



## COI QUERY

<b>Country of Origin</b>	<b>TURKEY</b>
<b>Main subject</b>	<b><u><a href="#">International Protection and Temporary Protection systems</a></u></b>
<b>Question(s)</b>	<ol style="list-style-type: none"><li><u><a href="#">Difference between International Protection and Temporary Protection and respective associated rights</a></u><ol style="list-style-type: none"><li><u><a href="#">Rights of International Protection beneficiaries</a></u></li><li><u><a href="#">Rights of Temporary Protection beneficiaries</a></u></li></ol></li><li><u><a href="#">Conditions under which a beneficiary of Temporary Protection may leave Turkey</a></u></li><li><u><a href="#">Legal provisions regarding the suspension/termination of Temporary Protection status</a></u></li><li><u><a href="#">Legal provisions regarding deportation/expulsion of beneficiaries of Temporary Protection</a></u></li></ol>
<b>Date of completion</b>	20 December 2021
<b>Query Code</b>	Q56-2021
<b>Contributing EU+ COI units (if applicable)</b>	N/A

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 20 December 2021. Any event taking place after this date is not included in this answer.

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# COI QUERY RESPONSE – Turkey

## International Protection and Temporary Protection systems

### 1. Difference between International Protection and Temporary Protection and respective associated rights

Although a party to the 1951 Refugee Convention and the 1967 Protocol, Turkey maintains a geographical limitation,<sup>1</sup> and applies the Convention only to refugees originating from European countries.<sup>2</sup> However, Turkey has taken steps to build an effective national asylum system in compliance with the international standards,<sup>3</sup> and in 2013 has adopted its first asylum law.<sup>4</sup> The 2013 Law on Foreigners and International Protection (LFIP)<sup>5</sup> created a comprehensive legal framework for Turkey's international protection system as well as a new dedicated institution, the Directorate General of Migration Management (DGMM), under the Ministry of Interior,<sup>6</sup> responsible for migration and asylum<sup>7</sup> policymaking and procedures.<sup>8</sup> On 29 October 2021, as per the Turkish Presidential Decree No. 85, DGMM was declared the Presidency for Migration Management (PMM). The PMM remains under the umbrella of the Ministry of Interior.<sup>9</sup>

Turkey's asylum legal framework has a dual structure, comprising of International Protection (IP) and Temporary Protection (TP) systems.<sup>10</sup>

The IP system, as foreseen by the LFIP, provides for three types of IP status:

- Refugee status (Art 61): granted to persons originating from European countries, who fall within the refugee definition of the 1951 Convention.
- Conditional refugee status (Art 62): granted to persons originating from 'non-European country of origin', who fall within the refugee definition of the 1951 Convention.
- Subsidiary protection status (Art 63): granted to persons who do not fulfil the eligibility criteria for either refugee status or conditional refugee status, however, would be eligible for

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<sup>1</sup> UNHCR, Refugees and Asylum Seekers in Turkey, n.d., [url](#)

<sup>2</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p. 20

<sup>3</sup> UNHCR, Refugees and Asylum Seekers in Turkey, n.d., [url](#)

<sup>4</sup> Council of Europe, Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek, Special Representative of the Secretary General on Migration and Refugees 15-26 March 2021, 29 November 2021, [url](#), p. 6

<sup>5</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#)

<sup>6</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p. 20; Turkey, DGMM, Directorate General, n.d., [url](#)

<sup>7</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p. 20;

<sup>8</sup> Council of Europe, Report of the fact-finding mission to Turkey by Ambassador Drahoslav Štefánek, Special Representative of the Secretary General on Migration and Refugees 15-26 March 2021, 29 November 2021, [url](#), p. 6

<sup>9</sup> Turkey, Directorate General, n.d., [url](#); Turkey, Presidential Decree Amending Some Presidential Decrees (President Decree No. 85), 29 October 2021, [url](#), Article 19. It is worth noting that, in July 2018, Presidential Decree No. 703 has replaced all references to the term 'Council of Ministers' with the term 'President' across all Turkish legislation, including the LFIP and 2014 Temporary Protection Regulation (TPR). In addition, since their enactment, several amendments have been made to the LFIP and the TPR. For a useful list of said amendments, please consult: ECRE, AIDA Country Report: Turkey 2018 Update, April 2019, [url](#), pp. 10-14

