they are irregular migrants on condition that special conditions are fulfilled or at reception and accommodation centers, in case they are applicants or international protection status holders.

e) Siblings shall be kept together to the extent possible, considering the interests, ages and maturity level of children. Their accommodation places shall not be changed, unless it is not necessary.

f) Interviews of children shall be conducted in an environment best suitable for them. Psychologist, child development specialist, social worker assigned by the administration, parent or legal representative may be present during an interview with a child. Aforementioned specialists shall be requested from related institutions.

g) All interviews shall be conducted by qualified personnel, who have adequate information about psychological, emotional and physical developments of children.

ğ) The fact that a child may not express all his/her requests clearly shall be taken into consideration in the stage of decision.

h) Interviewer may benefit from the opinions of the specialist, who attend the interview of children, while preparing the interview report.

i) Procedures subject to adult irregular migrants or applicants shall be implemented for the persons, who are determined to be eighteen and older in accordance with an age determination report received from a full-fledged state hospital or Forensic Medicine Institution.

Receiving and storing personal data

ARTICLE 124 – (1) Personal data of foreigners within the scope of the Law including fingerprint, palm print, retina, voice scanning and photograph shall be collected, protected, maintained, used and shared by the Directorate General or provincial directorate within the framework of procedures and principles determined by the Directorate General.

(2) Collected personal data shall be stored by recording them in a system exclusive to this purpose, indicating identification information of the foreigner along with when and by whom the data were collected.

(3) Fingerprints shall not be collected from heads of state or government and high level government officials, who lodge visa applications; members of official delegations invited to Turkey and their accompanying spouses and children and children below the age of eighteen, who lodge visa or residence permit application.

Removal centers and reception and accommodation centers

ARTICLE 125 – (1) Procedures and principles related to removal centers and reception and accommodation centers shall be regulated within the framework of the Regulation on Establishment, Management, Running and Supervision of Reception and Accommodation Centers and Removal Centers, which was published in the Official Journal No. 28980 of 22/4/2014.

CHAPTER TWO

Migration Policies Board and its Duties

Composition

ARTICLE 126 – (1) The Board, chaired by the Minister of Interior shall be comprised of the undersecretaries of the Ministry of Family and Social Policies, Ministry of European Union, Ministry of Labor and Social Security, Ministry of Foreign Affairs, Ministry of Interior, Ministry of Culture and Tourism, Ministry of Finance, Ministry of National Education, Ministry of Health and Ministry of Transport, Maritime and Communications as well as the President of the Presidency of the Turks Abroad and Related Communities and the Director General.

(2) Depending on the agenda of the meeting, representatives from the relevant ministries, other national or international institutions and organizations, and non-governmental organizations may be invited to the meetings. Representatives of institutions and organizations to be invited to the meeting shall be determined with the approval of the Chair of the Board.

Duties

ARTICLE 127 – (1) The Board shall:

- a) determine Turkey's migration policies and strategies and follow up on their implementation;
- b) develop strategy documents as well as program and implementation documents in the field of migration;
- c) identify methods and measures to be employed in case of a mass influx;
- ç) determine principles and procedures concerning foreigners to be admitted in mass to Turkey on humanitarian grounds, as well as the entry into and stay of such foreigners in Turkey;
- d) determine principles concerning the foreign labor force needed in Turkey, in line with the opinions of the Ministry of Labor and Social Security, as well as the foreign seasonal workers to be employed in agriculture, pursuant to views of the Ministry of Food, Agriculture and Livestock;
- e) determine other conditions of the long-term residence permits to be issued to foreigners;
- f) determine framework for effective cooperation in the field of migration with foreign countries and international organizations and the relevant studies in this field;
- g) take decisions to ensure the coordination among public institutions and agencies working in the field of migration.

Convening procedure

ARTICLE 128 – (1) The Board shall periodically convene every year on the dates determined by the Chairperson. The Board may also convene extraordinarily upon the call of the Chairperson in cases deemed necessary. Director General may make recommendations to the Chairperson on holding extraordinary board meetings.

(2) Board meetings shall be held at any location deemed appropriate by the Chairperson of the Board.

