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**Report on the Situation of Refugees in Turkey:
Findings of a Five-week Exploratory Study
December 2002 – January 2003**



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Abstract

This report examines the current refugee situation in Turkey. Turkey is party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, however it has maintained the geographical reservation, thereby granting refugee status only to those who became refugees as a result of events in Europe. In the past two decades, Turkey has become a reluctant host to an increasing number of asylum seekers, both Europeans and non-Europeans. This report investigates the progress in Turkey's asylum procedures as well as the many areas that need strengthening, including, most importantly, in preventing *refoulement*. Both national and international sources of asylum law are examined, with a consideration of the effects of these policies on the lived experience of the asylum seeker. Statistics and demographic information about Turkey's refugee population are provided, as well as a discussion of the extent to which refugee rights are limited by Turkey's incomplete implementation of the 1951 Convention.

In addition to being a country of first asylum, as a function of its geographical location in the heart of a troubled region, Turkey is a major transit country for thousands of migrants destined for European countries. In its bid for membership in the European Union, Turkey is faced with the task of stopping the flow of illegal immigrants spilling towards European borders. This report also analyses the effects of Turkish-EU relations and EU harmonization on Turkey's refugee policies and practices.

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Source: CIA World Factbook

Turkey's Demographic Indicators¹

Population	67,308,928 (July 2002 est.)
GDP per capita	\$6,700 (2001 est.)
Unemployment	10.6% (2001 4th quarter)
Life Expectancy	71.5 years
Literacy	85% of the total population 94% of men 77% of women
Border Countries	Armenia 268 km Azerbaijan 9 km Bulgaria 240 km Georgia 252 km Greece 206 km Iran 499 km Iraq 352 km Syria 822 km

¹ Compiled with data from the CIA Worldfactbook 2002 report on Turkey, at <http://www.odci.gov/cia/publications/factbook/geos/tu.html>

CHAPTER 1: INTRODUCTION

1.1 Introduction

Last summer, Turkish police made a gruesome discovery while patrolling the jagged mountain slopes of southeastern Turkey. The frozen bodies of 19 asylum seekers, including nine children huddled around their mothers, were found melting in snowdrifts. According to an article in *The Guardian*, police believed the asylum seekers had been caught in a snowstorm the previous winter while illegally crossing the border from Iran through the forbidding mountain range.²

Sadly, news reports of asylum seekers and migrants who perish while crossing Turkey's borders, or who are captured and then deported by Turkish officials, are not uncommon in Turkish newspapers.³ Turkey's position in the movement of thousands of asylum seekers, combined with restrictive asylum policies and increasingly aggressive efforts to crack down on illegal immigration to Europe make it difficult for refugees to gain a legal foothold in asylum procedures. In some cases, this can have tragic results. For example, there are many reports of drowning because boats carrying refugees capsize while attempting to evade border patrols.⁴

Turkey is a magnet for asylum seekers and migrants due to its geographical position in a region characterized by political turmoil, protracted ethnic clashes and economic crises. Bordered by eight countries and lapped by 5,000 miles of coastline, Turkey lies at the crossroads of Asia and Europe and acts as a natural bridge for migrants bound for the west and north. As one of the largest asylum seeker producing countries in the world, and with some 3.4 million Turks and Kurds from Turkey living in the European Union, Turkey has long been viewed as a country of emigration.⁵ Yet, while the literature traditionally has focused on labour migration from Turkey to Europe, Turkey is playing an increasingly important role in the movement of asylum seekers, transit migrants and immigrants.⁶ It received thousands of asylum seekers from several major wars in recent years, including the Islamic revolution in Iran, the 1991 Gulf War, the conflicts in Bosnia and Kosovo and, most recently, Afghanistan.

² *The Guardian* (London) May 31, 2002 "Asylum debate: Children die in snow on route to the west"

³ For example, "Boat sinks off Turkish coast; two migrants killed, seven missing", *Turkish Daily News*, October 10, 2002. Another recent article stated that Turkish border patrol forces near the Greek border captured 60 migrants from African and Middle Eastern countries. The migrants were "sent to Edirne Police Directorate for deportation back to their countries." "Gendarmerie forces capture 60 illegal immigrants", *Turkish Daily News*, October 11, 2002.

⁴ For instance, an article on September 28, 2002 told of a boatload of 22 migrants travelling from Turkey to Greece when their boat capsized. Three were found dead and 10 were missing. "Refugee boat capsizes off Greek Island", *The Turkish Daily News*.

⁵ According to the UNHCR *Statistical Yearbook* for 2001, Turkey is the third largest country of origin for asylum seekers, with 41,300 asylum seekers in 2001. A June 19, 2002 *Turkish Daily News* article stated that the largest number of applications from people seeking asylum in the EU come from Turkey. The figure on 3.4 million Turks and Kurds from Turkey living in the EU was obtained from <http://www.byegm.gov.tr/yayinlariminish/AnadolununSesi/165/T8.htm>, as cited in Kemal Kirişçi's *Justice and Home Affairs Issues in Turkish-EU Relations: Assessing Turkish Asylum and Immigration Policy and Practice*, TESEV Publications, 2002, page 11.

⁶ Contrary to the traditional focus on migration outwards from Turkey towards the West, Bianca Kaiser of Istanbul Kultur University is currently studying the life-worlds of German migrants in Turkey. According to Kaiser, there are 100,000 citizens of EU-origin in Turkey, 60,000 of whom are German citizens. See Kaiser-Pehlivanoglu, Bianca, Armağan E. Çakır and E. İlker Mutlu (2001). "The Concept of 'Free Movement of Persons' and Turkey's Full Membership in the European Union". Final Project Report for the Research Fund of Marmara University (No. 2000/SOB-5).

Turkey's policies and practices towards these waves of refugees can be understood only in light of larger international migratory movements towards the West. In part because of its aspirations for EU accession, Turkey faces pressure from the European community to adhere to international humanitarian standards with regards to the treatment of refugees. Yet at the same time, as part of its attempts to "fortress up" and restrict immigration, the European Union is also pressuring Turkey to crack down on the flow of illegal migrants passing through its long and porous borders on their way to Europe.

Approaches to combating illegal migration can have unintended negative consequences for asylum seekers. Increasingly vigorous border policies designed to catch and deport illegal migrants can prevent refugees from making an asylum claim and receiving protection. In addition, Turkey's restrictive application of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as stringent national legislation and procedures, can act as further barriers to protection.

Turkey's tenuous position vis-à-vis refugees is complicated by the country's own internal dilemmas. Turkey has one of the largest internally displaced populations in the world. During the war between Turkish Armed Forces and the Kurdish Workers Party (PKK) from 1984 to 1999, thousands were forced to flee from their homes in southeastern Turkey and now live in urban slums. Turkey's 'Kurdish problem', and its consequent attitudes towards the refugee crises in Iraq, is a vast subject and will be touched on only briefly in this paper.

Given Turkey's important position as a country of first asylum, in December of 2002 I travelled to Turkey to learn about the situation of asylum seekers, refugees and internally displaced people throughout the country, to promote the work of the Forced Migration and Refugee Studies Program of the American University in Cairo, and to make contacts for a network of research with individuals and institutions working in the refugee field.

I met with government officials and representatives from international governmental organizations (IGOs) and non-profit organizations (NGOs) as well as academics, researchers, asylum seekers and refugees. I spent most of my time in Istanbul, where many of the NGOs have offices and where there is a high concentration of displaced people. I travelled to Ankara to meet with government, IGO and NGO representatives. I also made trips to Eskisehir, a city in Central Anatolia, in order to meet with asylum seekers and refugees, and to Van, a city 50 miles west of the Iranian border in Southeastern Turkey that has swelled with internally displaced Kurds and is a major stopping point for asylum seekers entering the country from Iran, Iraq, Afghanistan and Pakistan.

Box 1.1 The threefold purpose of fieldwork in Turkey

- 1 To investigate/provide an overview of the general situation pertaining to refugees in Turkey. In particular;
 - to identify the relevant laws pertaining to refugees (Chapter 4)
 - to understand how the EU accession process is affecting Turkey's asylum policy (Chapter 5)
 - and to understand the real effects of the legislation on refugees and asylum seekers (Chapters 6, 7 and 8)
- 2 To identify contacts to build a network for research and advocacy regarding refugee issues, as part of a larger network throughout the Middle East. (Appendix B)
- 3 To promote the AUC Forced Migration and Refugee Studies Program among professionals working in the refugee field, including, among others, UNHCR and NGO staff, government officials, academics and students. (Chapter 2)

1.2 Outline of the Report

The bulk of this report is related to first of these aims. A list of interviews conducted and profiles of the contacts made in the refugee field are listed in **Appendix A and B**, respectively. Also pertaining to aims two and three, **Chapter 2** discusses issues related to the promotion of FMRS activities and interest in FMRS identified in the refugee field in Turkey. Although there are more research activities in Turkey from which the FMRS could benefit, there is only one new center for the study of migration, as noted in Chapter 2.

