

## **Responses to Questions Posed by the Iranian Refugees Alliance, Inc.**

The Iranian Refugees Alliance, Inc. has posed several questions to UNHCR in relation to the situation of Iranian refugees in Turkey who previously resided for varying periods in Iraq. The Government of Turkey has offered these refugees the possibility to obtain legal resident status under The Law on the Entry and Sojourn of Foreigners (Law No. 5683), subject to the payment of administrative fees related to the issuance of residence permits and other conditions. The refugees have been informed by the Government that their failure to pay these fees and obtain residence permits could lead to their deportation, under the applicable provisions of national law.

UNHCR's responses are as follows:

### **1. Residence Permit Fees**

UNHCR is unfortunately not in a position to pay the residence permit fees on behalf of the refugees. The required funds simply cannot be diverted from other competing global priorities. It would be difficult, in any case, to justify using scarce emergency response resources for the payment of administrative fees.

UNHCR formally requested that the Government of Turkey consider waiving the residence permit fees during the first year of validity. The Government declined, noting that such fees are mandated by the Law on Fees (Law No. 492) and the Law on Valuable Papers (No. 210). The Government did waive the retroactive application of the fees to the date of entry to Turkey, but considered that any further exceptions would constitute a precedent for other groups of foreign nationals.

UNHCR is aware of the hardship that payment of the residence permit fees is causing for these Iranian refugees. The requirement to pay the fees comes at the same time that the refugees are bearing other significant expenses related to their relocation from Van, including the costs of renting and furnishing new accommodation. Finding employment, if possible at all, will take time for most refugees. With these factors in mind, and considering the desperation and near panic that was spreading among the Iranian refugees, UNHCR made a new request that the fee provisions be applied in a flexible manner and that exceptions are granted where clearly warranted on humanitarian grounds, but these efforts have so far not yielded positive results.

From contacts with the refugee community, UNHCR gathers that some of the Iranian refugees have taken a collective decision not to pay the fees, even though some are in a position to do so. UNHCR considers this to be reckless and unwise strategy that will certainly not serve the longer term interests of the refugees. While continuing to

advocate strongly for a humanitarian and flexible approach with the Government, UNHCR advises those refugees who have the financial means to pay the fees to do so, in order to legalise their situation in Turkey.

## **2. Legal Status**

The Government of Turkey has offered these Iranian refugees the possibility to obtain legal resident status within the framework of Law No. 5683 for Foreigners Travelling and Residing in Turkey. In making the offer, however, the Government expressly excluded these refugees from the application of the Turkish national regulation dealing with refugees and asylum seekers and the 1951 Convention. In this connection, UNHCR would note that Turkey maintains the so-called “geographic limitation” restricting its obligations under the 1951 Convention to persons uprooted by events in Europe, so Iranian refugees are not eligible for protection in Turkey on that basis.

The Government’s decision to grant of legal resident status to the Iranian refugees who entered Turkey after having resided in Iraq, nevertheless, represents a very positive development. While UNHCR obviously would have preferred for these individuals to have received formal, legal protection as refugees under national law, the opportunity for them to move to more secure areas away from the border with their country of origin, receive residence permits and have the possibility to work should not be minimized. The Government’s new policy, when fully implemented, should lead to a significant improvement in the level of protection and quality of life of most refugees.

UNHCR wishes to reaffirm that these Iranian nationals have been recognised as refugees under its Mandate. The Government’s decision to offer them residence on a different basis, while consistent with national law and Turkey’s existing international obligations, does not alter their status under international law or affect UNHCR’s responsibilities toward them. UNHCR would also emphasise that, subject to the very limited exceptions articulated in the 1951 Convention, all refugees are entitled to the fundamental protection of *non-refoulement*, which binds all States as a rule of customary international law, irrespective of their treaty obligations.

## **3. Financial Assistance**

UNHCR is aware of the financial difficulties experienced by these Iranian refugees, particularly following their relocation from Van. For this reason, UNHCR extended financial assistance to the refugees just prior to their move. UNHCR will continue to evaluate and seek to meet their assistance requirements, within the existing budgetary constraints. Unfortunately, UNHCR’s resources are not sufficient to place all those who are in need on the regular financial assistance rolls at this time. UNHCR will, however, extend medical assistance to these refugees, who were expressly excluded from State health care coverage in the Turkish government’s decision.

The Government’s policy toward these refugees allows them, in principle, to work legally in Turkey. This should enable many to contribute toward their own support and

maintenance. UNHCR is seeking clarification from the relevant authorities regarding the procedures to be followed in order to obtain a work permit. The possibilities for finding jobs in the communities where the refugees have been assigned to live may, of course, be limited, due to local economic conditions.

#### **4. Resettlement**

UNHCR considers the Turkish government's offer of legal resident status to be a temporary measure, pending efforts to secure a durable solution for these refugees. UNHCR acknowledges its responsibility to find solutions for all refugees, including the Iranians who resided previously in Iraq. At this time, however, UNHCR faces significant constraints in its efforts to achieve one of the three traditional durable solutions – voluntary repatriation, local integration or resettlement – for these refugees.

The Government has taken the decision not to permit the resettlement of these Iranian refugees from Turkey. The Turkish authorities have stated their concern that the commencement of resettlement processing, particularly while no parallel efforts are underway in Iraq, would induce Iranian refugees in that country to cross the border in search of this durable solution. The Government's firm position is expressly reflected in the documentation issued to the refugees.

For its part, UNHCR considers that the solution needs of Iranian refugees in Iraq and those who travelled onward to neighbouring countries should be addressed in a coordinated manner and on a regional basis. This is necessary to ensure equity among similarly situated refugees residing in different countries and to avoid encouraging risky secondary movements. Having said this, UNHCR's activities within Iraq are presently quite limited, placing efforts to achieve comprehensive solutions for Iranian refugees living in that country – whether through voluntary repatriation, local integration or resettlement – on hold for the time being.

UNHCR will move forward with solutions-oriented activities as soon as conditions in Iraq permit. Should the situation in Iraq fail to improve in the future, UNHCR would have to review the solutions options for these Iranian refugees, as well as for Iraqi refugees who find themselves in a similar situation in Turkey. In the meantime, UNHCR encourages all refugees to avail themselves of the possibilities that the Turkish government has offered under the relevant national laws, regulations and administrative decisions to legalise and stabilize their situation in Turkey on a temporary basis.

UNHCR Turkey  
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