Meeting agenda

ARTICLE 129 – (1) Meeting agenda shall be prepared by the Chairperson of the Board after receiving the opinions of the members. Director General shall present the meeting agenda to the approval of the Chairperson of the Board with the opinions of the Board member related to the agenda prior to the meeting date.

(2) The meeting agenda shall be sent to the Board members by the Directorate General with its annexes, if available. Additions may be made to the agenda by the Chairperson when deemed necessary even after the agenda is sent.

Board decisions

ARTICLE 130 – (1) The Board shall convene by the absolute majority of the total number of its members and decisions shall be taken by majority of votes. In cases where there is an equality of votes, the Chairperson of the Board shall exercise a casting vote.

(2) Board decisions shall be written during or after the meeting in a reasonable period of time by numbering each decision and shall be signed by the Chairperson and the members. In cases where there are plans, projects, maps and similar documents as additions to board decisions, a set of these documents shall be reserved in the decision case after having been initialed by the secretariat.

(3) The decisions with dissenting votes shall be delivered to the secretariat with justifications for dissenting votes by Board members, who vote against the decisions.

(4) Representatives, who are not Board members but are invited to Board meeting, may not vote.

Announcement of the decisions

ARTICLE 131 – (1) The decisions taken by the board shall be notified in writing by the Directorate General to the Board members and the related institutions and organizations. They shall also be announced at the web site of the Directorate General, unless there is a confidentiality order.

Monitoring and evaluation of board decisions

ARTICLE 132 – (1) Public institutions and organizations, which are responsible for the implementation of Board decisions, shall issue monitoring reports with regard to the implementation of the decisions and submit them to the Directorate General within periods of four months as of the date of the meeting date. Justifications of institutions and organizations which do not prepare monitoring reports or comply with the decisions shall be requested to be sent in writing until the next meeting to be presented to the Board.

Secretariat and support services

ARTICLE 133 – (1) The Directorate General shall provide the secretariat and support services for the Board.

SECTION FIVE

Boards and Committees of the Directorate General and Miscellaneous Provisions

CHAPTER ONE

Composition of Permanent Boards and Committees and Ad Hoc Committees

Permanent Boards and Committees

ARTICLE 134 – (1) The permanent boards and committees of the Directorate General shall include; Migration Advisory Board, International Protection Evaluation Committee and Coordination Board for Fight Against Irregular Migration.

Ad Hoc Committees

ARTICLE 135 – (1) The Directorate General may establish ad hoc committees to carry out activities within its mandate and to contribute to its activities.

CHAPTER TWO

Migration Advisory Board

Composition

ARTICLE 136 – (1) The Migration Advisory Board, chaired by the Ministry's Undersecretary or a deputy undersecretary to be assigned by the Undersecretary, shall consist of the representatives of the Turkish Human Rights Institution, Ministry of European Union, Ministry of Labor and Social Security, Ministry of Foreign Affairs, who are at least at the level of head of department, the Director General, Deputy Director Generals, the heads of the Foreigners, International Protection, Protection of Victims of Human Trafficking, Integration and Communications, Migration Policies and Projects Departments, United Nations High Commissioner for Refugees Representative in Turkey, International Organization for Migration Representative in Turkey, five academicians specialized in migration matters, and the representatives of five non-governmental organizations operating in the field of migration.

(2) The Chairperson of the board may invite migration experts from Turkey or abroad to their meetings to consult their opinion.

Identification of the board member academicians

ARTICLE 137 – (1) Ten academicians, who have at least post graduate degree, five of whom to be assigned as permanent board members and five of whom as substitutes, shall be selected for a duration of three years upon the proposal of the Director General and the approval of the Ministry's Undersecretary.

(2) Academicians to be appointed as board members shall be identified through the evaluation of the applications received upon the announcement made by the Directorate General. The announcement for board membership shall be made through the website of the Directorate General. The announcement regarding the applications may also be informed to universities and migration research and implementation centers of universities in writing. Applications shall be received within the announced dates, provided that they do not exceed a period of one month.

(3) The scholar may lodge an application himself/herself or universities may recommend an academician.