Chapter 3 discusses the methodology employed, the obstacles and advantages encountered in the study, and an explanation of the geographic regions visited. **Chapters 4 and 5** provide a legal framework for understanding the treatment of asylum seekers and refugees in Turkey. **Chapter 4** discusses the international and national sources of refugee law. **Chapter 5** considers Turkey's role as gatekeeper of Europe's external borders and analyses the effects of Turkish-EU relations and the EU efforts at "harmonization" of Turkey's refugee policies and practices.

Chapters 6 provides an explanation of the steps a person seeking protection takes in order to lodge an application for asylum in Turkey. It describes the complex and inter-related dual status determination processes run by the Turkish government and the United Nations High Commissioner for Refugees (UNHCR).

Chapters 7 and 8 focus on the lived experiences of the refugees and incorporate information collected through interviews with refugees and asylum seekers. **Chapter 7** provides statistics and demographic information about Turkey's refugee population. **Chapter 8** examines the extent to which refugee rights are protected in Turkey as well as the socio-economic status of refugees and asylum seekers in the country. In this section, I discuss national laws relating to the status of foreigners in relation to access to residence permits, work permits and education and the effect of Turkish legislation on the lived experiences of refugees.

Chapter 9 examines the situation of Turkey's internally displaced population by providing a brief background on the conflict and reasons for the involuntary displacement and information about the government's failing plan for the return of the Kurdish refugees.

The report concludes with **Chapter 10**, a brief summary of the findings of the investigation and a discussion of important areas for future research.

CHAPTER 2: PROMOTION OF THE FORCED MIGRATION AND REFUGEE STUDIES PROGRAMME AND RELATED ISSUES

2.1 Interest in the Forced Migration and Refugee Studies Diploma and Short Courses

Many NGO staff members expressed interest in enrolling employees in FMRS short courses. In particular, representatives from UNHCR, the International Organization for Migration (IOM), International Catholic Migration Commission (ICMC) and Göç-Der, the Immigrants Association for Social Cooperation and Culture, expressed interest in the annual July course on human rights and refugee law. Several individuals expressed concern about finding funding to attend the programs. I distributed copies of the FMRS Annual Report of Activities as well as brochures for the diploma program and told them to check the FMRS website to learn more about upcoming events and application procedures.

2.2 Interest in the EOHR Refugee Legal Aid Project

Several NGOs had read about the Egyptian Organization for Human Rights (EOHR) Refugee Legal Aid Project through the FMRS mailing list and expressed interest in learning more about possibilities for setting up similar projects in Turkey. ASAM, the Association for Solidarity with Asylum Seekers and Migrants, has cooperated with the European Law Students Association in the past to provide legal assistance to refugees in Turkey. The Turkish Human Rights Association currently provides limited legal assistance to refugees and would be interested in further training for its volunteer staff. Several other refugee advocates also expressed a desire for further training on human rights and refugee law and asked about the possibility of cooperating with the EOHR Refugee Legal Aid Project for country of origin information, in particular for cases of African asylum seekers in Turkey.

2.3 Bilgi University Centre for Migration Research

Several months ago Istanbul Bilgi University launched the Centre for Migration Research, the first migration research center in Turkey. Its mission is to strengthen the institutions in the migration field and act as a focal point for researchers and policy makers. It aims to support new research and joint projects through networking activities and to develop and supervise teaching programmes and a combined degree programs on issues in migration. It is currently creating an online electronic library and documentation center for all the working papers and published reports in the field relevant to Turkey as well as providing links to researchers and listings of events and conferences, training sessions and meetings. This site will be available in February at <http://www.netmigrate-bilgi.org>. The center's administrative director, Nese Erdilek, stated that they are currently trying to make a network with German academics working on issues related to migration

in Turkey. It may be fruitful for FMRS to coordinate with this center for research and advocacy in the future.⁷

CHAPTER 3: METHODS

3.1 Introduction

Much of the literature review and background material collection for the project took place in Cairo. Internet-based research produced dozens of pertinent news articles, human rights reports and academic texts relevant to international migration and displacement. Based on this preliminary work, the relevant actors within the refugee field were identified as the following:

- Refugees, asylum seekers and internally displaced people
- Intergovernmental organizations (e.g. UNHCR, IOM)
- Non-governmental organizations
- Civil society (e.g. academics, researchers, mosques, churches)
- Government and embassy officials

3.2 Itinerary

The focus of the study was restricted to Istanbul, Ankara and Van, as well as one satellite city, Eskisehir. Istanbul, Turkey's largest city, is a major center for undocumented immigrants and asylum seekers. The relevant government officials and several of the IGOs and NGOs were headquartered in the capital city of Ankara. Van, in southeastern Turkey near the Iranian and Iraqi borders, is another important center for non-European asylum seekers and internally displaced people. In addition to these three cities, I wanted to visit one of the so-called "satellite" cities. Asylum seekers who are granted "temporary asylum seeker status" by the Turkish authorities may be dispersed to one of over 20 satellite cities by the Ministry of the Interior while waiting for their application to be considered by UNHCR or after being recognized by UNHCR while waiting for resettlement to a third country. These satellite cities are described in further detail later in the report. Eskisehir was selected because I had contacts within the Iranian refugee community there and because it is known as a satellite city in which refugees and asylum seekers have been mobilized and politically active as a community.

Initially, I had planned to travel to Diyarbakir as well. Diyarbakir, the largest city in southeastern Turkey, is the nominal capital of Turkey's Kurdish culture and a major settlement area for internally displaced Kurds. In the late 1980's, refugee camps were set up for Iraqi Kurds in Diyarbakir and the nearby towns of Mardin and Mus. Although I made a trip to Diyarbakir in September of 2002, I had hoped to return to the city to visit these towns and some of the nearby villages that had been emptied during the war between Turkish government forces and the Kurdistan Worker's Party (PKK) in the 1990's. However, because of time constraints, I was unable to return to this area.

3.3 Refugees

Prior to my arrival, I contacted several international refugee organizations active in Turkey and, through their representatives working in the field, was able to establish initial contacts with asylum seekers and refugees. Employing this network approach, I

⁷ In addition to Bilgi's center, it may be useful for FMRS to coordinate with Prof. Dr. Yakup Atila Eralp, Chairman of the Middle East Technical University's Department of International Relations, eralp@metu.edu.tr, +90-312-2102016. The department currently offers a course in Politics of International Migration, which includes studies of political refugees and EU immigration policies. In 1995, Lejla Somun-Krupalija taught a course in Forced Migration through the department which was met with great interest on the part of students. The department website is: <http://www.ir.metu.edu.tr>.

was able to meet more refugees through referrals from these initial contacts. I also met refugees through volunteer activities with an Istanbul-based NGO and through contacts with researchers.

I conducted most of the interviews in the homes of asylum seekers and refugees. In some cases, interviews were held in their workplaces or in cafes and restaurants. In addition to allowing me to meet other family members, house visits provided an opportunity to learn about their living conditions. It also provided an atmosphere in which the refugees and asylum seekers felt more at ease to talk. In addition to house visits, I held two focus group sessions with asylum seekers in Eskisehir. On one evening, seven families gathered to share their stories with me. We discussed their journeys to Turkey, their applications for asylum with the Turkish authorities and UNHCR, the status determination interviews, and their socio-economic situations and livelihoods in Turkey.

In Istanbul, I interviewed several African asylum seekers and one Sri Lankan who spoke fluent English. In Eskisehir and Van I hired asylum seekers who were fluent in English, Kurdish and Farsi to interpret for me. These interpreters were instrumental in introducing me to other asylum seekers and in arranging focus group sessions. The interpreters also acted as key informants about the refugee communities and the difficulties they face. They also played a vital role in explaining the purpose of the interviews to interviewees.

Because in Eskisehir and Van my interpreters were Iranian, many of the refugees and asylum seekers to whom they referred me were also Iranian or were Kurds from Iran. Although an attempt was made to interview asylum seekers with diverse backgrounds in order to reflect a representative sample, the sample of refugees interviewed was skewed because of these personal contacts. Also, because Iranian refugees are particularly active in organizing themselves in groups with an Internet presence and because they form the largest group of people seeking asylum in Turkey, I found it easier to make contacts with the Iranian community than with the African, Iraqi or other refugee communities.

3.4 UNHCR

An in-depth interview was conducted with Metin Corabatir, UNHCR External Affairs at the main office in Ankara. I also had a series of meetings with Carolyn Ennis, Protection Officer and Van District Officer of the UNHCR. Both Mr. Corabatir and Ms. Ennis were generous with their time and helpful in providing information about Turkey's refugee status determination procedures and asylum laws. Although I spoke with UNHCR Istanbul representative, Fuat Ozdogru, we were unable to schedule a meeting due to scheduling conflicts and the fact that he was spending time in Silopi near the Iraqi border in preparation for a possible Iraqi refugee crisis.