<sup>10</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), pp. 20-21

subsidiary protection under the same criteria defined by the EU Qualification Directive.<sup>11</sup>

The TP system was introduced by Article 91 of the LFIP,<sup>12</sup> through the 2014 Temporary Protection Regulation (TPR),<sup>13</sup> and the 2016 Implementation Regulation on the Law of Foreigners and International Protection. Temporary protection is granted on a *prima facie*, group basis, to Syrian nationals and stateless Palestinians originating from Syria.<sup>14</sup>

According to LFIP Article 91:

‘(1) Temporary protection may be provided for foreigners who have been forced to leave their country, cannot return to the country that they have left, and have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.

(2) The actions to be carried out for the reception of such foreigners into Turkey; their stay in Turkey and rights and obligations; their exit from Turkey; measures to be taken to prevent mass influxes; cooperation and coordination among national and international institutions and organisations; determination of the duties and mandate of the central and provincial institutions and organisations shall be stipulated in a Directive to be issued by the Council of Ministers.’<sup>15</sup>

The TPR defines the nationals eligible for temporary protection, stating that:

‘The citizens of the Syrian Arab Republic, stateless persons and refugees who have arrived at or crossed our borders coming from Syrian Arab Republic as part of a mass influx or individually for temporary protection purposes due to the events that have taken place in Syrian Arab Republic since 28 April 2011 shall be covered under temporary protection, even if they have filed an application for international protection.

Individual applications for international protection shall not be processed during the implementation of temporary protection.’<sup>16</sup>

Additionally, according to a 5 April 2016 amendment (Regulation 2016/8722), ‘Syrian nationals, who entered Turkey after 28 April 2011 and who migrated irregularly to the [Greek] Aegean islands after 20 March 2016, “may” be provided temporary protection’.<sup>17</sup>

## 1.1. Rights of International Protection beneficiaries

### Identification Document (ID)

According to LFIP Article 83(1), beneficiaries of refugee status are issued an identity document, valid for three years, and renewable.<sup>18</sup> According to LFIP Article 83(2), beneficiaries of conditional refugee status and subsidiary protection beneficiaries are issued an identity document, valid for one year, and renewable.<sup>19</sup>

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<sup>11</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p. 20; Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Articles 3(1)(r), 61-63

<sup>12</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), pp. 20-21; Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 91

<sup>13</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#)

<sup>14</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), pp. 20-21

<sup>15</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 91

<sup>16</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Provisional Article 1

<sup>17</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.142; Turkey, Regulation 2016/8722, 5 April 2016, [url](#)

<sup>18</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 83(1)

<sup>19</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 83(2)

## Housing

‘Applicants and international protection beneficiaries shall provide their own accommodation’, as stated by Article 95(1) LFIP,<sup>20</sup> and as noted by ECRE, State-funded accommodation may be provided, on a discretionary basis.<sup>21</sup>

## Education

According to LFIP Article 89, all beneficiaries of international protection and their families have access to primary and secondary education.<sup>22</sup>

## Social assistance

Regarding social assistance, the ‘law draws no distinction between temporary protection beneficiaries and [...] beneficiaries of international protection’.<sup>23</sup>

## Healthcare

ECRE stated that ‘Turkey’s General Health Insurance (Genel Sağlık Sigortası, GSS) scheme makes it compulsory for all residents of Turkey to have some form of medical insurance coverage, whether public or private’.<sup>24</sup> According to LFIP Article 89(3), beneficiaries of international protection are expected to contribute towards the insurance premiums partially or fully, unless they do not have the financial means necessary, in which case they will be able to access public health services free of charge.<sup>25</sup>

