

Regulation No. 1994/6169 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum From Another Country

PART ONE - General Provisions

Purpose - Article 1

The purpose of this regulation is to determine the principles and procedures and to designate the bodies competent in respect of, aliens who individually seek refuge or seek residence in our country in order to seek refuge in other countries or as a group arrive at our borders for the purposes of refuge or asylum, or possible population movements, under the 1951 Geneva Convention relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees.

Contents - Article 2

This Regulation contains the measures, procedures to be undertaken, concerning the aliens who, legally or illegally, arrive in our country as individuals and wish to seek refuge or request residence permission in order to seek refuge in other countries, or who collectively arrive at our borders or cross our borders for the purposes of refuge or asylum, the bodies to be approached, and through whom decisions are to be made and co-operation undertaken, and [such bodies´] duties, and the principles to which aliens should be subject.

Definitions - Article 3

For the purposes of this regulation, whilst all definitions apply, which are stated in the 1951 Geneva Convention relating to the Status of Refugees, the Protocol of 31 January 1967 relating to the Status of Refugees and in other related laws, the following definitions shall be given to the following terms: -

Refugee: An alien who as a result of events occurring in Europe and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it;

Asylum Seeker: An alien who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Belligerent Foreign Army Member: A military person, allowed into or captured in Turkey, whose country of origin is in a state of war or armed conflict with a third country.

Individual Alien: A single person or a family [unit] consisting of a father, mother and minor children.

PART TWO – Procedures and principles related to individual aliens either seeking asylum from Turkey or requesting residence permissions in order to seek asylum from a third country

Authorities to be applied to – Article 4

Individual aliens who are either seeking asylum from Turkey or requesting residence permission in order to seek asylum from another country shall apply without delay to the governorate of the place where they are present, if they entered Turkey legally; and shall apply without delay to the governorate of the place where they entered Turkey, if they entered illegally.

Those who fail to apply within the shortest reasonable time shall notify their valid reasons for failure to apply and shall co-operate with the competent authorities with regard to this issue.

Obligations of the Authorities to be applied to – Article 5

With regard to the individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country, the Governorates shall do the following;

- a) Identification shall be made and their photographs and fingerprints shall be taken.
- b) They shall be interviewed in accordance with the 1951 Geneva Convention relating to the Status of Refugees. For interviewing and decision making, personnel shall be appointed at the Governorates that are authorized to conduct interview or make a decision.
- c) The interview documents along with the comments of the interviewer and the decision made on the case of the applicant, in accordance with the authority granted with Article 6, shall be sent to the Ministry of Interior.
- d) Pending further instruction from the Ministry of Interior, the alien shall be accommodated in a centre or a guesthouse deemed suitable by the Ministry of Interior or shall freely reside in a place which shall be determined by MOI.
- e) Further steps shall be taken following instructions from the Ministry of Interior.

Decision-making Authority – Article 6

Decisions on the applications of individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country shall be concluded by the Ministry of the Interior in accordance with the 1951 Geneva Convention relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees and this Regulation.

When it deems as necessary, the Ministry of Interior could transfer the decision making authority to the Governorates.

The decision taken by the Governorate or the Ministry of Interior shall be communicated to the alien through Governorates.

Those aliens whose applications are accepted shall be accommodated in a guesthouse deemed suitable by the Ministry of the Interior or shall freely reside in a place which shall be determined by the Ministry of the Interior.

Those aliens whose applications are not accepted may appeal to the relevant Governorate within 15 days.

For a more accelerated decision, the period to lodge an appeal could be reduced by the Ministry of Interior, if deemed as necessary. The statement and other information and documents supporting the claim submitted by the applicant appealing the decision shall be sent to the Ministry of Interior by the Governorate. Appeal shall be concluded by the Ministry of Interior and the final decision shall be notified to the alien.

The situation of those whose appeals are rejected with a final decision are assessed within the framework of the general provisions regarding the aliens. Within the framework of the general provisions regarding the aliens, those aliens who are not deemed eligible for residence permit are notified that they shall leave Turkey within the period determined by the administration. Aliens who do not leave the country are deported from Turkey by the governorates upon the instruction of the Ministry of Interior or ex-officio by the Governorates where the direct decision making authority is transferred to the governorates.

Institutions with which co-operation is to be carried out – Article 7

In proceedings regarding the individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country, there shall be co-operation with other Ministries, institutions and organizations, international organizations such as the United Nations High Commissioner for Refugees and the International Organization for Migration, and non-governmental organizations, especially on aspects such as accommodation, food, transportation, resettlement, voluntary repatriation, obtaining passport or visa.

PART THREE – Precautions to be taken against possible population movements and aliens arriving in Turkey in groups wishing to seek asylum

Precautions to be taken in the event of the beginning of a [population] movement for asylum and the arrival of aliens at our borders – Article 8

As long as there are no political decisions taken to the contrary, and provided that Turkey's obligations under international law are maintained, and taking into account its territorial interests, it is essential that population movements be stopped at the border, and that asylum seekers be prevented from crossing over into Turkey. Necessary and effective measures shall be taken by the relevant bodies on this matter.