3.5 Non-Governmental Organizations and International Governmental Organizations

In addition to UNHCR, several national and international NGOs as well as IGOs are involved in the field of forced displacement.

- Amnesty International
- Anatolian Development Foundation
- Association for Solidarity with Asylum Seekers and Migrants
- CARITAS
- Human Resource Development Foundation
- Human Rights Association
- International Catholic Migration Commission
- Istanbul Inter-Parish Migrants Program

- TEGV, Turkish Educational Volunteers Association
- Turkish Red Crescent Society

As of January 2003, ICMC is the only NGO implementing partner of the UNHCR (UNHCR 2003).

A list of interviews can be found as **Appendix A**. Contact information and profiles of these organizations are included as **Appendix B**. I met with all of these organizations except for the Anatolian Development Foundation and the Turkish Red Crescent Society, which did not respond to my requests for a meeting. Human Rights Watch does not have a permanent office in Turkey, however it has several researchers, including Jonathan Sugden, who cover Turkey and publish reports on the human rights situation.

In addition to these organizations, I made contact with two international non-profit organizations active with Iranian refugees in Turkey. The Iranian Refugees Alliance, based in New York, and the International Federation of Iranian Refugees were helpful in providing information and arranging interviews with Iranian asylum seekers.

UNHCR also collaborates with several intergovernmental organizations:

- International Organization for Migration – for resettlement and voluntary repatriation
- UNICEF – for refugee women and children
- UNFPA and UNDP – for cooperation on gender-related activities, education and psychosocial intervention

Aside from the groups mentioned in this section, there are many NGOs in Turkey that deal with the issue of internally displaced Kurds. Some of the organizations listed above, such as the Human Rights Association, assist internally displaced persons as well as asylum seekers. The Kurdish issue in Turkey is a vast one and because of time constraints I was not able to meet with all of the organizations and individuals involved in internal displacement. Following is a list of those organizations I did meet with, in addition to those mentioned above. This is by no means exhaustive – there are dozens of other groups and individuals providing aid and support to IDPs.

- Göç-Der , Immigrants Association for Social Cooperation and Culture
- Mazlumder, Organization of Human Rights and Solidarity for Oppressed People
- TOSAM, Center for the Research of Societal Problems

3.6 Academics and Researchers

An Internet search and literature review prior to my arrival in Turkey facilitated the identification of the main academics working in the field. Professor Kemal Kirişçi of Bogazici University was very helpful in providing further contacts with academics doing independent research on the subject of forced migration. And, although her work focuses on voluntary EU migration to Turkey and not forced migration per se, Professor Bianca Kaiser, was of great assistance in providing information on Turkish laws pertaining to the status of foreigners.

The academics I met reported that there are no universities in Turkey with a forced migration department or program. However, Bilgi University has recently established a migration research center (described in section 2.3 above) and several academics and graduate students are undertaking research related to international migration and forced

displacement at university centers for international relations and political science, including the European Studies Center at Bogazici University, and Marmara University's Research Centre for International Relations. In addition, the Middle East Technical University's Department for International Relations in Ankara currently offers a course on international migration (IR 340 Politics of International Migration), which includes an examination of post-war developments with respect to international migration and political refugees.

I met with the following academics and researchers.⁸ Profiles and contact details are listed in **Appendix B**.

- Professor Dr. Doğu Ergil, Professor of Political Science, Ankara University
- Professor Dr. Ahmet Icduygu, Professor of Political Science and Public Administration, Bilkent University
- Professor Dr. Bianca Kaiser Department of International Relations, Istanbul Kültür University
- Professor Dr. Kemal Kirişçi, Professor of Political Science and International Relations, Bogazici University
- Professor Dr. Behzad Yaghmaian, Professor of Economics, Ramapo College of New Jersey, currently writing about Muslim migrants and asylum seekers in the Middle East

3.7 Government

Meeting with government officials was difficult in part because my trip to Ankara coincided with the European Union enlargement meetings in Copenhagen, and many government officials in the Foreign Ministry were busy. Because the European Union is playing an increasingly influential role in Turkey's refugee and immigration policies, I requested a meeting with a representative of the European Commission to Turkey. Unfortunately, the representative who specializes on asylum and migration issues was not in Ankara during my visit.

I was fortunate enough to have an informal meeting with Ambassador Daryal Batibay, Director General for Multilateral Affairs for the Ministry of Foreign Affairs. He put me in contact with Feza Ozturk, Head of Department of International Political Organizations at the Foreign Ministry, which deals with human rights law and refugee issues. We met during my visit to Ankara and discussed the current situation of refugees in Turkey, refugee status determination, Turkey's geographical limitation to the 1951 Convention, the current domestic legislation pertaining to asylum, the problems of illegal immigration, and plans for a potential crisis in Iraq.

Also during my visit to Ankara, I met with Andrew Brown, Second Secretary (Immigration) of the Canadian Embassy in Ankara. He interviews UNHCR-referred refugees and as well as Country of Asylum Class asylum seekers for possible resettlement in Canada. The Canadian Embassy in Ankara includes resettlement of recognized refugee and humanitarian cases from among the unrecognized refugees in Turkey, Azerbaijan and Turkmenistan. We discussed Canada's resettlement programs as well as the general situation of refugees in Turkey.

⁸ In addition to this list, I met with one researcher who is doing independent research on social networks of internally displaced Kurds who wishes to remain anonymous until her fieldwork is completed.

3.8 Smugglers

Having met a sample of refugees, I began to learn that many asylum seekers are forced to rely on human smugglers for entry into and out of Turkey. In many cases, asylum seekers prefer to use Turkey as a transit country and wait until they are in a third country to apply for asylum. There are many reasons for this. Because the 1994 Turkish asylum regulations impose a number of preconditions for filing asylum applications, including registration within 10 days of arrival and the presentation of valid identity documents, many asylum seekers can't meet the stringent requirements for application, or are afraid of the possibility of deportation and are reluctant to go to the police station. In some of these cases, smugglers can offer them a means of protection, albeit a risky one.

In order to better understand the role of smugglers in assisting asylum seekers to enter and leave Turkey, I decided to try and meet some of the people involved in the business. Through my personal contacts, I was able to conduct in-depth interviews with two human smugglers, a Turk and a Syrian. I asked them about their work, their methods of transportation, prices, obstacles they encountered and the demographic makeup of their clients. Once assured that their identities would not be revealed in my report or to the Turkish authorities, these smugglers were surprisingly forthcoming and willing to discuss their work.

3.9 Anonymity

Much of the information for this report was collected through personal interviews with persons whose legal status in Turkey is vulnerable. In order to protect refugee and asylum seeker informants from possible negative consequences as a result of use of their real names, I asked them to select a pseudonym that I would use to refer to them in my notes and in my report and informed them of my commitment to the principle of confidentiality. This was particularly important in gaining the trust of informants who were residing illegally in the country or who were engaged in criminal activity, as in the case of the smugglers.

CHAPTER 4: SOURCES OF THE LAW

4.1 Introduction

Although groups of refugees have sought asylum in Anatolia for centuries, from the Sephardic Jews fleeing the Spanish Inquisition in 1492 to Muslims escaping from former Ottoman territories in the Balkans, Caucasus and the Crimea in the late Ottoman period, Turkey did not become a major country of asylum until the 1980's. Although it ratified the 1951 Convention Relating to the Status of Refugees in 1962, it did not have domestic legislation pertaining to refugees until 1994.

In this chapter, I will discuss the international and national sources of Turkey's refugee legislation. In the following chapter, I discuss the effects of European Union Accession on Turkey's domestic asylum policies and practices. And in the section on refugee rights and the status of refugees in Turkey, I will discuss the influence of the national laws relating to the status of foreigners in relation to access to residence permits, work permits and education and the effect of Turkish legislation on the lived experiences of refugees.

4.2 International Sources of Refugee Law

As Kemal Kirişçi notes, Turkey was one of the countries that took an active role in drafting the definition of a "refugee" in the 1951 Convention Relating to the Status of Refugees (Kirişçi, 2002a:13-14). However, upon ratifying the 1967 Protocol on the Status of Refugees, Turkey agreed to lift the time reservation but maintained the

geographical reservation of Art. 1B (I) of the Convention, meaning that it applies the refugee definition only to people who became refugees as a result of events occurring in Europe.⁹ Of over 120 countries that have signed the Convention, Turkey is one of only a handful of countries that maintains the geographic restriction. According to UNHCR as of September 30, 2002, these countries are Congo, Madagascar, Monaco and Turkey.¹⁰

The limitation means that in practice, *de jure* refugee status has been granted only to those seeking asylum from persecution in Eastern Europe and the Soviet Union. Non-European asylum seekers can be recognized as “asylum seekers” and permitted temporary stay in Turkey before being resettled to third countries. Thus, the distinction between whether someone is a “refugee,” or *multeci* in Turkish, and an “asylum seeker”, depends upon whether or not the person is European.