## Access to employment

Beneficiaries of refugee status and subsidiary protection beneficiaries have access to the labour market after being granted international protection.<sup>26</sup> Beneficiaries of conditional refugee status ‘are required to apply for a work permit, or for a work permit exemption in the sectors of agriculture and livestock works, after 6 months of being granted protection’.<sup>27</sup>

## Freedom of Movement

The LFIP does not specify any restrictions with regards to beneficiaries of refugee status, who, according to ECRE, ‘should enjoy freedom of movement across the territory of Turkey subject to the provisions of Article 26 of the 1951 Refugee Convention’.<sup>28</sup> Nevertheless, under specific circumstances, beneficiaries of refugee status may be subjected to the same residence restrictions as beneficiaries of conditional refugee status and subsidiary protection beneficiaries (see paragraph below).<sup>29</sup> According to LFIP Article 82, beneficiaries of conditional refugee status and subsidiary protection beneficiaries may be required ‘to reside at a given province and report to authorities in accordance with determined procedures and periods’.<sup>30</sup> Moreover, conditional refugees and subsidiary protection beneficiaries shall register with the address-based registration system and

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<sup>20</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 95(1)

<sup>21</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), pp. 75, 134

<sup>22</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 89(1)

<sup>23</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.174

<sup>24</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.90

<sup>25</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.90; Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 89(3)

<sup>26</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 89(1)-(3)

<sup>27</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.134; Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 89(4)(a)

<sup>28</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.132

<sup>29</sup> Turkey, Implementation regulation on the Law on Foreigners and International Protection, 17 March 2016, [url](#), Art. 110(6)

<sup>30</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 82(1)

report their residence address to the governorate.<sup>31</sup>

### **Travel Documents**

According to LFIP Article 84(1), beneficiaries of refugee status ‘shall be issued with the travel document stipulated in the [1951 Refugee] Convention’.<sup>32</sup> No duration of validity for refugee travel documents is specified.<sup>33</sup> With regards to beneficiaries of conditional refugee status and subsidiary protection beneficiaries, LFIP Article 84(2) states that ‘travel document requests [...] shall be evaluated within the scope of Article 18 of Law No. 5682’,<sup>34</sup> (the Passport Law).<sup>35</sup> Thus, as per Law No. 5682 Article 18, two types of passports (called “for foreign persons” sealed passports’) may be issued: The first type is ‘valid for only one entry into Turkey and only one departure from Turkey’, and has a duration of validity of one month; the second type is valid ‘for only one entry and one departure’, and has a duration of validity of between three to six months.<sup>36</sup> According to ECRE, ‘the wording used in Article 84(2) LFIP suggests that the decision as to whether or not to grant a travel document upon request by a conditional refugee or subsidiary protection holder is subject to the discretion of DGMM and is therefore not a right as such.’<sup>37</sup>

### **Family Reunification**

Legal provisions for family reunification of beneficiaries of international protection are found in LFIP Articles 34 and 35.<sup>38</sup> As summarised by ECRE in its 2021 report, while ‘the law allows refugees and subsidiary protection beneficiaries to be reunited with family members [...], conditional refugees are excluded from family reunification altogether’.<sup>39</sup>

## **1.2. Rights of Temporary Protection beneficiaries**

### **Identification Document (ID)**

With regards to beneficiaries of temporary protection, TPR Article 22(1) states that ‘governorates shall issue temporary protection identification document to those whose registration proceedings are completed’.<sup>40</sup> Additionally, the document is issued ‘for a certain validity period or indefinitely’, as decided by the Directorate General.<sup>41</sup>

### **Housing**

Temporary protection beneficiaries must, generally, be housed in temporary accommodation centres,<sup>42</sup> while ‘persons benefiting from temporary protection, for whom there are no negative considerations with respect to public order or public security or public health may be allowed to reside in provinces’ and may receive assistance if they are in need.<sup>43</sup>

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<sup>31</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 82(2)

<sup>32</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 84(1)

<sup>33</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.133

<sup>34</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 84(2)

<sup>35</sup> Turkey, Law No. 5682, 15 July 1950, [url](#)