Identification of the board member representatives of non-governmental organization

ARTICLE 138 – (1) Ten representatives of non-governmental organizations to be assigned as board members, five of whom are permanent and five are substitute, shall be elected for three years upon the proposal of the Directorate General and the approval of the Ministry's Undersecretary.

(2) The announcement for board membership shall be made through the webpage of the Directorate General. Applications shall be received within the announced dates, provided that it does not exceed a period of one month.

(3) Applications shall be lodged by non-governmental organizations.

(4) Board members to be selected as the representatives of non-governmental organizations shall primarily be the representatives of associations, foundations, professional organizations and think tanks and their higher structures on matters within the mandate of the Directorate General. Persons, who had previously organized national or international conferences, panels, seminars and similar meetings on matters within the mandate of the Directorate General may be preferred primarily. However, representatives of the associations and foundations within the scope of the Law No. 5072 on Relations of Associations and Foundations with Public Institutions and Organizations of 22/1/2004 shall not be selected as board members.

(5) Non-governmental organizations shall be represented by a person designated by the chairperson of the executive board or the decision-making body of the organization.

Other matters concerning the board members

ARTICLE 139 – (1) The academicians and representatives of non-governmental organizations shall be announced on the website of the Directorate General to be identified latest within one month following the application deadline.

(2) Substitute member shall be assigned in the place of the permanent member, who notifies that he/she cannot attend the meeting or who withdraws from membership.

(3) The membership of a member, who does not attend meetings two consecutive times without an excuse, shall be dismissed with the decision of the Board.

Convening procedure

ARTICLE 140 – (1) The Board shall convene periodically two times a year on the dates to be determined by the Chairperson. Extraordinary board meetings may also convene at all times upon the call of the Chairperson. The Director General may make recommendations to the Chairperson on holding extraordinary board meetings.

(2) Board meetings shall be held at the Directorate General or any location deemed appropriate by the Chairperson.

Agenda of the board meeting

ARTICLE 141 – (1) The draft of the meeting agenda prepared by the Secretariat upon approval of the Director General shall be conveyed to the members, if any, with its annexes at least one month prior to the meeting date. The members shall convey the matters they propose to be included in the agenda to the Directorate General at least two weeks prior to the date of the meeting.

(2) The meeting agenda shall be determined after it is finalized and submitted to the Chairperson's approval by the Director General and shall be conveyed to the members.

Board decisions and their nature

ARTICLE 142 – (1) The Board shall convene by the absolute majority of the total number of its members and decisions shall be taken by majority of the votes. In case there is an equality of votes, the Chairperson of the Board shall exercise a casting vote.

(2) Board decisions shall be written in the meeting room by numbering each decision and signed by the Chairperson and the members. In cases, where the decisions are to be written and signed after the meeting, a decision report with regard to this situation shall be prepared and signed by the members. In cases where the decisions cover more than one page, other pages shall be written to decision papers with header and the last page of the decisions shall be signed by the Chairperson and members and the other pages shall be initialed. In cases where there are plans, projects, maps and similar documents as additions to board decisions, a set of these documents shall be reserved in the decision case after having been initialed by the secretariat.

(3) The decisions with dissenting votes shall be signed with the indication of the dissenting votes. The justifications for dissenting votes shall be submitted to the secretariat in writing until the next board meeting to be reserved in the decision case.

(4) The Board's advisory decisions shall be assessed by the Directorate General and public institutions and organizations.

Announcement of board decisions

ARTICLE 143 – (1) The decisions taken by the board shall be notified in writing by the Directorate General to the institutions and organizations to which the members are representative.

Monitoring and evaluation of board decisions

ARTICLE 144 – (1) Public institutions and organizations shall inform the Directorate General of the activities they carry out in line with the board decisions with respect to their mandate and the results of these activities until the next meeting through an official channel. The Directorate General shall assess these activities and submit them for the Chairperson's information.

Secretariat and support services

ARTICLE 145 – (1) The Directorate General shall provide the secretariat and support services for the board.

CHAPTER THREE

International Protection Evaluation Commission

Composition

ARTICLE 146 – (1) The International Protection Evaluation Commission, chaired by a representative of the Directorate General, shall consist of representatives designated by the Ministry of Justice and Ministry of Foreign Affairs, and a migration expert. United Nations High Commissioner for Refugees Representative in Turkey may be invited to the commission as an observer.