Turkey has received criticism for maintaining this geographical limitation. However, as stated in Turkey’s National Program of Action for the Adoption of the EU Acquis, discussed in greater detail in Chapter 5, Turkey’s decision to maintain the reservation “is based mainly on security considerations and the proximity of Turkey to a number of countries marked by instability” (NPAA: 446).

4.3 National Sources of Refugee Law – the 1994 Asylum Regulation

Until 1994, there was no domestic legislation governing the right to asylum. Instead, the position of asylum seekers was determined on the basis of the 1951 Convention. When it was ratified on March 30 of 1962, it became part of Turkish law. In collaboration with UNHCR, Turkey granted protection to “Convention” refugees from Eastern Europe and the Soviet Union during the Cold War with the understanding that generally all recognized refugees (except ethnic Turks) would be resettled elsewhere.

The 1980’s saw the beginning of large waves of “Non-Convention” refugees, asylum seekers from non-European countries, particularly Iranians fleeing Khomeini’s regime. In the absence of visa requirements for Iranians, over 1.5 million Iranian asylum seekers entered the country between 1980 and 1991 (*Cumhuriyet*, Feb. 15, 1991 as quoted in Kirişçi, 2002a). Only a small percentage of these people approached UNHCR to apply for asylum. Many resettled to third countries by their own means (Kirişçi, 2002a: 17).

Until 1994, the Turkish Government and UNHCR had an agreement whereby UNHCR would determine refugee eligibility of non-European asylum seekers. However, in November of 1994, in response to a series of refugee influxes from Iraq and concerns about the security of the country, the Turkish Government introduced its own asylum regulations setting up national legislation for refugee status determination. The asylum regulations adopted in 1994 is still the only national legislation in force for handling asylum claims.¹¹

The 1994 asylum regulation was intended to bring status determination under the control of the Turkish authorities and to introduce strict procedures for asylum applicants. Under

⁹ The scope of the 1951 Convention was limited to events occurring in Europe prior to 1951. The 1967 Protocol removed the dateline and the geographic restrictions spelled out in the Convention.

¹⁰ On January 17, 2002, Malta lifted the geographic limitation. See the UNHCR’s “Declarations Under Section B of Article 1 of the Convention,” as of September 30, 2002, available on the UNHCR website, <http://www.unhcr.ch>.

¹¹ See Appendix D for an unofficial translation of the November 1994 regulation, entitled “Regulations on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country.”

the Regulation, non-Europeans as well as Europeans are required to apply for asylum with the Turkish authorities. Although little is said in the Regulation with regards to how Europeans are to be treated, Europeans who are recognized as refugees are afforded protection under the terms of the 1951 Convention. Non-Europeans who are recognized as having a valid claim to protection are given the status of "asylum-seekers" and their cases are submitted to UNHCR for resettlement to a third country.¹² There is no opportunity for "asylum-seekers" to remain in Turkey; they are granted a temporary residence permit pending resettlement.

According to the 1994 Regulation, asylum seekers were initially required to make their asylum applications within 5 days of their arrival in Turkey (Article 4). In January of 1999, the regulation was amended to extend the time limit from five to ten days (Regulation 94/6169). Despite this, the time constraint is an obstacle for many asylum seekers. Late applicants are excluded from the refugee status determination procedures.¹³ UNHCR's Metin Corabatir commented that this time limit for registration is "one of the weak points of the system because if an asylum seeker fails to apply, they have no chance of bringing their asylum claim to the Turkish authorities later" (Interview 12/19/02). Feza Ozturk of the Ministry of Foreign Affairs concurred, saying that he planned to make proposals to change this time limit, either to remove the restriction or to lengthen the time period (Interview 12/19/02). A further shortcoming of the 1994 asylum regulation is the requirement that those who enter Turkey without proper documentation or authorization must submit their application to the police in the province where they entered the country. Those who enter the country legally may submit their application in any city in the country, though they must do so within 10 days (Article 4).

4.4 Other National Sources of Law Pertinent to Asylum Seekers

There are several other laws that are applicable to asylum seekers in addition to the 1994 asylum regulation. They include the following:

- **1950 Passport Law**

This law provides that aliens without valid identification or travel documents may be turned away at the Turkish border.

- **1950 Law on Sojourn and Movements of Aliens**

This law establishes guidelines for the residence of asylum seekers in Turkey.

- **1934 Settlement Law**

This legislation provides the framework for the immigration of ethnic Turks, including asylum seekers. A Council of Ministers determines which groups abroad qualify as having Turkish ethnicity. These include Turkish-speaking communities in the Balkans and the Caucasus as well as several other countries.¹⁴

¹² According to the current Turkish regulations, Europeans are not classified as "asylum-seekers" before their claim is accepted and non-Europeans are never classified as "refugees."

¹³ Studies have suggested that only a small portion of the asylum seekers in Turkey have been able to register their asylum claims with the Turkish authorities. In 1996 a qualitative survey was conducted in by the International Federation of Iranian Refugees, an international organization of Iranian refugee activists, on the effects of the 1994 Asylum Regulation. 52 Iranian refugees were interviewed in six towns. 63% of those surveyed had not applied for asylum with the Turkish authorities. Reasons stated for not registering were because they had missed the time deadline, they feared returning to border towns, as required of those who entered the country illegally, or because they feared the police and believed the interviews were an attempt to collect information for the Iranian government. More information about IFIR and the survey is available on the group's website at: <http://www.farsinet.com/ifiric/report.html>.

¹⁴ This law was not applied to Bosnian asylum seekers fleeing the war in the former Yugoslavia.

In addition to these laws, there is a draft law pertaining to refugees that has yet not been enacted by Parliament. Official copies of the draft law have not been released. The draft law was prepared without consultations with UNHCR, however UNHCR has been allowed to review the law. UNHCR's Metin Corabatir noted in an interview that the draft law does not mention Turkey's intention to lift the geographical limitation. This may be a good thing, Corabatir pointed out, because without first creating a national procedure for status determination, lifting the reservation could mean a catastrophe for non-Europeans who would be processed in a system currently unprepared to deal with them (Interview 12/19/02).

CHAPTER 5: GATEKEEPER OF EUROPE – THE EFFECTS OF THE EUROPEAN UNION ON TURKEY'S ASYLUM LAWS

5.1 Asylum and Immigration Laws and EU Accession

European Union membership is Turkey's number one goal at present. In 1987, it submitted a formal application for membership to the Commission of what at that time was the European Community. The Customs Union between Turkey and the European Union was established in 1996 and at the Helsinki Summit in 1999, Turkey was declared a formal candidate for full membership. In December 2002, European Union leaders approved a December 2004 review date for Turkey's candidacy.

The issue of international migration is central to Turkish-EU relations. Given Turkey's bid for EU membership and its geographical location as bridge from East to West and South to North, the European Union is playing an increasingly influential role in Turkey's developing asylum and immigration policies. On the one hand Turkey faces demands from the European community to meet international human rights standards. However, Turkey also plays a role as gatekeeper of Europe's external borders. As such, it is charged with the task of cracking down on the flow of illegal migrants passing through its borders on their way to a Europe that is pursuing increasingly exclusive immigration policies.¹⁵ In turn, as European Union countries tighten restrictions on legal immigration and asylum, with some countries taking up a "zero immigration" policy, many migrants are diverted to peripheral zones such as Turkey. The current conflict of interests within the European Union – the preservation of human rights versus protectionism and a desire to decrease immigration levels -- places Turkey in a difficult position.¹⁶

At the June 2002 European Union Summit in Seville, there were discussions about whether sanctions should be imposed on Turkey and other countries accused of not taking appropriate measures to prevent illegal migration to the EU from their territory (Kaiser, 2001). Although no sanctions have been imposed yet, the pressure is on. The EU Acquis actually may have unintended and negative consequences for asylum seekers, as increasingly aggressive border policies and lack of adequate training and resources for border officials can prevent some refugees from making an asylum claim and receiving protection.¹⁷

¹⁵ A June 18, 2002 *New York Times* article by Sarah Lyall discussed new legislation in several European countries aimed at tightening the criteria for asylum seekers and severely limiting their rights while they are waiting for decisions on their claims.

¹⁶ Emek M. Ucarer discusses Europe's "clash of interests" between humanitarianism and sovereignty in relation to refugee policies in "The Global Refugee Regime: Continuity and Change", in *Bogazici Journal Review of Social, Economic and Administrative Studies*, Vol 10, No 1-2, 1996: 5-29.

¹⁷ To read more about the EU acquis on asylum and migration and whether it conforms with international law, see Gregor Noll's *Negotiating Asylum: The EU Acquis, Extraterritorial and the Common Market of Deflection*, the Hague: Kluwer Law International (2000).