<sup>36</sup> Turkey, Law No. 5682, 15 July 1950, [url](#), Article 18

<sup>37</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.133

<sup>38</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 34,35

<sup>39</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.131

<sup>40</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 22(1)

<sup>41</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 22(3)

<sup>42</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 23(1)

<sup>43</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 24(1)-(2)

## Education

According to ECRE, as ‘all children in Turkish jurisdiction, including foreign nationals, have the right to access “basic education” services delivered by public schools’, this includes children registered as temporary protection beneficiaries.<sup>44</sup> Alternatively, Temporary Education Centres (GEM) are available to children in accommodation centres. The same source notes that, ‘by and large, the children accommodated in the camps have unimpeded and virtually full access to basic education mainly at GEM administered inside the camps’.<sup>45</sup>

## Social assistance

Regarding social assistance, the ‘law draws no distinction between temporary protection beneficiaries and [...] beneficiaries of international protection’.<sup>46</sup>

## Healthcare

According to ECRE, ‘registered temporary protection beneficiaries, whether residing in the camps or outside the camps’ are covered under the GSS, and ‘have the right to access health care services provided by public health care service providers.’ Since 25 December 2019, ‘health care services are no longer free of charge’, except for vulnerable groups.<sup>47</sup> However, depending on their incomes, temporary protection beneficiaries fall under certain classes. According to ECRE, ‘persons in the “G0” class have health care premiums covered entirely, while individuals in categories “G1”, “G2” and “G3” proportionally cover some of their health care costs’.<sup>48</sup>

## Access to employment

Beneficiaries of temporary protection may, according to TPR Article 29(2), ‘apply to the Ministry of Labour and Social Security for receiving work permits to work in the sectors, professions and geographical areas (provinces, districts or villages) to be determined by the Council of Ministers’.<sup>49</sup> As noted by ECRE:

‘The Regulation on Work Permit for Foreigners under Temporary Protection, adopted on 15 January 2016, regulates the procedures for granting work permits to persons under temporary protection. Temporary protection beneficiaries are required to apply for a work permit in order to access employment. An application for a work permit may be lodged following 6 months from the granting of temporary protection status, by the employer through an online system (*E-Devlet Kapisi*) or by the beneficiary him or herself in the case of self-employment.’<sup>50</sup>

ECRE also notes that the Regulation on Work Permit for Foreigners under Temporary Protection ‘foresees an exemption from the obligation to obtain a work permit for seasonal agriculture of livestock works. In that case, however, beneficiaries must apply to the relevant provincial governorate to obtain a work permit exemption.’<sup>51</sup>

## Freedom of Movement

The degree of freedom of movement for temporary protection beneficiaries depends on a number of circumstances. According to TPR Article 10(ç), the Turkish President may decide to implement temporary protection only in ‘a specific region’.<sup>52</sup> Moreover, TPR Article 33 lists obligations of TP beneficiaries, stating that:

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<sup>44</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.168

<sup>45</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.171

<sup>46</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.174

<sup>47</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.175

<sup>48</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.176

<sup>49</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 29(2)

<sup>50</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.164

<sup>51</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.164; Turkey: Regulation on Work Permits of Foreigners under Temporary Protection, 11 January 2016, [url](#)

<sup>52</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 10(1)(ç)

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

- a) Reside in a province, temporary accommodation center or a certain place determined by the Directorate General;
- b) Comply with their reporting duty in form and intervals determined by the governorate;
- ...
- d) Notify the changes in their identity information such as address [...] in twenty business days;
- e) Present other personal data to the competent authorities;
- ...
- g) Comply with other obligations requested from them by the Directorate General or the governorate.<sup>53</sup>

According to the May 2021 report by ECRE:

‘DGMM Circular 2017/10 of 29 November 2017 specifies that PDMM<sup>54</sup> may introduce reporting obligations on temporary protection beneficiaries by means of signature duty. Failure to comply with reporting obligations for three consecutive times without valid excuse may lead to implicit withdrawal and cancellation of temporary protection status and to the issuance of a “V71” code based on “unknown location” of the person.’<sup>55</sup>

