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TURKEY

<b>Refugees and Asylum Seekers</b>	<b>18,200</b>
Iraq	8,300
Iran	4,400
Afghanistan	3,200
<b>New Asylum Seekers</b>	<b>13,000</b>
<b>1951 Convention: Yes</b>	
<b>1967 Protocol: Yes</b>	
<b>UNHCR Executive Committee: Yes</b>	
<b>Population: 74.8 million</b>	
<b>GDP: \$729 billion</b>	
<b>GDP per capita: \$9,750</b>	

**Introduction** Turkey hosted roughly 18,200 refugees at the end of 2008, 8,300 of them from Iraq and 4,400 from Iran.

**2008 Summary** Turkey returned 14 refugees to their countries of origin, and deported 51 to other countries. Turkey also returned 13 asylum seekers registered with the Office of the UN High Commissioner for Refugees (UNHCR) to their home countries, and deported 7 others to other countries. This included 24 Iranian refugees Turkish authorities deported to Iraq and 2 Iranian refugees they returned to Iran. Turkey also deported more than 700 other people of concern to UNHCR between January and October.

In 2008, UNHCR attempted 393 times to interview nearly 3,400 foreign nationals arrested for illegally entering the country, including some asylum seekers. Turkey allowed UNHCR access to only 72, and UNHCR believes Turkey deported those it could not reach without allowing them to seek asylum or refugee status. Turkey generally

granted UNHCR and non-governmental organizations less access to detainees than it had in previous years. At year's end, Turkey held 24 refugees registered with UNHCR, 3 of them on criminal charges and the rest for immigration violations or trying to leave the country illegally.

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Turkish border officials regularly returned Iraqis apprehended at the Turkey-Greece border to Iraq with no chance to apply for asylum. Turkish authorities also returned foreigners stopping in Turkey on their way to Europe if they suspected that the travelers intended to seek asylum there. During 2008, Turkish authorities returned 600 Afghans by plane, even though some of them wished to apply for asylum and UNHCR did not receive access to any of them. UNHCR cannot verify how many asylum seekers in international airports Turkey returns.

Of 38 persons who reported sexual and gender-based violence, 7 were children and 5 were transsexual.

During 2008, Turkey received 10,800 asylum applications and granted temporary asylum to 1,100 refugees, mostly Iraqis. At years end, there were 9,200 pending cases. The Ministry of the Interior (MOI) rejected asylum claims from refugees UNHCR had recognized more frequently during 2008, and made it difficult for UNHCR to secure exit visas for them.

Fewer than one third of the children of refugees and asylum seekers enrolled in Turkish schools during 2008.

In February, authorities deported three Sri Lankans from the Atatürk airport, and in March, they deported two Iranians from the same airport, without giving them an opportunity to apply for asylum.

In April, Turkey forced 18 people, including 5 Iranian refugees, to swim a dangerous river back into Iraq; 4 of the deportees, including a refugee, drowned.

In June, Turkish authorities left three Iranian asylum seekers at the Iranian border at night and threatened to harm them if they returned. Two returned to Turkey, but one broke his leg and remains unaccounted for.

In July, Turkish authorities tried to deport to Iran three Iranian refugees recognized by UNHCR, who lived previously in Camp Ashraf in Iraq. Iranian authorities would not accept them and they returned to a detention center in Van.

Also in July, UNHCR recognized gays and lesbians as a persecuted group, and granted refugee status to gay Iranian asylum seeker.

In September, Turkish authorities deported 22 Uzbeks refugees status, including women and children, to Iran without notice, forcing them to walk into Iran through an unmarked, and mountainous border area. The 22 Uzbeks then paid Iranian smugglers \$5,000 to return them to Turkey, where UNHCR requested that Turkish authorities grant them temporary asylum due to the likelihood of *refoulement* if they returned to Iran. In October, Turkish authorities again deported the same Uzbek group to Iran, along with three Uzbeks who had previously filed a deportation stay with the European Court for Human Rights.