In connection with its bid for EU membership, the Turkish government will move towards harmonizing its national immigration and visa legislation with that of EU protection standards. Two major policy documents have been issued in the previous two years with regards to this: Turkey's Accession Partnership Document and the National Program of Action for the Adoption of the EU Acquis.

5.2 Accession Partnership Document

The Accession Partnership Document was issued by the EU in 2000 and adopted in 2001.¹⁸ This document sets out some of the reforms that Turkey must undertake in order to be considered for EU membership. In relation to migration, it calls upon Turkey to do the following:

- Align visa policies with that of the EU.
- Adopt and implement EU practices on migration, including admission, readmission and expulsion in order to prevent illegal migration.
- Strengthen border management and prepare for implementation of the Schengen system.
- Lift the geographical limitation to the 1951 Convention and develop accommodation facilities and support to refugees.

The Partnership Document makes no mention of Turkey taking additional measures to ensure the *nonrefoulement* of refugees, or of granting more rights to non-European refugees once the geographical limitation is lifted.¹⁹

5.3 National Program of Action for the Adoption of the EU Acquis

In 2001, the Turkish Parliament adopted the "National Program of Action for the Adoption of the EU Acquis" (NPAA).²⁰ This was Turkey's response to the Accession Partnership Document. Section 4.25 Justice and Home Affairs deals with issues related to forced migration and illegal immigration. The NPAA contained Turkey's intention to *consider* lifting the geographical limitation. An English version of the program states the following:

Lifting the geographical reservation on the 1951 United Nations Convention Relating to the Status of Refugees will be considered in a manner that would not encourage large scale refugee inflows from the East, when the necessary legislative and infrastructural measures are introduced, and in the light of the attitudes of the EU Member States on the issue of burden-sharing (NPAA:16).

Turkey also states that it will continue to develop facilities for accommodation and support for refugees and that it will implement additional training on asylum and refugee issues with UNHCR for Turkish officials. Despite these commitments, there are still many legal, economic and administrative hurdles that need to be overcome to ensure the protection of refugees.

¹⁸ The Accession Partnership Document is available on the web at <http://www.deltur.cec.ue.int>.

¹⁹ Human Rights Watch issued reports including its comments on human rights and refugee rights issues in the Accession Partnership Document and Turkey's subsequent program of action (discussed below). To read the reports, go to <http://www.hrw.org/press/2001/06/turkey-plan.htm>.

²⁰ The English version of the NPAA is available at <http://www.abgs.gov.tr>.

5.4 Readmission Agreements

In November 2001, Turkey and Greece signed an agreement to allow Greece to send back illegal immigrants to Turkey. The agreement enabled Greece to send back illegal immigrants within 14 days of their arrival provided that they inform Turkey and provide proof that the migrants came from Turkey. The agreement was encouraged by the European Union in order to keep would-be illegal immigrants out of Europe. According to a November 8, 2001 Associated Press article, more than 250,000 migrants from Africa, the Middle East and Asia were expected to enter Greece in 2001, many of them using Turkey as a stepping stone.

According to the European Commission's "2002 Regular Report on Turkey's Progress Towards Accession," draft protocols on readmission agreements have been submitted during the spring of 2002 to Egypt, the Russian Federation, Belarus, Georgia, Israel, Sudan, Nigeria, Ethiopia, Morocco, Tunisia, Libya, Algeria, Jordan, Lebanon, Kazakhstan, Uzbekistan, Kyrgyzstan, and Mongolia. A readmission agreement with Syria was signed in September 2001 and although it has not yet been ratified by Turkey, it has reportedly been put into effect. As of September 2002, 178 migrants had been returned to Syria, according to the Commission. In addition, according to the European Commission's report, "the outstanding signing of a readmission agreement between Turkey and the EU, is a matter of the utmost significance" (Commission of the European Communities, 2002:113-117). Although there are currently no formal readmission agreements signed with Iran and Iraq, reports indicate that Turkish authorities regularly deport asylum seekers to these countries as well.

Readmission agreements like these have been promoted by the EU and even set as a criterion for EU membership (Kirişçi 2002:43). These treaties, which Turkey resisted for many years and may not have signed without pressure from the EU, can result in a system that prevents asylum seekers from gaining a legal foothold in Europe and making an asylum application. Although Greece stated that it would not send back political refugees, those asylum seekers using smugglers or entering illegally can be treated by border police as illegal migrants (Associated Press article by Patrick Quinn, 11/8/01). Because of the lack of resources and training of border officials to accurately identify those with asylum claims among captured illegal migrants, many asylum seekers are not given the opportunity to make an asylum claim and may be deported to their country of origin.

There are countless news articles about refugees and migrants being treated like ping pong balls and sent back and forth across the Greek and Turkish border. Asylum seekers as well as UNHCR staff informed me that the Greek authorities often wait until night to send migrants back to Turkey (Interview Corabatir 12/19/02). During these trips, which can occur in freezing conditions, some migrants can get lost or drowned in the river along the Greek-Turkish border. One Sudanese asylum seeker whom I interviewed had been working in Athens when he was captured by Greek authorities and dumped in the middle of the night on the Turkish side of the border, despite the fact that he had not accessed Greece via Turkey (Interview 12/10/02).

5.5 Conclusion

As the EU applies pressure on Turkey to harmonize its legislation and visa policies with that of the EU, to strengthen its borders and to sign readmission agreements, it should share the responsibility for ensuring that there are adequate resources and well-qualified officials to ensure that those who are fleeing persecution in their home countries are not

expulsed or deported while seeking protection. As peripheral countries such as Turkey, Bulgaria and Romania assume the role of Europe's gatekeepers, in part it will be up to Europe to ensure proper protection standards.

The European Union is currently donating millions of dollars to these peripheral countries in order to enhance border policing and keep migrants out of Europe. In Bulgaria, for example, the National Border Police Service recently received state-of-the-art equipment to increase patrolling along Bulgaria's border with Turkey as part of a 12 million euro project. The equipment includes special night vision goggles and thermal imaging devices (BBC "Bulgarian border police get night vision equipment under EU fund project" January 22, 2003).

Despite the latest technology, aggressive border control policies can have terrible consequences for refugees. I met an, independent researcher in Istanbul who had recently returned from a trip to Bulgaria, where he was interviewing migrants. He met several asylum seekers in Sofia whose feet and hands had been bitten off by police dogs along the Bulgarian border (Interview Yaghmaian 12/10/02). Further scrutiny and critical analysis of the EU acquis and EU harmonization in regards to international asylum law and the protection of refugees is urgently needed.

CHAPTER 6: REFUGEE STATUS DETERMINATION PROCEDURES

6.1 Parallel Procedures

The Turkish Government and UNHCR have parallel refugee status determination (RSD) procedures. Although there is no official agreement between them, the 1994 asylum regulation states that there shall be cooperation through the Ministry of Foreign Affairs with UNHCR in "proceedings" involving asylum seekers (Article 7). These "proceedings" are not clarified in the Regulation but in practice mean that UNHCR has assumed the role of status determination and maintains close contact with the Ministry of Foreign Affairs and the Ministry of the Interior about its decisions.

While in theory, the Turkish Government has separate procedures for European and non-European asylum seekers, in practice they rely at least in part on UNHCR decisions.²¹ However, according to a report by the US Committee for Refugees, there are noteworthy differences between recognition rates of the government and UNHCR procedures for Iranians and Iraqis, as illustrated below in Box 6.7.1 Turkish Government vs. UNHCR Recognition Rates.

The Government applies the asylum regulation for the purposes of providing temporary stay to non-European asylum seekers. UNHCR conducts its own status determination procedures, informing the Ministry of the Interior when a decision is made and submitting accepted cases to third countries for resettlement. In the following sections, the steps in the refugee status determination procedure are outlined.

6.2 Registration with the Government

Within 10 days of arrival in the country, asylum seekers are expected to register at the Foreigner's Police Department. Those applicants who entered the country without valid identification or without an entry visa are referred to the border towns nearest to their port of entry for registration in the Government procedure, as per the asylum regulation.

²¹ The UNHCR *1998 Knowledge and Information Management Systems* report from Branch Office Turkey states on page 10 that the Ministry of the Interior and the Ministry of Foreign Affairs routinely adopt UNHCR decisions on cases. Only for the re-opening of cases do Turkish officials show some discontent.

This means that a great deal of Turkey's asylum seeking population is accumulated in the southeastern border cities of Van and Agri.

Upon applying for asylum with the Turkish authorities, asylum seekers are required to present a valid identity document. If the asylum seeker is unable to do so, he or she is given 15 days in which to do so. If after the 15 days the asylum seeker is still unable to produce a valid ID, i.e. a passport, the application for asylum is not accepted by the Turkish authorities and the asylum seeker's status becomes illegal. As such, the asylum seeker is subject to deportation. This policy of requiring presentation of a valid ID contradicts Articles 25 and 27 of the 1951 Convention, which deal with the issue of refugees without identity documents. There are many reasons why a refugee might not have travel documents, passports or other official documents. People who are being persecuted by the authorities of their own country may be unable to safely apply for and receive a passport. With this restriction in place in Turkey, undocumented refugees may be forced to enter the country in secret and will not be able to access government asylum procedures.

