

TURKEY

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

Political context

Global migration fluctuations have a particular impact on Turkey, in view of its geographic position between Asia and Europe. Turkey is a country of destination for both economic migrants and asylum-seekers. It is also an important transit country for those seeking to reach Western European countries. Turkey is deeply engaged with its European partners in efforts to control irregular migration and to combat and prevent human trafficking and smuggling.

Following the events of 11 September 2001, Turkey has been active in supporting the new international efforts against terrorism and has contributed to the sending of troops to the multinational peacekeeping force in Afghanistan.

The International Monetary Fund has expressed satisfaction with the economic measures adopted by the Government in connection with a very significant loan package from the Fund.

Debate within government circles and the broader public over the merits of EU membership has intensified, with opinion polls indicating that the overwhelming majority of the population strongly favours entry. The Government continues to work on the implementation of the short and medium-term reform commitments set forth in its National Programme for the Adoption of the EU *Aquis* (NPAA), although only half of the short-term commitments had been met by the target date of 19 March 2002. Among the measures in the early stages of development is a new asylum law that would bring national practice into greater harmony with EU standards.

Security Situation

The general security of asylum-seekers and refugees in Turkey is good. The Turkish authorities act as necessary to protect the security of refugees. Asylum-seekers coming in an illegal manner into Turkey from Iraq and Iran, however, must cross tense borders, where significant forces are deployed on either side to intercept illegal migrants, drug smugglers and armed elements.

Protection Issues

Turkey exercised its option to limit its 1951 Convention obligations to persons who became refugees as a result of events occurring in Europe. To address the protection needs of the non-European refugees, a system of temporary protection has been put into place under the 1994 Asylum Regulation. Under this system, refugee status is determined by UNHCR and temporary asylum is afforded pending the identification of a resettlement solution. Turkey's policy is that the Convention's non-refoulement protections apply to persons on its territory who would qualify for refugee status under its terms, irrespective of their geographic origin.

The Turkish procedure for granting temporary residence to non-European asylum-seekers has functioned well in recent years, and is applied towards all asylum-seekers and refugees, regardless of whether they have entered the country legally or in an irregular manner. In 2001, 30 percent of all new asylum-seekers entered the country without valid travel documents.

UNHCR remains concerned by the fact that certain procedural rules limit access to the Government's asylum system, thus creating some risk of refoulement for those who do not meet the procedural requirements. The principal obstacle is the requirement whereby asylum-seekers must lodge an asylum application within 10 days after entering Turkey. They are also required to provide some form of official identification within 15 days of the registration. In 2001, 13 percent of asylum-seekers approaching UNHCR in Turkey were unable to register in the Government procedure, mainly for these two reasons. Asylum-seekers who remain outside the procedure and without valid documents risk deportation, although this can usually be avoided, provided that UNHCR is informed and has time to intervene with the authorities.

Non-European asylum-seekers who are registered in the Government procedure receive a temporary residence permit valid until their status is determined. If found to be a refugee, the individual's permit will be extended for the period needed for the resettlement process. The economic and social conditions of the asylum seekers and refugees during the status determination process and until departure to a resettlement country are generally difficult. Work permits are difficult to obtain for foreigners and the tolerance of local authorities for unofficial labour is limited.

European refugees in Turkey benefit from the protection regime under the 1951 Convention. Therefore resettlement is not as a rule envisaged as a durable solution for them. For the same reason, UNHCR does not need to engage in status determination for this group. Turkey has been generous in offering protection and asylum to many European asylum-seekers in the post-Cold War period, although protection has usually been granted out of the legal framework of the 1951 Convention. As a consequence, if the authorities decide not to renew the temporary residence permits of such persons, these individuals will not be able to apply for asylum, as the 10-day time limit will have long since expired.

During 2003, UNHCR will continue to advocate with the Government for a more comprehensive and accessible national framework for refugee protection in Turkey. UNHCR will also seek to strengthen its collaboration with the Government and Turkish non-governmental organisations (NGOs) in addressing the social problems of refugees and asylum-seekers. In the case of European refugees, UNHCR will also promote the implementation of Convention rights such as access to work permits, children's education and the issuance of Convention Travel Documents.

UNHCR's role

In Turkey, UNHCR:

- advises the Government on the eligibility of individual asylum-seekers from non-European countries and ensures efficient and fair refugee status determination (RSD);
- cooperates with the Government in joint training programmes, designed to enhance the knowledge and capacities of officials responsible for asylum and refugee matters;
- supports Government efforts to strengthen and develop its legislative and institutional arrangements for the protection of refugees, in conformity with international standards;
- promotes durable solutions for refugees, mainly through resettlement to third countries, but also through voluntary repatriation and local integration, where feasible;
- cooperates with local authorities and NGOs in meeting the needs of asylum-seekers for material, medical, social and psychological support during their stay in Turkey, with a special emphasis on the protection of refugee women and children; and
- raises public awareness about the problems of asylum-seekers and refugees and building support for Turkey's efforts to protect and assist them.