In December, detainees in a refugee center housing 173 people set fire to the facility, injuring 12 bad enough to require hospitalization.

#### Law and Policy

*Refoulement*/Physical Protection Turkey does not separate and screen asylum seekers from the migrants it interdicts, and denies UNHCR access to many of them. It considers the claims of asylum seekers arrested for illegal entry, illegal presence, or illegal departure to be defensive and without merit, and deports them.



Asylum seekers have to submit parallel applications to MOI and UNHCR. Turkey grants only temporary asylum to non-European refugees, reserving refugee status for Europeans. Ethnic Turks, including Iraqi Turkomen, are free to stay under the 1934 Law on Settlement. UNHCR refugee status determination can take from eight months to over a year. For those the agency recognizes as refugees, it seeks resettlement to third countries. Appeals and re-openings of cases can take years. Only applicants with legal counsel from one particular rights group have access to UNHCR's details reasons for rejecting applicants. The rest only receive letters checking off general categories of reasons for denial.

UNHCR recognizes some individuals who have fled generalized violence under its "extended mandate," mostly Somalis, but some from Côte d'Ivoire and Sudan as well. This amounts to a recommendation of subsidiary protection, which Turkish law does not recognize, so it does not afford protection from arrest or deportation.

Upon registration, UNHCR directs applicants to apply with the Foreigners' Police of the province where the Government assigns them a place of residence. The Foreigners' Borders and Asylum Division of the MOI in Ankara determines, independent of UNHCR, whether applicants have a legitimate need of temporary asylum without meeting them and often disregards provincial authorities' recommendations. Although it had followed UNHCR's recommendations in previous years, in 2008 the MOI more frequently rejected applicants the UNHCR recognized as refugees. Under Turkish law, it is their decisions, rather than UNHCR's, that carried weight. Applicants can appeal negative decisions within 15 days but the process is secret. They can also appeal in administrative courts and request interim measures to avoid deportation but the courts respond slowly and deportations take place even as courts are considering appeals.

A few applicants with lawyers appeal to the European Court of Human Rights (ECHR). While the ECHR can only return a negative decision to the MOI for reconsideration, it can order the Government to desist from deporting the applicant pending its assessment.

Turkey is party to the 1951 Convention relating to the Status of Refugees (1951 Convention) but maintains a reservation on its 1967 Protocol in order to limit to Europeans its obligations under the 1951 Convention. Turkish law protects non-European asylum seekers from "refoulement" if they "register(ed) their claims without delay; provided valid identity documentation, and received resettlement assistance from UNHCR or directly from resettling countries." The Passport Law of 1950 criminalizes entry into Turkey without valid travel documents.

**Detention/Access to Courts** Turkey restricts access to detainees by UNHCR and NGOs and restricts lawyers' access to clients in border areas, but refugees can challenge their detention in both Turkish courts and, as a last resort, the ECHR. Turkey detains those with ongoing ECHR proceedings, continuing to hold them even if they a third country accepts them for resettlement. In one case, a refugee successfully petitioned an administrative court for release pending resettlement.



It confines refugees and asylum seekers with special security risks to the Refugee Guesthouse in Yozgat province.

Asylum seekers who apply for protection after authorities detains them as illegal entrants effectively remain in administrative detention at foreigners' guesthouses. Claiming they allow refugees and asylum seekers to reside freely in satellite cities and do not hold them in guesthouses, authorities reject a request to monitor the facilities.

Officially, Turkey grants refugees and asylum seekers the same political and civil rights

as foreign nationals, regarding the freedom to practice their religion, to seek access to court, and to marry and divorce, provided that they have valid identification documents.

Because Turkey changed its marriage law in 2007, some municipal and police officials remain were unaware of the new regulations, which do not require identification documents or proof of single status in the home country from refugees wishing to marry in Turkey.

Any violation of laws against illegal entry and stay subjects applicants to detention and deportation. The law requires courts to provide free interpreters.