If within the first 10 days of arrival in the country the applicant approaches UNHCR before registering with the authorities, UNHCR urges them to register with the authorities. The Turkish authorities have requested UNHCR not to process claims of applicants who have not registered with the Turkish authorities. In an official document entitled "Approach to Refugee Law in Turkish Legislation, Illegal Immigration and Human Smuggling" by the Republic of Turkey Ministry of Internal Affairs General Directorate of Security, the following is stated in reference to UNHCR acceptance of these extra-procedural cases: "The acceptance of the refugees, who arrive in our country as a temporary asylum seeker, by the United Nations High Commissioner of Refugees, despite the fact that they have not applied to the security authorities, should be ceased."²² Fortunately, despite this recommendation, UNHCR does process these "extra-procedural" cases.²³ According to UNHCR, in 2000, 11 percent of asylum seekers who approached UNHCR were unable to register with the Turkish authorities (UNHCR, 2002a:211). This figure rose to 14 percent in 2001.²⁴

6.3 Government Eligibility Interview

Asylum seekers who entered the country legally, with a valid ID and entry visa, and who file an asylum application with the Turkish authorities within 10 days of arrival, are scheduled for an eligibility interview with the local police. After the eligibility interview, a file is sent to the Ministry of the Interior for assessment. Although there have been efforts since 1998 on the part of UNHCR to train police officers as well as the *Jandarma* on refugee rights and how best to conduct these eligibility interviews, unqualified interviewers and a lack of skilled interpreters are frequently obstacles, particularly in remote border areas. According to a report by Human Rights Watch, "local police officers record the substance of claims with the assistance of interpreters who are often incompetent, and case decisions are made by officials of Interior and Foreign Affairs' Ministries who lack expertise and independence" (HRW, 2001).

²² A copy of this government document, which is undated, was obtained from a UNHCR staff member.

²³ There are problems for extra-procedural cases who are recognized as Mandate refugees but who never registered with the Turkish authorities. They may be denied exit permission from the Turkish authorities at the time of resettlement. This issue is discussed in further detail in Section 8.11.

²⁴ As reported in United States Department of State *Country Reports on Human Rights Practices Turkey 2001*, released March 4, 2002 <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8358.htm>

6.4 Relocation to a Satellite City

After a positive decision on eligibility, the asylum seeker is eligible for a six-month residence permit and is directed to UNHCR. According to one UNHCR official with whom I spoke, the inability of some asylum seekers to pay for the residence permit can deter some refugees from accessing the Turkish government's asylum system (Interview Carolyn Ennis 1/6/03). The Ministry of the Interior then relocates the asylum seeker to a satellite city in central Anatolia.²⁵ The effects of this system of satellite cities on the lives of asylum seekers will be discussed further in Section 8.2. If he or she entered the country illegally, unless UNHCR requests relocation, in general the asylum seeker will remain in the province nearest to their port of entry instead of being relocated. Whether transferring to a satellite city or remaining in a border town, the asylum seeker is required to register with at the police station on a regular basis to confirm their presence in the city. In Van, for example, asylum seekers register twice a week. In other cities, for example Eskisehir, they must register daily.

6.5 UNHCR Determination Procedures

UNHCR has a main office in Ankara and representative offices in Istanbul, Silopi and Van. 60 national staff, nine international and nine JPOs manage the program. The total budget per year is approximately \$5.7 million US (UNHCR, 2002a:213). The bulk of UNHCR's work in Turkey involves the assessment of asylum claims lodged by non-Europeans.

Upon approaching UNHCR, asylum seekers are provided with leaflets about Turkish asylum procedures as well as UNHCR procedures. Asylum seekers are registered by an interpreter the day they approach UNHCR. After registration, applicants are provided with a UNHCR "blue logo letter" in Turkish and English stating that they are asylum seekers and referring them to the police station for registration.

When it comes time for the asylum seeker to be interviewed, UNHCR contacts the police in the satellite cities and requests that the asylum applicant be granted permission to leave the satellite city to go to the UNHCR Ankara Branch Office. UNHCR provides transportation and accommodation costs for the trip to Ankara. For those applicants in border towns, a legal officer from UNHCR interviews the asylum seeker for eligibility in the border town.

If UNHCR recognizes the applicant as a Mandate refugee, the refugee is issued with a "letter of concern" confirming refugee status. This letter has no legal value but is meant to act as a deterrent to police in cases of deportation or detention. UNHCR then informs the Ministry of the Interior of the decision and the refugee is then able to extend his residence permit with the Turkish authorities. The UNHCR then refers the case to Durable Solutions, where cases are processed for resettlement. According to UNHCR's Metin Corabatir, it generally takes an average of 1 and a half years from entry into Turkey until an asylum seeker can be resettled (Interview 12/19/02).²⁶ In 2001, UNHCR reported a 58% recognition rate, which represents a decrease from the rate of 62% the previous year. Based on cases decided between January 2002 and September 2002, the refugee recognition rate for Iraqis was 26% and for Iranians was 71% (UNHCR, 2002c).

²⁵ Satellite cities: Adana, Afyon, Aksaray, Amasya, Bilecik, Burdur, Cankiri, Corum, Hatay, Eskisehir, Izmir, Isparta, Karaman, Kastamonu, Kayseri, Kirikkale, Kirsehir, Konya, Kutahya, Nevsehir, Nigde, Tokat, Antalya, Yozgat (Interview UNHCR in Van 1/6/03)

²⁶ Despite this reported "average", I met refugees in Istanbul who had been waiting for several years to be resettled.

Table 6.5.1

UNHCR Refugee Status Determination Figures By Case, 1998-2001

<i>Year</i>	<i>Applied*</i>	<i>Recognized</i>	<i>Pending Year-end</i>	<i>Recognition Rate</i>
2001	5,041	2,869	4,176	58%
2000	5,685	2,716	5,209	62%
1999	6,610	1910	5,130	47.20%
1998	6,838	2,229	3,570	41%

Source: UNHCR Statistical Yearbook 2002, Refugees and Others of Concern to UNHCR – Statistical Overview 1999, 1998.

6.6 UNHCR Appeals

If a case is rejected, a standard letter of rejection is sent to the applicant along with a list of initials representing categories of rejection reasons. There is no specific explanation for the rejection. If a case is rejected on the basis that it was “manifestly unfounded,” or ‘clearly fraudulent’ or ‘not related to the 1951 Convention criteria’, the applicant may not appeal the decision but may apply to reopen the case if new evidence becomes available. Otherwise, rejections in the first instance may be appealed within 30 days. The appeal is made with a letter that is sent to the asylum seeker along with his first instance rejection. A different legal officer is assigned to the case and this officer decides whether a second interview is necessary. According to UNHCR’s Metin Corabatir, this appeals process generally takes four to five months (Interview 12/19/02). If the case is rejected in the second instance, the case may be reopened only if previously unknown facts become available.

If a final rejection is issued, UNHCR informs the Ministry of the Interior (MOI). According to Metin Corabatir, the MOI requires UNHCR to inform them of all rejected cases. Although UNHCR tries to wait as long as possible to do this, sometimes it may happen before a third appeal (Interview Corabatir 12/19/02). The MOI wants to know in order to crack down on illegal immigration. Applicants who are then rejected by the MOI are issued a deportation order from the Turkish authorities that may be implemented after 15 days. During those 15 days, the asylum seeker may lodge an appeal with the Turkish authorities if they want the MOI to review the decision and a temporary residence permit may be issued until a final decision is made.

In theory, those asylum seekers who would like legal counsel and cannot afford to hire a lawyer can get legal advice from the local bar association of lawyers (BARO). However, some refugee rights advocates, such as Deljou Abadi from the Iranian Refugees' Alliance, told me that in practice the local bar associations do not advertise free assistance to refugees (Abadi, Personal Correspondence, 2/10/03). There is some legal assistance offered by UNHCR. Much of this assistance is for avoiding deportation and solving exit permits for recognized refugees. According to UNHCR’s 2002 Mid Year Report, 530 asylum seekers received legal and social counselling per month. Although previously legal counsel was not permitted to observe UNHCR status determination interviews, in recent years outside representation has been permitted provided that the attorney is a member of the Bar Association (Interview Ennis 1/6/03). UNHCR Ankara representative Metin Corabatir told me that theoretically asylum applicants have the right to legal representation in status determination interviews, but UNHCR doesn’t want it to be common practice because “there is a big trade in stories” and they do not want the system to be abused. However, Corabatir also told me that UNHCR has been working with the Bar Association to coordinate training in refugee law and increase awareness of refugee issues among its membership (Interview 12/19/02).