Overview of major theme and beneficiary populations

Theme – Ensured Quality of Asylum in Turkey

The Turkish authorities are working to upgrade the national asylum system. The Government's commitment is reflected in the NPAA, as well as in the 3-year co-operation framework agreement concluded with UNHCR in 2000. Under that agreement, BO Turkey supports Turkey's efforts to

develop an asylum system in accordance with international standards, including a corps of specialised staff and interpreters, a permanent training programme on refugee and asylum matters and other crucial components, such as databases for asylum applications and country-of-origin.

Given the difficult social conditions many asylum-seekers face in Turkey, UNHCR also places a high priority on reducing the waiting periods for the assessment of claims, while maintaining procedural safeguards and other high standards. The targets for 2003 will be to achieve an average wait of 3 months from registration to first decision, with an additional 6-months wait in the appeal instance.

Beneficiary Populations – Non-European and European Refugees in Turkey

Non-Europeans. On 28 February 2002, 6,388 non-Europeans were registered as active cases with UNHCR in Turkey, a decrease of just over a thousand, or 14 percent, from early 2001. The active caseload included 2,370 recognised refugees (16 percent fewer than the previous year) and 4,018 asylum-seekers pending assessment (a 12 percent reduction). Nationals of Iran accounted for two-thirds of the total, while Iraqis comprised for one fifth and nationals of Afghanistan and various African States most of the rest. During their stay in Turkey, non-European refugees are largely dependent on UNHCR assistance, supplemented in several locations by in-kind contributions from the local authorities. Social and economic problems are particularly acute in Van, where one-third of the asylum-seekers lives, pending assessment of their claims. The difficult economic conditions in Van and the presence of many internal migrants create additional pressures.

Europeans. The number of Bosnian and Kosovar refugees remaining in Turkey is less than 900, including fewer than 100 at the Gazi Osman Pasa refugee guesthouse in Kırklareli province. UNHCR and its partner ICMC will continue to identify and promote durable solutions on a case-by-case basis, cooperating closely with the Turkish government and NGO partners for local integration and with IOM on voluntary repatriation. In addition to counseling services, UNHCR will provide material assistance to the most vulnerable refugees.

Turkish returnees. Since 1996, UNHCR has facilitated the return of 2,206 Turkish citizens from Iraq to Turkey. Only 8 families consisting of 38 persons returned during 2001. UNHCR will continue to assist Turkish returnees, as required, in 2003.

Policy Issues

UNHCR's operations in Turkey require a relatively large staffing component, mainly due to the Office's responsibilities for refugee status determination (RSD) and resettlement. As noted above, Turkey maintains the geographic limitation to the 1951 Convention, which means that UNHCR carries out mandate RSD for all non-European asylum-seekers and resettles all those recognised as refugees. Turkey's medium-term commitment to lifting the geographic limitation, in tandem with the enactment of a new national asylum law in 2002 or 2003, should provide the legal and institutional framework needed for UNHCR to accelerate its co-operation with the Government on strengthening the institution of asylum.

UNHCR and the Government cooperate in joint training programmes and other capacity-building activities that are crucial to maintaining and improving on the asylum system in Turkey. Given the reality of current funding constraints, UNHCR's strategy has been to mobilize additional resources – both budgetary and extra-budgetary – that otherwise would not have been available to the Office. Over the past several years, governments, including those of Australia, Canada, the Netherlands, the United Kingdom and the United States, as well as the European Commission, have supplemented UNHCR's budget in Turkey with generous contributions in support of protection training and programmes for refugee women and children. A significant part of the activities promoted, supervised or implemented by the Branch Office in 2003 will once again depend on such additional resources.

Linkages to other country operations

BO Turkey will work closely with RO Brussels on issues related to Turkey's candidacy for European Union (EU) membership and its efforts to adopt the EU *Acquis* on asylum, as well as on an asylum strengthening project funded by the EU High Level Working Group on Migration and Asylum (HLWG). BO Turkey will continue to collaborate with OCM Bosnia and Herzegovina and OCM

Kosovo to identify individualized solutions for the small residual caseload of Bosnian and Kosovar refugees. The Office will also co-ordinate with OCM Baghdad on the voluntary repatriation of Turkish refugees from Iraq. Finally, BO Turkey will participate in contingency planning efforts with the concerned UNHCR offices in neighboring countries and the broader region.