ECRE further noted that:

‘[Temporary protection] beneficiaries may request a travel authorisation document in order to travel outside the province in which they are registered. The document is issued at the discretion of the competent Governorate and may not exceed 90 days in duration, subject to a possible extension for another 15 days. The beneficiary is required to notify the Governorate upon return to the province. Failure to do so after the expiry of the 90-day period leads to a “V71” code, as a result of which the person’s status is considered to be implicitly withdrawn. The “V71” code is deactivated if the person approaches the PDMM with valid justification, following an assessment of the case.’<sup>56</sup>

### **Travel Documents**

The procedure applying to beneficiaries of conditional refugee status and subsidiary protection beneficiaries will also apply to temporary protection beneficiaries. According to TPR Article 43 (1), for foreigners falling under the provisions of the TPR, ‘requests [...] regarding travel documents shall be assessed by the Directorate General within the framework of the Passport Law’.<sup>57</sup>

### **Family Reunification**

According to TPR Article 49(1), temporary protection beneficiaries ‘may apply for family reunification in Turkey’, and such requests ‘shall be evaluated by the Directorate General’.<sup>58</sup> ECRE stated that ‘the wording of TPR Article 49 indicates that family reunification is not a right, but ‘a possibility’.<sup>59</sup>

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<sup>53</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 33

<sup>54</sup> The Provincial Directorate for Migration Management (PDMM) are provincial departments within the PMM (former DGMM) present across the 81 provinces of Turkey and responsible for registering applications for IP and TP. See: ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.25

<sup>55</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.156

<sup>56</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.156

<sup>57</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 43(1)

<sup>58</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 42(1)

<sup>59</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.155

## 2. Conditions under which a beneficiary of Temporary Protection may leave Turkey

One of the conditions under which beneficiaries of temporary protection may leave Turkey is in the context of voluntary repatriation. According to TPR Article 42(1), Turkey is responsible for undertaking the ‘necessary facilitation’, while ‘support may be provided [...] within resources’.<sup>60</sup>

In the context of resettlement to a third country, TPR Article 44 states:

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

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

According to ECRE, ‘a so-called “exit permission” must be issued in order for a beneficiary to be allowed to exit Turkey to a third country either for the purpose of a temporary visit or on a permanent basis for the purpose of resettlement’.<sup>61</sup> The same source adds that:

‘The same exit permission requirement also applies to temporary protection beneficiaries in the process of departing from Turkey for the purpose of family reunification with family members in third countries. Syrians seeking a family reunification departure from Turkey must first register with DGMM as a temporary protection beneficiary before they can subsequently request and obtain an “exit permission” to leave Turkey to a third country.’<sup>62</sup>

Another possibility for a temporary protection beneficiary to leave Turkey is through the EU-Turkey resettlement scheme. On 18 March 2016, the EU-Turkey statement established a specific resettlement procedure, under which one Syrian national would be resettled from Turkey to EU Member States for each Syrian national returned from Greece to Turkey, taking into account the UN vulnerability criteria.<sup>63</sup>

## 3. Legal provisions regarding the suspension/termination of Temporary Protection status

According to TPR Article 8, ‘temporary protection status shall be cancelled’ for the beneficiaries who find themselves in the following situations:

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

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

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

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<sup>60</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 49(1)

<sup>61</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.158

<sup>62</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.158

<sup>63</sup> Council of the European Union, EU-Turkey statement, 18 March 2016, [url](#); ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p.158



- ç) Those who took part in armed conflicts in his or her country and did not permanently ceased such activities;
- d) Those who are identified as having committed, planned to commit or participated in acts of terrorism;
- e) Those who are considered to be a threat to public due to being convicted of a serious crime and those who are considered to pose danger to national security, public order, or public security;
- f) Those who have previously committed a crime or crimes for which imprisonment sentence would have been given if committed in Turkey and have left their country of origin or country of residence in order to avoid punishment for that crime;
- g) Those who are convicted of crimes against humanity by international courts;
- ğ) Those who have committed one of the crimes laid down in Chapter Seven of Section Four of the Turkish Penal Code No. 5237 of 26/9/2004.<sup>64</sup>