6.7 Government Decisions

According to the 1994 asylum regulation, decisions on asylum applications are “reached by the Ministry of the Interior by considering the rights stated in the 1951 Geneva Convention relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees, along with the opinions of the Ministry of Foreign Affairs and other relevant ministries and organizations” (Article 6). In practice, these “other relevant ministries and organizations” are likely to be UNHCR and, in some cases, Turkish Intelligence, or MIT.

Asylum seekers are informed of the decisions by the governorate in which they are located. In theory, these decisions are communicated by letter. No reasons are given for acceptance or rejection. Many of the asylum seekers I spoke with never received letters on the decision of their status.

The UNHCR may intervene with government officials if it disagrees with their negative decisions about individual asylum claims. However, the 1994 asylum regulation is unclear whether asylum seekers have a right of appeal of their application. The regulations state that an asylum seeker can appeal a *deportation* order within 15 days of its issuance (Article 29). That appeal will be “reviewed and ruled upon by an official one rank above the officer who previously made the deportation.” No statement is made in regards to re-opening a case if new evidence becomes available.

Box 6.7.1 Turkish Government vs. UNHCR Recognition Rates

The following is an excerpt from the US Committee for Refugees *Worldwide Refugee Information – Country Report: Turkey 2002*

In 2001, the Turkish authorities granted **92 percent of Iranians** temporary asylum seeker status; UNHCR recognized **67 percent of Iranian** claimants as refugees in its parallel procedure. The Turkish authorities had a **78 percent approval rate for Iraqis**; UNHCR’s refugee recognition rate for **Iraqis was 31 percent**. Turkey and UNHCR had similar approval rates for other nationalities, 54 percent and 53 percent respectively.

6.8 Asylum Seeker Complaints about RSD

There have been numerous sit-ins and protests by refugees in front of UNHCR offices over the years. Asylum seekers have protested long resettlement procedures and what they consider to be unfair and corrupt refugee status determination procedures. Rumours about UNHCR abound in the refugee community. While it is difficult to substantiate the allegations against UNHCR, complaints about adversarial status determination interviews that felt more like criminal interrogations than interviews were common among many of the asylum seekers and refugees I interviewed. “They treat us as if we are lying and they need to prove the truth,” said one Iranian asylum seeker (Interview, Eskisehir, 12/28/02). Many of the refugees I interviewed echoed these remarks and felt they had not been given the benefit of the doubt in status determination interviews.

Another common fact was that almost none of the asylum seekers I spoke with understood why their cases had been rejected because they had not been provided with the grounds for negative decisions, a situation which violates the principles of judicial fairness. This is great source of frustration for asylum seekers. Several of the asylum seekers I interviewed in Van and in Eskisehir pulled out their rejection letters to show me that letters sent to asylum seekers from UNHCR are form letters and that no explanation for rejections are given. Without a statement of the reasons for rejection, it is very difficult for asylum seekers to rebut false inferences or to explain disputed points. According to UNHCR, “because of the heavy workload, the time and resource constraints, and the political considerations, the reasons for rejection are not provided... It has been concluded that the present RSD procedure in BO Ankara is adequate and responsive to the refugees and the situation in Turkey” (UNHCR, 1998:21). (On this and many other procedural requirements for a fair hearing, see Kagan, 2002)

While most refugees expressed an understanding of the basic elements of the 1951 Convention, many were confused about its application in status determination procedures and were frustrated by the lack of legal assistance available to them. Although UNHCR has created pamphlets and in some cases, a video may be shown to asylum seekers to teach them about RSD in Turkey, there is still a lack of knowledge on the part of asylum seekers about the government regulations and about the way RSD is performed by UNHCR. Indeed, because asylum seekers may be misinformed or deceived about status determination by smugglers or other asylum seekers, the need for clear explanations about the procedures is urgent.

There have also been allegations of unethical behaviour on the part of UNHCR staff members. One family of Iranian asylum seekers whom I interviewed in Van told me about a UNHCR lawyer who told the father of the family during a status determination interview that if the asylum seeker gave him \$500 and a video playing machine, his case would be accepted. The asylum seeker refused and three months later was interviewed again by another UNHCR legal officer. His case was rejected (Interview 1/7/03). According to the asylum seekers, the lawyer was apparently fired by UNHCR. I was unable to verify this story with UNHCR, however a researcher whom I interviewed in Istanbul as well one NGO worker and one human rights lawyer were aware of similar problems with the same UNHCR employee.

6.9 UNHCR Training

In 1998, UNHCR initiated a series of training programs for border guards, police and other government officials responsible for asylum seekers and refugees. ASAM also has helped to coordinate training seminars for the police. The training has been successful in developing contacts between UNHCR and local, military, and judicial authorities, but whether it has improved status determination processes is not known. The UNHCR has however reported that the incidence of repatriation has declined as a result of this training (UNHCR, 2002a:212). However, the high turnover of police and officials in border areas can hinder the effectiveness of the training. To tackle this problem, Ozlem Dalkiran of Amnesty International has been working with police officials to incorporate training in refugee law within the training already given in human rights at the police academy (Interview 12/17/02).

CHAPTER 7: DEMOGRAPHY OF TURKEY'S REFUGEE POPULATION

7.1 Introduction

The following two chapters discuss the present situation of refugees in Turkey, including a general outline of the demographic makeup of Turkey's refugee community followed by a consideration of the different aspects of the lives of refugees that influence their well-being in Chapter 8. In Chapter 7, separate sections are dedicated to European and non-European refugees because of the different legal provisions and policies pertaining to the two groups. As is explained, there is bias in favour of European versus non-European refugees. However, even European refugees, as is the case with the Chechens, can be refused access to asylum procedures and forced to live without legal rights or assistance in Turkey.

7.2 Statistics and Location of Refugees

Between 5,000 and 7,000 asylum applications were filed yearly with UNHCR over the past four years. According to the US Committee for Refugees 2002 Turkey report, 4,492 asylum applications were lodged with the Turkish authorities during 2001. Most of these asylum seekers were from Iran and Iraq. In 2001, the government granted temporary asylum to 2,408 cases with 351 rejections; UNHCR recognized 2,869 refugees. According to UNHCR Van office representative Carolyn Ennis, as of October 31, 2002 3,157 individual asylum seekers had applied to UNHCR; 2,946 were from the Middle East, 137 were from Asia and 74 were from Africa. Out of the 1,713 cases that these individuals represented, 1,135 (2,497 individuals) were recognized (Interview Ennis 1/6/03).

Table 7.2.1 Asylum Applications with the Turkish Authorities as of Nov. 1, 2000

Nationality	Applications	Accepted Cases	Rejected Cases	Pending Cases	Not Assessed
Iraq	8,961	2,335	2,809	3,296	114
Iran	10,713	4,946	750	4,469	172
Afghanistan	184	27	16	126	15
Russia	32	16	13	NA	NA
Uzbekistan	40	1	15	NA	18
Azerbaijan	25	3	20	NA	2
Other Europe*	30	6	18	NA	2
Other**	100	8	63	22	1
Total	20085	7343	3705	7913	356

* Includes Albania, Bosnia, Bulgaria, Macedonia, Ukraine, Yugoslavia

** Includes Algeria, Bangladesh, China, Congo, Egypt, Eritrea, Ethiopia, Jordan, Lebanon, Libya, Kuwait, Kyrgyzstan, Pakistan, Palestine, Rwanda, Sierra Leone, Somalia, Sudan, Syria, Tunisia, Zaire

Source: Data from the Foreigners Department of MOI, as presented by Kemal Kirişçi, Justice and Home Affairs Issues in Turkish-EU Relations, 2002

At present, Turkey has a mostly urban caseload of refugees, with the exception of the few remaining European refugees waiting for durable solutions in the Kirklareli camp. Most non-European asylum seekers and refugees enter Turkey via the mountainous Iranian and Iraqi borders in the southeast and reside in the satellite cities designated by the Ministry of the Interior, in the southeastern border cities of Van and Agri, and in the Istanbul area. Van is a focal point for both registered and non-registered asylum seekers. As noted, local integration is not a durable solution for non-European asylum seekers in Turkey except in cases in which the refugee is of Turkish ethnicity.

According to UNHCR's Statistical Yearbook 2001, 41% of the population of concern to UNHCR in Turkey during 2001 were women. According to UNHCR's Carolyn Ennis,

upon approaching UNHCR married women asylum seekers have the option of having a claim separate from that of their husband's (Interview 1/6/03). UNHCR has an accelerated resettlement program for vulnerable women. The Association for Solidarity with Asylum Seekers and Migrants, a Turkish NGO, ran a shelter for vulnerable refugee women and children in Van. When ASAM was forced to close its offices, UNHCR assumed the role of running the shelter. In cooperation with UNHCR, the Human Resources Development Foundation implemented a program in 2000 to educate refugees and asylum-seekers on reproductive and sexual health, human rights and women's rights.