Members of the Commission

ARTICLE 147 – (1) The representative of the Directorate General to chair the Commission and a migration expert to be assigned to the Commission or in cases where there is no migration expert, the assistant migration expert to be assigned as a substitute shall be assigned by the Directorate General for two years as permanent and substitute. Other members shall be assigned for two years as permanent and substitute members. No additional tasks shall be assigned to the Chairperson and members of the Commission during their tenure.

(2) The Directorate General may request from the Ministry of Justice and the Ministry of Foreign Affairs that the representatives to be assigned as permanent and substitute representatives during the period stipulated in Article 115 of the Law are persons with expertise on this matter. The Ministries shall make the assignments in fifteen days upon the written notification of the Directorate General.

Working procedure of the Commission

ARTICLE 148 – (1) The Commission shall convene on the dates deemed appropriate by the Chairperson of the Commission in order to assess the appeals of persons whose international protection claims are rejected.

(2) The Commission shall convene with the complete participation of the members and take decisions by the absolute majority. In cases where there is an equality of votes, the Chairperson of the Board shall exercise a casting vote.

(3) Commissions may be established at the central or provincial organization. The Directorate General shall determine the establishment and working procedures of the commissions to be established at the provincial level.

(4) The members shall not abstain from voting for decisions. The decisions, for which dissenting votes were used, shall be signed by writing "dissenting vote". The justifications for the dissenting votes shall be notified to the secretariat in writing, to be reserved in the decision case.

(5) The Commission shall carry out its activities at the Directorate General service building whereas the commissions to be established at the provincial level shall carry out their activities at the provincial directorate or other facilities deemed appropriate by the commission.

(6) The Commissions established at the central organization of the Directorate General may be assigned as a provincial commission to provinces where there is need. The tenure shall be fifteen days maximum. In cases where the evaluations done by the Commission fails to be completed, this period may be extended once for a duration of fifteen days maximum.

Commission decisions and their nature

ARTICLE 149 – (1) The Commission shall also consider the following elements in the evaluation of appeals:

a) The Commission shall assess the decision taken by the administration in terms of procedure and principle.

b) The Commission may request information from the Directorate General, the representative of the Directorate General or the provincial directorate.

c) The Commission may interview the appellant or his/her legal representative or lawyer directly or through the provincial directorate.

(2) The Commission shall take a decision in two ways as a result of its evaluation:

a) The Commission may reject the appeal of the applicant.

b) The Commission may request from the administration to review its decision in terms of procedure and principle.

(3) The Commission shall take decision within fifteen days maximum following the receiving of the appeal.

(4) Commission's decision shall be notified to the foreigner or his/her lawyer or legal representative.

Secretariat and support services

ARTICLE 150 – (1) The Directorate General shall provide the secretariat and support services for the Commission.

CHAPTER FOUR Coordination Board for Fight Against Irregular Migration

Composition

ARTICLE 151 – (1) The Coordination Board for Fight Against Irregular Migration chaired by the Undersecretary of the Ministry or a deputy undersecretary to be assigned by the Undersecretary, shall consist of representatives who are at least at the head of department level from the General Staff, the Ministry of Labor and Social Security, the Ministry of Foreign Affairs, the Undersecretariat of the National Intelligence Organization, the relevant law enforcement units and the Directorate General to carry out the tasks assigned under the third paragraph of Article 116 of the Law.

(2) Representatives from the Ministry and institutions, who would be members of the Coordination Board, shall be at least be a head of department or a person equivalent to a head of department. Upon written notice of the Directorate General, assignments shall be made by the relevant ministries and institutions within fifteen days.

(3) The law enforcement units to assign representatives in the Coordination Board are the General Command of Gendarmerie, the Directorate General of Security, the Command of Coast Guard and the Directorate General of Customs Enforcement.

(4) Representatives of the central and provincial units of relevant public institutions and agencies, non-governmental organizations and international organizations as well as relevant experts may be invited to the Coordination Board meetings upon approval of the Chairperson of the Board.