According to ECRE, the crimes referred to in TPR Article 8(ğ) are those ‘crimes related to state secrets and espionage’.<sup>65</sup>

Regarding the termination of temporary protection, TPR Article 11 states:

- ‘(1) The Ministry may propose Council of Ministers to terminate the temporary protection. Temporary protection shall be terminated by a Council of Ministers decision.
- (2) Along with the termination decision, the Council of Ministers may decide:
  - a) To fully suspend the temporary protection and to return of persons benefiting from temporary protection to their countries;
  - b) To collectively grant the status, the conditions of which are satisfied by persons benefiting from temporary protection, or to assess the applications of those who applied for international protection on an individual basis;
  - c) To allow persons benefiting from temporary protection to stay in Turkey subject to conditions to be determined within the scope of the Law.’<sup>66</sup>

TPR Article 12 contains provision regarding the individual termination or cancellation of temporary protection:

- ‘(1) In situations where those benefiting from temporary protection;
  - a) Leave Turkey on their own will;
  - b) Avail the protection of a third country;
  - c) Are admitted to a third country under humanitarian reasons or resettlement or leave for a third country;
  - d) Are deceased,
 temporary protection shall be terminated on an individual basis.
- (2) Temporary protection shall be terminated by the Directorate General or governorates in case it is understood afterwards that those who fall within the scope of paragraph (1) of Article 8 should have been excluded from the scope of temporary protection.’<sup>67</sup>

With regards to the possibility of re-acquiring temporary protection status for those individuals falling under TPR Article 12(1) provisions, TPR Article 13 states that the Turkish authorities will examine new applications ‘on an individual basis’, and will have discretion to re-award or to refuse temporary protection in these cases.<sup>68</sup> TPR Article 13 states:

- ‘(1) If those foreigners whose temporary protection was terminated under Article 12 in the

<sup>64</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), 22, Art. 8

<sup>65</sup> ECRE, AIDA Country Report: Turkey 2018 Update, April 2019, [url](#), p.116

<sup>66</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), 22, Art. 11

<sup>67</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), 22, Art. 12

<sup>68</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 13



course of implementation of temporary protection even though he or she was within the scope of temporary protection arrive at or cross our borders again in order to seek temporary protection, the Directorate General shall decide on an individual basis whether temporary protection measures will be implemented. The Directorate General may delegate this authority partially or fully to governorates.’<sup>69</sup>

Further, TPR Article 15(1) gives the President the authority to ‘restrict or to temporarily or indefinitely suspend temporary protection measures in implementation, in case conditions amounting to a threat to national security, public order, public security, or public health arise’.<sup>70</sup>

#### 4. Legal provisions regarding deportation/expulsion of beneficiaries of Temporary Protection

The Turkish Constitution, under Article 17, provides for protection from *refoulement*.<sup>71</sup> In addition, LFIP Article 4 states:

‘No one within the scope of this of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.’<sup>72</sup>

TPR Article 6 states:

‘(1) No one within the scope of this Regulation shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.’<sup>73</sup>

Emergency Decree No. 676, amending the LFIP, introduced certain derogations to the principle of non-*refoulement* for international protection applicants, as well as for international protection beneficiaries.<sup>74</sup> Thus, LFIP Article 54 (as amended), regarding ‘Persons subject to a removal decision’, states:

‘(1) A removal decision shall be issued in respect of those foreigners listed below who/whose:

- a) are deemed to be removed pursuant to Article 559 of the Turkish Penal Code No 5237;
- b) are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation;
- c) submit untrue information and false documents during the entry, visa and residence permit actions;
- ç) made their living from illegitimate means during their stay in Turkey;
- d) pose a public order or public security or public health threat;
- e) has overstayed their visa or the visa exemption period for more than ten days or,