PART FOUR - Action and precautions to be taken in the event of the acceptance of refugees and asylum seekers who come to our borders or enter Turkish territory in groups

Identification, seizure of arms and transportation – Article 9

In the first instance, refugees and asylum seekers shall be disarmed by military authorities. Subsequently, at a suitable border point, belligerent foreign army

members and civilians shall be separated. Civilians shall be submitted to either police organizations or gendarmerie for transportation to camps which are to be established.

For belligerent foreign army members, law number 4104 on Belligerent Foreign Army Members Who Take Refuge in Turkey shall apply.

Protection – Article 10

Those who seek asylum from Turkey and take refuge in Turkey are under the protection and supervision of the state whilst they remain in Turkey.

Establishment of Camps – Article 11

Front-line assembly areas to shelter asylum seekers and refugees as close as possible to the border shall be designated by the Ministry of Interior in conjunction with the Turkish General Staff and shall be established by the Governorates.

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Settlement and Interview – Article 12

In order to prevent the accumulation inside our borders of aliens coming into Turkey by land, sea or air and to send them on to in-land areas safely, front-line assembly areas shall be established by the civilian authorities. Aliens assembled at these areas shall be sent on to [in-land] assembly areas. Aliens who are to be sent to in-land assembly areas shall be interviewed and their statements taken either in their own language or in a language that they can understand. During the interview, they shall be obliged to state their name, surname, place and date of birth, status in their country of origin, their reasons for coming to Turkey, and (if any) the names and addresses of relatives living either in Turkey or abroad.

In addition, photographs and fingerprints shall be taken. While classifying them according to their nationalities, utmost care shall be taken to separate terrorists and those destructive to peace and security along with provocateurs, spies and saboteurs.

As far as is possible, care shall be taken to house refugees and asylum seekers according to their [common] laws and customs. These people shall be issued identification papers and registered at the registry office.

The documents related to those being traced by international organizations shall be made available to the Turkish Red Crescent Society on request.

Personnel to be Appointed – Article 13

Personnel to be appointed shall be selected by the ministries and organizations concerned under the co-ordination of the Ministry of Interior.

Obligations and Authority – Article 14

Camps established in the front-line assembly areas and [in-land] assembly areas shall be administered by the Governorate of the province where they are located. In order that they may establish front-line assembly areas and [in-land] assembly areas, the Governorates may temporarily utilize all buildings belonging to public bodies and institutions and establishments and if necessary, rent them from private persons.

The necessary equipment and furnishings for the administration of such camps shall be provided by the ministry and organizations in-charge upon the request of the Governorate concerned.

Protection and Discipline – Article 15

The Governorate responsible shall take all necessary measures for the protection and discipline of the refugees and asylum seekers in the front-line assembly areas and [in-land] assembly areas. Unless it is deemed necessary to do otherwise, the statutes concerning the Regulation of Refugee Guest Houses and the Internal Rules of Refugee Guest Houses prepared by the Ministry of the Interior shall be enforced.

Refugees and asylum seekers wishing to leave the camps temporarily must obtain permission from competent civil servant. In addition, for those who are eligible, traveling and residence documents limited to Turkish boundaries shall be issued by the Ministry of the Interior after relevant ministries and organizations have been consulted in principle.

Visits by the representatives of Foreign State and International Organisations – Article 16

The Ministry of the Interior shall grant permission to the representatives of foreign states and international organizations to visit front-line assembly areas and [in-land] assembly areas, providing that the Ministry of Foreign Affairs deems it as appropriate. These visits, however, shall be subject to temporary restrictions where military necessities and national security require.

Public contact and receiving of visitors – Article 17

The principles regarding contact with the local public and receiving of visitors for refugees and asylum seekers shall be defined and enforced by the competent Governorate.

Freedom of Religion – Article 18

Provided that discipline rules set by the competent Governorate are observed, refugees and asylum seekers may conduct religious ceremonies and worship as their faith requires. To this end, suitable locations shall be provided as the situation permissions.

Medical check-ups – Article 19

Refugees and asylum seekers shall be issued with medical cards and shall be given regular medical check-ups. In the event of a contagious illness, all necessary measures shall be taken by the competent Governorate and the authorities shall be informed.

The diagnosis and treatment for those who suffer from a serious illness or who require special treatment, medical intervention or hospitalization, along with preventive vaccination shall be carried out in State Hospitals and expenses shall be covered by the general provisions. However, expenses incurred for organ transplants, prosthesis, orthodontics, haemodialysis or similar long term treatment of chronic cases shall be covered by the person in question.

Death and Burial – Article 20

Those refugees and asylum seekers who die shall be buried in places set aside within the country's designated cemeteries or in their own cemeteries within the locality if they exist, with ceremonies conducted in accordance with their own religion and customs. The competent Governorate shall co-ordinate its activities with the institutions authorized in this matter. Any request communicated by the country of which the deceased was a national, shall be taken into consideration as much as the situation permissions.