Convening procedures of the Board

ARTICLE 152 – (1) The Coordination Board shall convene ordinarily twice a year in January and July. The board may also convene extraordinarily any time upon the call of the Chairperson. The Director General may submit proposals to the Chairperson of the board regarding extraordinary meetings of the board.

(2) Meetings of the Coordination Board shall convene in the premises of the Directorate General or somewhere else considered appropriate by the Chairperson and the venue of meetings shall be notified to the members.

Agenda of the Board meeting

ARTICLE 153 – (1) The draft regarding the agenda of the meeting prepared with the assent of the Chairperson shall be sent to the members of the Board by the Directorate General with its attachments, if available, at least one month before the meeting. The members of the Board shall notify the Directorate General of the issues which they have proposed to be put on the agenda at least one week before the meeting.

(2) The final version of agenda of the meeting shall be submitted to the Chairperson by the Director General for approval and shall be notified to the members.

Board decisions and their nature

ARTICLE 154 – (1) The Board shall convene by absolute majority of the total number of the members and decisions shall be made by majority of the votes of persons who have attended the meeting. In the case of an equality of votes, the Chairperson of the Board shall exercise a casting vote.

(2) Board decisions shall be written in the meeting room by numbering each decision and signed by the Chairperson and the members. In cases, where the decisions are to be written and signed after the meeting, a decision report with regard to this situation shall be prepared and signed by the members. In cases where the decisions cover more than one page, other pages

shall be written to decision papers with header and the last page of the decisions shall be signed by the Chairperson and members and the other pages shall be initialed. In cases where there are plans, projects, maps and similar documents as additions to board decisions, a set of these documents shall be reserved in the decision case after having been initialed by the secretariat.

(3) The decisions with dissenting votes shall be signed with the indication of the dissenting votes. The justifications for dissenting votes shall be submitted to the secretariat in writing until the next board meeting to be reserved in the decision case.

Announcement of decisions

ARTICLE 155 – (1) The decisions taken by the board shall be notified in writing by the Directorate General to the institutions and organizations to which the members are representative unless there is a confidentiality order.

Monitoring and assessing Board decisions

ARTICLE 156 – (1) Public institutions and organizations shall notify, by drafting a monitoring report, the Directorate General of the activities in accordance with the decisions of the Board once every three months as of the date of the first meeting. The Directorate General shall assess these reports and shall submit its final views related to them to the Chairperson of the Board.

Secretariat and support services

ARTICLE 157 – (1) The Directorate General shall provide the secretariat and support services for the Commission.

CHAPTER FIVE Ad Hoc Commissions

Composition

ARTICLE 158 – (1) Ad hoc committees shall be established with the participation of representatives from public institutions and organizations, non-governmental organizations, international organizations as well as relevant experts to carry out work within the mandate of the Directorate General upon proposal of the Director General and upon approval of the Minister.

(2) The composition of ad hoc committees, the term of office, the number of persons to be appointed as members, their qualifications, areas of expertise, selection and appointment shall be determined by the Directorate General by taking the activities to be carried out into account.

Working procedures of the commission

ARTICLE 159 – (1) Principles and rules to be complied with by the Commission in line with its working and decision-making principles and procedures shall be determined and submitted to the Director General for approval at the first meeting.

(2) Time and venue of ordinary and extraordinary meetings of ad hoc commissions shall be decided by the Director General upon proposal of the Chairperson of the Commission.

(3) Ad hoc commissions shall be chaired by the representative of the Directorate General.

(4) The committee shall make decisions by absolute majority. In the case of an equality of votes, the Chairperson of the Commission shall exercise a casting vote.

(5) Decisions where there are dissenting votes shall be signed by writing “dissenting vote” on them. Justifications for casting a dissenting vote shall be submitted in writing to the secretariat by those who have cast a dissenting vote to be kept in their files.

(6) Meetings of commissions shall be held either in the Directorate General or in a venue considered appropriate by the Chairperson of the Committee.

Secretariat and support services

ARTICLE 160 – (1) The secretariat and support services of the committees shall be provided by the related department of the Directorate General in accordance with the purpose of establishment and working area of the committee.