<sup>69</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), 22, Art. 12

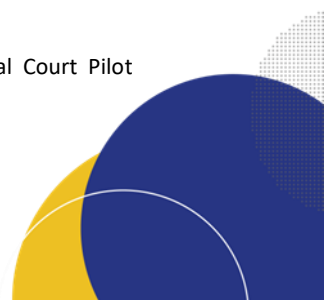
<sup>70</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), Art. 15(1)

<sup>71</sup> Esen, S., The Principle of Non-Refoulement as a Constitutional Right of Asylum Seekers in Turkey, 26 July 2016, [url](#); Turkey, Constitution of the Republic of Turkey, 7 November 1982, [url](#)

<sup>72</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 4

<sup>73</sup> Turkey, Temporary Protection Regulation, 22 October 2014, [url](#), 22, Art. 6

<sup>74</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p. 151; ECRE, Turkey: Constitutional Court Pilot Judgment on Protection from Refoulement, 26 October 2018, [url](#)



- whose visas are cancelled;
- f) residence permits are cancelled;
- g) overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;
- ğ) are determined to be working without a work permit;
- h) breach the terms and conditions for legal entry into or exit from Turkey;
- i) are determined to have entered into Turkey despite an entry ban to Turkey;
- i) international protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Turkey after the final decision.
- j) fail to leave Turkey within ten days in cases where their residence permit renewal application has been refused.
- k) are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations.

(2) A removal decision may be issued at every stage of international protection proceedings in respect of international protection applicants or international protection beneficiaries who are evaluated as being within the scope of (b), (d) and (k) subparagraphs of the first paragraph of this Article.<sup>75</sup>

At the same time, LFIP Article 55 provides for certain exemptions to removal decisions made as per of LFIP Article 54. According to LFIP Article 55:

‘(1) Removal decision shall not be issued in respect of those foreigners listed below regardless of whether they are within the scope of Article 54:

- a) when there are serious indications to believe that they shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned to;
- b) who would face risk due to serious health condition, age or, pregnancy in case of travel;
- c) who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition;
- ç) victims of human trafficking, supported by the victim’s assistance programme;
- d) victims of serious psychological, physical or sexual violence, until their treatment is completed.

(2) Assessment within the scope of the first paragraph shall be made on case by case basis. These persons may be asked to reside at a given address and report to authorities in form and periods as requested.<sup>76</sup>

According to ECRE, the derogation from non-*refoulement* is applied in practice by the DGMM.<sup>77</sup> In addition, as reported by ECRE, the TPR ‘was also amended in December 2019. According to these amendments, Syrians that are under temporary protection shall be deported if they do not comply with their notification duty three times consecutively’.<sup>78</sup>

<sup>75</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 55

<sup>76</sup> Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016), 29 October 2016, [url](#), Art. 55

<sup>77</sup> ECRE, Turkey: Constitutional Court Pilot Judgment on Protection from Refoulement, 26 October 2018, [url](#)

<sup>78</sup> ECRE, AIDA Country Report: Turkey 2020 Update, May 2021, [url](#), p. 152; Evrensel, ‘Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya’, 25 December 2019, [url](#)

## SOURCES USED

Council of Europe, Report of the fact-finding mission to Turkey by Ambassador Drahošlav Štefánek, Special Representative of the Secretary General on Migration and Refugees 15-26 March 2021, 29 November 2021, <https://rm.coe.int/report-of-the-fact-finding-mission-to-turkey/1680a4b673>, accessed 16 December 2021

Council of the European Union, EU-Turkey statement, 18 March 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>, accessed 15 December 2021

EC (European Union Commission), Commission Staff Working Document – Turkey 2018 Report, 17 April 2018, SWD(2018) 153 final, p. 45, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf>, accessed 15 December 2021

ECRE (European Council on Refugees and Exiles), AIDA (Asylum Information Database) Country Report: Turkey 2018 Update, April 2019, [https://asylumineurope.org/wp-content/uploads/2019/04/report-download\\_aida\\_tr\\_2018update.pdf](https://asylumineurope.org/wp-content/uploads/2019/04/report-download_aida_tr_2018update.pdf), accessed 15 December 2021