Communication – Article 21

Means of communication for refugees and asylum seekers with their relatives shall be provided as much as possible. However, communications shall not be free of charge. Letters in any language and parcels sent or received by refugees and asylum seekers might be inspected by the authorities.

Sending Aid – Article 22

Provided they are subject to inspection, food, clothing, medicine, material for religious education and entertainment purposes can be sent to refugees and asylum seekers both by postal and other means from Turkey or abroad.

Goods sent by foreign countries and international organizations for relief shall be distributed among refugees and asylum seekers by the Turkish Red Crescent Society under the supervision of the competent Governorate.

Exemption – Article 23

Whether or not refugees and asylum seekers are exempt from taxes, fees, levies and fund payments is stipulated by relevant legislation.

Rules of Co-ordination – Article 24

In order to implement the procedures that concern possible group entries across our borders and to ensure that necessary co-operation and co-ordination is achieved, the Ministry of the Interior or a state minister assigned by the Prime Minister shall chair a provisional high co-ordination board consisting of representatives from the Turkish General Staff, the Ministry of National Defence, the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Health, the Ministry of Communications, the Ministry of Agriculture and Village Affairs, other ministries and organizations concerned along with the National Intelligence Services and Turkish Red Crescent Society. The secretarial duties of this committee shall be performed by the Ministry in charge.

In provinces where similar duties are performed, a sub-committee consisting of relevant public organizations shall be established reporting to the Governor or a Deputy Governor appointed by the Governor.

Decisions taken by the high co-ordination board regarding group entries shall be carried out promptly by the ministries and organizations concerned according to their own [governing] regulations.

Obligations of the Turkish Red Crescent Society – Article 25

The Turkish Red Crescent Society shall undertake to:

- (a) use all means and services within the framework of its own regulations, international conventions, international Red Crescent and Red Cross agreements, principles and protocols.
- (b) Following a positive opinion by the Ministry of Foreign Affairs, request material and financial aid from the International Federation of Red Cross and Crescent Societies and other organizations; and distribute the aid that is obtained.
- (c) Co-operate with the Ministry of Health to give medical support.
- (d) When deemed necessary, give support in the establishment of the camps.

PART FIVE – Common provisions to be applied to aliens arriving in Turkey as individuals or in groups wishing to seek asylum either from Turkey or requesting residence permissions from Turkey in order to seek asylum from a third country

Repatriation – Article 26

At the conclusion of a war, armed conflict or crisis the repatriation of refugees and those who seek asylum in groups shall be carried out by the Ministry of the Interior in co-ordination with the Turkish General Staff and the Ministry of Foreign Affairs.

Repatriation of individual cases shall be carried out by the Ministry of the Interior.

Work and Education – Article 27

Right of education and work for the refugees and asylum seekers, limited to their period of residence in our country, are subject to the general provisions of the law.

Extension of Residence Permission – Article 28

Residence permission granted to individual aliens who seek residence permission in Turkey in order to seek asylum from another country may not be extended if after having been given reasonable time the aliens are still not able to go to a third country. Aliens in such situations shall be asked to leave the country.

Deportation – Article 29

A refugee or an asylum seeker who is residing in Turkey legally can only be deported by the Ministry of Interior under the terms of the 1951 Geneva Convention relating to the Status of Refugees or for reasons of national security and public order.

An appeal against a deportation order may be made by approaching to the Ministry of Interior within fifteen days. The appeal shall be reviewed and ruled upon by an official one rank above the officer who previously made the deportation order, and this ruling shall be communicated to the person concerned by the competent Governorate.

Appointment – Article 30

A sufficient number of personnel shall be appointed at the Ministry and the governorates by the Ministry of Interior for decision making on the cases of

individual aliens and for the assessment of appeals. The Ministry of Interior could assign those working in the Ministry, in governorates or those working in the governorates, in the provinces other than the province they work on a temporary basis, not exceeding 15 days each time. In order to enforce this Regulation during mass influx situations or population movements and in order to support this regulation with sufficient number of personnel; the relevant ministries, public institutions and organizations shall assign sufficient number of personnel in front-line assembly and assembly areas on a temporary basis, following a recommendation, based on their relevance, from the Turkish General Staff or the Ministry of Interior. Personnel appointed on a temporary basis shall receive, if deserving, daily allowances in accordance with the Law No. 6245 on Daily Allowances.

Legal Accordance – Article 31

This regulation has been drafted in accordance with the 1951 Geneva Convention relating to the Status of Refugees approved by Law Number 359 on 29 August 1961, and the Protocol of 31 January 1967 relating to the Status of Refugees, which was implemented by a decree made on 25 September 1968 by the Council of Ministers, number 6/10733.

Entry into Force – Article 32

This regulation shall enter into force on the day of its publication.

Implementation – Article 33

The Council of Ministers is empowered to implement the provisions here within.