Capacity and presence of implementing partners

UNHCR Turkey collaborates closely with three international NGOs (ICMC, Caritas and the Inter-Parish Migration Program) and two national NGOs (the Association for Solidarity with Asylum-seekers and Migrants (ASAM) and the Human Resources Development Foundation (HRDF)), as well as the Turkish Red Crescent Society, for social and psychological counseling services and health care. These partners, along with IOM, also participate as members of UNHCR’s Gender and Children Team, which BO Turkey established to ensure gender mainstreaming and to increase the quality of protection and services afforded to refugee women and children.

Presence and role of UN agencies and international organizations

The UN agencies and international organizations represented in Turkey include UNDP, UNICEF, UNFPA, FAO, ILO, WHO, UNIDO and IOM. The UNDP Resident Representative also serves as the UN Resident Coordinator, the Resident Representative of UNDCP and the UNIC Director. IOM is the only other international agency operationally involved with refugees in Turkey. In close co-operation with UNHCR, IOM organizes the departure of refugees for resettlement, family reunification and voluntary repatriation.

(b) Selected Programme Goals and Objectives

Name of Theme: Ensured Quality of Asylum in Turkey	
Main Goal(s):	
<ol style="list-style-type: none"> 1. Asylum-seekers have access to the Turkish asylum procedure. 2. Turkey strengthens its asylum system in conformity with international standards. 3. UNHCR performs mandate refugee status determination (RSD) fairly and efficiently. 	
Principal Objectives to Goal 1	Related Outputs
<ul style="list-style-type: none"> • Asylum-seekers are systematically identified and referred to the national asylum procedure. • Good co-operation continues with Turkish authorities on implementation of the 1994 Asylum Regulation • An increasing number of Turkish lawyers are knowledgeable and active on asylum issues. • The Turkish public has a positive view of refugees and understands their need for international protection. 	<ul style="list-style-type: none"> • Introductory training programmes for border officials expanded. • Joint missions undertaken to assist local officials with RSD and other protection issues. • Training seminars on asylum held with bar associations and local NGOs • Media interviews and appearances given and public outreach events organized.

Principal Objectives to Goal 2 <ul style="list-style-type: none"> Refugees and asylum-seekers benefit from the progressive development of the national legal and institutional framework for asylum in Turkey. 	Related Outputs <ul style="list-style-type: none"> All MOI officials handling asylum applications receive introductory and advanced RSD training. Research commissioned on key asylum issues relevant to development of the Turkish system. Documentation on asylum, including UNHCR and EU publications, translated and disseminated. Study tours organised for Turkish officials to examine potential models and “best practices.” Development of EDP systems for registration and country-of-origin information supported.
Principal Objectives to Goal 3 <ul style="list-style-type: none"> Asylum-seekers have access to UNHCR’s protection through an effectively managed, efficient mandate RSD operation. 	Related Outputs <ul style="list-style-type: none"> Some 5,000 asylum applications determined. Backlog of pending claims and waiting period for first instance and appeal decisions halved.
Name of Beneficiary Population: Non-European and European Refugees in Turkey	
Main Goal(s): <ol style="list-style-type: none"> Secure durable solutions for non-European refugees as speedily as possible. Ensure the well-being of refugees, with a particular focus on refugee women and children. 	
Principal Objectives to Goal 1 <ul style="list-style-type: none"> Most non-European refugees in Turkey continue to benefit from rapid resettlement. Durable solutions available for European refugees, as well as for non-European refugees with a difficult profile. 	Related Outputs <ul style="list-style-type: none"> 3500 refugees resettled in 2003 Average 7-month wait from recognition as a refugee to departure 85 percent acceptance rate for resettlement on first submission Individualised durable solutions plans implemented for European refugees and difficult non-European cases
Principal Objectives to Goal 2 <ul style="list-style-type: none"> Refugees are able to meet their basic needs for food, shelter, health care and education pending a durable solution. Refugees and asylum-seekers have access to social and psychological counseling services tailored to their needs, with a special focus on refugee women and children. Government and NGO partners are trained and able to meet the counselling needs of refugees and asylum-seekers. Refugee children receive primary education in Turkey. 	Related Outputs <ul style="list-style-type: none"> Some 1500 refugees and 350 asylum-seekers granted financial assistance each month. 1500 to 1600 refugees receive medical care and sanitary supplies monthly. Collaboration with the Government and capacity building with national NGOs enhanced. Protocols on gender-related and children’s issues developed and disseminated to through training. Refugee parents encouraged to send children to school; 550 students receive education assistance.