CHAPTER SIX Miscellaneous and Final Provisions

Repealed regulation

ARTICLE 161 – (1) The Regulation No. 18032 on Refugee Guesthouses dated 29 April 1983 has been repealed.

Interim provisions

PROVISIONAL ARTICLE 1 – (1) Residence permit applications, which are supposed to be lodged abroad, shall be lodged to the governorates until they can be lodged at consulates.

(2) Directorate General shall determine which residence permit types correspond to the residence missives obtained before 11 April 2014.

(3) If foreigners who have completed the period of stay of ninety days within each period of one hundred and eighty days as stipulated in the first paragraph of Article 10 come to border gates with their visa until applications for residence permit are lodged to consulates, they shall be allowed to enter into the country provided that they agree to apply for residence permit no later than ten days.

(4) The period between the entry and exit dates of foreigners who have not applied for residence permit within ten days stipulated in the third paragraph shall be considered as visa violation and necessary proceedings related to deportation stipulated in the Law shall be carried out. The amount of fee equivalent to the duration of visa violation shall be calculated by taking the date of entry into account and the fee shall be collected from these foreigners.

(5) The period between the entry and exit dates of foreigners who have come to border gates of their own accord to exit from the country without having applied for residence permit within ten days shall be considered as visa violation. The amount of the fee equivalent to the duration of visa violation shall be calculated by taking the date of entry into account and the fee shall be collected from these foreigners.

Exemption from work permit

PROVISIONAL ARTICLE 2 – (1) Until the work permit exemption verification document is issued by the Ministry of Labor and Social Security pursuant to Article 10 of the Law on Work Permits of Foreigners, foreigners, who fall under Article 55 of the Implementing Regulation of the Law on Work Permits of Foreigners and arrive with a valid visa obtained from foreign representations fit for their purpose, shall not be obligated to obtain a residence permit up to a maximum of ninety days provided that their visa duration is sufficient. They shall be issued a short-term residence permit at the end of this period pursuant to Article 32 of the Law on condition that the permit shall not exceed the duration of their work permit.

(2) Foreigners, who have entered into Turkey without having obtained a visa fit for their purpose, however who fall under Article 55 of the Implementing Regulation of the Law on Work Permits of Foreigners, shall be granted a short-term residence permit by collecting an entry visa fee regardless of the person has entered into the country with a valid visa or by virtue of visa exemption.

(3) Documentary evidence shall be requested from relevant institutions about persons who fall under Article 55 of the Implementing Regulation of the Law on Work Permits of Foreigners in addition to documents requested for short-term residence permit within the scope of the first and second paragraphs.

(4) Until the work permit exemption verification document is issued by the Ministry of Labor and Social Security pursuant to Article 10 of the Law on Work Permits of Foreigners, tour operator representatives who fall under subparagraph (h) of the first paragraph of Article 55 of the Implementing Regulation of the Law on Work Permits of Foreigners among foreigners holding a valid residence permit in Turkey for any purpose shall work with a document indicating the status of the foreigner. The form and content of this document shall be determined by the Directorate General and shall be issued by governorates. The following matters shall be taken into account during these proceedings:

- a) The validity of the document shall be limited to the validity of residence permit.
- b) A document allowing the person to work as a tour operative shall be issued to those who submit their residence permit application document in their residence renewal application.
- c) The document to be issued to persons holding a tour operator visa for less than a year shall be issued free of charge.
- ç) The document to be issued to tour operator representatives who have not obtained a tour operator visa in the last one year shall be issued by collecting an entry visa fee.

Personal data

PROVISIONAL ARTICLE 3 – (1) Matters related to the use of current infrastructure, hardware and systems shall be jointly determined by the Directorate General of Security and the Directorate General until necessary hardware, infrastructure and systems to record photographs and fingerprints of foreigners are developed.

(2) Fingerprints of foreigners under the Law shall be taken by law enforcement units until a fingerprint database is established by the Directorate General. When the database of the Directorate General is established, transfer of data shall be made by ensuring necessary coordination.

Enforcement

ARTICLE 162 – (1) This Regulation shall enter into force upon its publication.

Execution

ARTICLE 163 – (1) The Minister of Interior shall execute the provisions of this Regulation.