ECRE (European Council on Refugees and Exiles), AIDA (Asylum Information Database) Country Report: Turkey, 2020 Update, May 2021, [https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR\\_2020update.pdf](https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf), accessed 15 December 2021

ECRE (European Council on Refugees and Exiles), Turkey: Constitutional Court Pilot Judgment on Protection from Refoulement, 26 October 2018, <https://ecre.org/turkey-constitutional-court-pilot-judgement-on-protection-from-refoulement/>, accessed 15 December 2021

Esen, S., The Principle of Non-Refoulement as a Constitutional Right of Asylum Seekers in Turkey, 26 July 2016, <https://verfassungsblog.de/the-principle-of-non-refoulement-as-a-constitutional-right-of-asylum-seekers-in-turkey/>, accessed 15 December 2021

Evrensel, Statü hakkı tanınmayan mülteciler yeni yaptırımlarla karşı karşıya (Refugees without status rights face new sanctions), 25 December 2019, available in Turkish at: <https://www.evrensel.net/haber/393952/statu-hakki-taninmayan-multeciler-yeni-yaptirimlarla-karsi-karsiya>, accessed 15 December 2021

Mondaq, Turkey: Transitional Amendments Under Decree No. 703, 24 July 2018, <https://www.mondaq.com/turkey/oil-gas-electricity/722130/transitional-amendments-under-decree-no-703>, accessed 15 December 2021

Turkey, Constitution of the Republic of Turkey, 7 November 1982, [https://global.tbmm.gov.tr/docs/constitution\\_en.pdf](https://global.tbmm.gov.tr/docs/constitution_en.pdf), accessed 15 December 2021

Tukey, Directorate General, n.d., <https://en.goc.gov.tr/about-us>, accessed 15 December 2021

Turkey, Emergency Decree No. 676, 29 October 2016, <https://www.resmigazete.gov.tr/eskiler/2016/10/20161029-5.htm>, accessed 15 December 2021

Turkey, Implementation regulation on the Law on Foreigners and International Protection, 17 March 2016, <http://www.refworld.org/docid/5747fb7a4.html>, accessed 15 December 2021

Turkey, Implementation regulation on the Law on Foreigners and International Protection, 17 March

2016, <http://www.refworld.org/docid/5747fb7a4.html>, accessed 15 December 2021

Turkey, Law No. 5682, 15 July 1950, <http://www.lawsturkey.com/law/passport-law-5682>, accessed 15 December 2021

Turkey, Law No. 6458 of 2013 on Foreigners and International Protection, 4 April 2013, <https://www.refworld.org/pdfid/5167fbb20.pdf>, accessed 15 December 2021

Turkey, Law No. 6458 of 2013 on Foreigners and International Protection (as amended 29 Oct 2016) [Turkey], 29 October 2016, <http://www.refworld.org/docid/5a1d828f4.html>, accessed 15 December 2021

Turkey, Presidential Decree Amending Some Presidential Decrees (President Decree No. 85), 29 October 2021, <https://www.resmigazete.gov.tr/eskiler/2021/10/20211029-35.pdf>, accessed 15 December 2021

Turkey: Regulation on Work Permits of Foreigners under Temporary Protection, 11 January 2016, <https://www.refworld.org/docid/582c71464.html>, accessed 15 December 2021

Turkey, Regulation 2016/8722, 5 April 2016, <http://www.resmigazete.gov.tr/eskiler/2016/04/20160407-18.pdf>, accessed 15 December 2021

Turkey, Temporary Protection Regulation, 22 October 2014, <https://www.refworld.org/publisher,NATLEGBOD,,TUR,56572fd74,0.html>, accessed 15 December 2021

UNHCR (United Nations High Commissioner for Refugees), Refugees and Asylum Seekers in Turkey, n.d., <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>, accessed 16 December 2021