Temporary Asylum applicants who have registered with authorities and resides in their assigned cities received an asylum seeker identification card and a residence permit from the provincial Foreigners' Police. The first document is free and has no expiry date, but the resident permit cost nearly \$300 and is good for only six months. Although there are exemptions for those in financial need, refugees rarely receive them. UNHCR-issued certificates, although not legally binding in Turkey, serve as identification, which help refugees and asylum seekers with police and banks.

**Freedom of Movement and Residence** Although Turkey does not confine refugees and asylum seekers to camps, the Law on Residence and Travel of Aliens in Turkey requires them to reside in areas assigned by the MOI. MOI sends all refugees and asylum seekers to 30 satellite cities. Turkey does not allow UNHCR-registered refugees to live for long periods in major cities, forcing most of them to move to the provinces. Many refugees choose to stay illegally in Istanbul without registering with the Government or UNHCR.



Asylum applicants have to register with Turkish authorities without delay and reside in the town closest to their point of entry, unless UNHCR recommends their transfer to the MOI for security reasons. Asylum seekers have to report regularly, even daily, to the local police. Authorities in each city determine the terms of residence, and violators are subject to immediate deportation at the Government's discretion. Asylum seekers and refugees can move freely within their assigned provinces, but have to obtain permission from the provincial Governorate to travel to other provinces. Those who wish to transfer to another satellite city can do so only if they have family members there or if they have a medical condition that is not treatable in their current city of residence.

The authorities term those who have not applied for asylum escapees and fine them. They further obstruct the resettlement of those who can not pay the fines and residence fees.

Turkey restricts exit permits for refugees and asylum seekers to third-country and family-reunification resettlement cases. Turkey does not issue international travel documents to refugees.

**Right to Earn a Livelihood** Turkey's 2003 Law on Work Permits for Foreigners permits refugees and asylum seekers with valid residence permits to work legally. Authorities grant few to asylum seekers, however. Some are valid for a year, applicable to those who have year-long residence permits, but because asylum seekers are eligible only for six-month permits, they can work for six months only.



A 1932 law reserves certain professions and activities for Turkish citizens, specifically those in the various service sectors such as health care and medicine, law, and public and private security. The Labor Ministry issues work permits directly to the employer, and Law 4817 provides penalties for illegal foreign workers and their employers.

Refugees are unable to work in the provinces, and even informal work opportunities are limited. Officials are more apt to prosecute illegal work in the provinces.

The vast majority of refugees and asylum seekers who work in the informal sector do not enjoy the protection of labor laws and social security.

Turkish law does not restrict foreigners from investing business capital, but the temporary nature of asylum that non-European refugees receive precludes them from engaging in business. While they can open bank accounts by showing documents that identify them as legal residents in Turkey, they do not have the right to hold title to or transfer business premises, farmland, homes, or other capital assets.

**Public Relief and Education** Refugees with valid residence permits are eligible for government services. Limited government health services leave many refugees without medical attention. Refugees have to apply for medical aid to officers from the foreigners' branch of the police and depend on provincial authorities' discretion and the availability of local Social Assistance and Solidarity Funds. UNCHR contracts with hospitals and pharmacies to recognized refugees with medical services on an emergency basis. Although non-European refugees whom Turkey grants temporary asylum are entitled to free medical care in state hospitals, and under a 2008 law asylum seekers and stateless persons are as well, this has not been implemented.



The Turkish Constitution and the 2006 implementation of the 1994 Asylum Regulation offer free education to children aged 6 to 14, but only those with legal residence permits can enrol in public schools.

Turkey does not include refugees and asylum seekers in its *Poverty Reduction Strategy Paper* prepared for international donors or in other development plans.

## NEWS AND REPORTS

- 05.29.2003 • **Europe: European Union Shuts Doors to Refugees and Asylum Seekers; International Community Ignores Chechens' Plight** (Press Releases)