7.3 European Refugees and "Guests" of Turkey

Bosnians and Kosovars

Approximately 25,000 Bosnians sought refuge in Turkey from 1992 to 1994 (Narli, 2002). Bosnians were considered "guests" by the Turkish government and were not granted refugee status. Bosnians settled in camps in Turkey were allowed to remain there without a residence permit. However, those staying outside of camps were required to register with the police and receive renewable two-month residence permits. Bosnians were not granted work permits. The majority of the Bosnians who came to Turkey repatriated (USCR, 2000).

Between 18,000 and 20,000 Kosovars came to Turkey in 1998 and 1999 in response to Serb attacks. Similar to Bosnians, asylum seekers were not given "refugee" status but were termed "guests" by the Turkish authorities and were issued six-month residence permits. More than half of these refugees lived in urban centers, with another 7,301 residing in the Kirklareli camp, described in the next section. The majority of the Kosovar refugees voluntarily repatriated (USCR, 2000).

Kirklareli

The Kirklareli camp, formally known as Gazi Osman Pasa (GOP) Gocmen Misafirhanesi' or, 'Gazi Osman Pasa Migrant Guest House', is a government-run refugee settlement near the Bulgarian border that was used throughout the 1990s to house refugees from the Balkans, including Bosnians and, later, Kosovar refugees. It was managed with the aid of the Turkish Red Crescent. The camp had housing facilities, catering, shops, and a mosque and was referred to by Turkey's semi-official press, the *Anadolu Agency*, as an "Immigrant Guesthouse" rather than a refugee camp (*AA*, News in English, 5/13/99). The *Turkish Daily News* described the camp as "one of the most modern ones established for Kosovar refugees." At its peak, it housed over 10,000 Kosovar refugees, almost all of whom have since repatriated or been resettled (*Turkish Daily News* 7/4/99). The Anatolian Development Foundation distributed UNHCR-funded relief in the camp. UNHCR provided community development activities, social counselling, clothing and basic domestic items (UNHCR, 2000). According to a *Turkish Daily News* reporter who watched the departure of a large group of Kosovar refugees, "The refugees had encountered so much warmth during their stay at the camp that they couldn't hold back their tears as they prepared to leave.... The entire country feels like one huge family as they say goodbye to the visitors" (*TDN* 7/4/99).

During my visit to Turkey, the International Catholic Migration Commission and UNHCR were working to find durable solutions for the remaining residents of Kirklareli. At the time of my meeting with Ekin Ogutogullari, Program Coordinator for the Social Services Program of the International Catholic Migration Commission (ICMC), who regularly visits the camp, there were 38 refugees remaining in Kirklareli. By the end of

2002, all camp residents had been offered durable solutions – either voluntary repatriation or local integration (Interview 12/10/02).²⁷

Chechens

According to UNHCR, there are approximately 2,000 to 2,500 Chechens in Istanbul (Interview Corabatir 12/19/02). Many live in barracks in the Fenerbahce area of Istanbul and others are hosted by some mosques. These refugees have not been extended residence permits. The Turkish government prohibits NGOs from providing assistance to them. In the past, UNHCR was prohibited from talking to these refugees and is currently not allowed to evaluate their asylum claims (Interview Corabatir 12/19/02).

Turkey's stance vis-à-vis Chechen refugees has political roots. Turkey has a tacit agreement with Russia not to mention Chechnya officially in exchange for Russia's maintaining silence over the Kurds. However, there have been numerous accusations by Russian officials that Turkey supports Chechen terrorism.²⁸ In January, UNHCR plans to host tripartite meetings with the Ministry of Foreign Affairs and the Ministry of the Interior to propose solutions for Turkey's Chechen refugees (Interview Corabatir 12/19/02).

Macedonians

More than 8,000 Macedonians, mostly Albanians and ethnic Turks, fleeing civil strife entered Turkey during the course of the spring and summer of 2001. Many were issued two-month visas at the border.²⁹ About 2,500 had repatriated, while 5,500 remained in Turkey at the end of 2001 (USCR, 2002a).

Ethnic Turks

The 1951 Convention's notion of Europe initially included both Eastern Europe as well as the Soviet Union, including the Caucasus. Thus, ethnic Turks living in Eastern European could be considered refugees seeking asylum as a result of events in Europe and would thereby not be excluded by Turkey's geographical reservation.³⁰

Between 300,000 and 400,000 ethnic Turks from Bulgaria migrated to Turkey under President Zhivkov's violent campaign against the ethnic Turkish minority in 1989. Upon arrival, these 'fellow Turks' were given refugee cards valid for one year and were given the option of attaining Turkish citizenship (Poulton, 1996:95-96). About one fourth of these refugees repatriated, however most remained in Turkey and live in Bursa and Istanbul (Narli, 2002). Emigration of ethnic Turks from Bulgaria continued in the early 1990's, causing Turkey to introduce stricter immigration measures in 1992 in order to discourage more from coming.

²⁷ During this interview, I asked Ekin Ogotogullari whether I could accompany him on one of his weekly trips to Kirklareli and was told that the remaining camp residents might perceive the presence of a newcomer as either assistance in resettlement, which is not possible or further assistance in local integration and voluntary repatriation such as big sums of money, land, or houses. In order to attend the camp otherwise, I would have also needed official government permission.

²⁸ On 11/2/02, the *Turkish Daily News* reported that the Turkish press was accused by Russian officials of supporting the Chechens.

²⁹ United Press International, March 21, 2001, "Macedonians Seek Asylum in Turkey"

³⁰ Alexandre Toumarkine discusses the reception of ethnic Turkish refugees from the Caucasus to Turkey in "Forced Migrations in the North and South Caucasus," in *Bogazici Journal Review of Social, Economic and Administrative Studies*, Vol 10, No 1-2, 1996: 118-123.

In addition to these Turks from the Balkans, there were massive population exchanges following the 1920-22 Greco-Turkish war. Some 390,000 Muslims, mostly Turks, went to Turkey and 1.2 million Greeks left or were expelled from Turkish territory (Poulton, 1996:97-98).

7.4 Non-European Refugees

The greatest number of asylum seekers currently entering Turkey make up two groups – Iranian and Iraqi nationals.

Iranian Nationals

Thousands of Iranian refugees sought asylum in Turkey following the Islamic Revolution in 1979. Many of the Iranian asylum seekers are political opponents of the Islamic Regime. There are also Baha'i, as well as Christians, Zoroastrians and Jews fleeing religious persecution. There are also Azeris fleeing cultural intolerance, as well as ethnic Kurds, some of who are fleeing for political reasons and are members of the Kurdish Democratic Party of Iran (KDPI), Komala, the Kurdish branch of the Communist Party of Iran, and the Communist Workers Party of Iran. According to IOM, since the late 1970s it is estimated that over one and a half million Iranians have entered Turkey, most of whom with the intention of settling in a third country (IOM, 1995). Part of what has facilitated their access to Turkey is the fact that Iranians do not need visas for entry into Turkey.

However, Iranians are in a particularly insecure position in Turkey because deportation often means *refoulement* to Iran, a country with a particularly poor human rights record. In addition, security protocols were signed in 1992 by the Iranian and Turkish governments in order to address "common security problems" and "measures to improve border security" by having officials from both countries meet regularly to discuss issues related to "terrorism" and to cooperate to prevent clandestine border crossings and enforce extradition agreements. These protocols may obstruct Iranian asylum-seekers from entering Turkey and lead to forcible deportation.³¹

Iranians from Northern Iraq

There are approximately 500 cases of Iranian refugees who arrived in Turkey from northern Iraq in 2000 and 2001. Some of these refugees came to Turkey because the government of Iraq was preventing resettlement. Others fled because of fear of Iranian agents operating in the area. The Refugee Council of the United States reported in March 2001 that hundreds of Iranians have been killed by Iranian agents in northern Iraq and that as of March, some 3,000 Iranian refugees were living in northern Iraq in extremely dangerous conditions (Refugees USA, 2002). UNHCR reported that as of the end of 2001, there were 4,615 Iranian refugees residing in northern Iraq (UNHCR 2001). Iraqi authorities have been reluctant to recognize Iranian refugees from northern Iraq and require that refugees from this area pass through Baghdad before being resettled, making the situation of these largely Kurdish Iranians even more precarious.

Despite this, the Turkish government considers northern Iraq to be safe for these refugees and therefore refuses to grant them temporary asylum. UNHCR negotiated an agreement with the Turkish authorities to review the cases and find resettlement options for those Iranians who arrived in 2000 (USCR, 2002a). The majority of those who arrived in 2000

³¹ To read more about the security protocols, see Amnesty International (1994), "Selective protection: Discriminatory treatment of non-European refugees and asylum-seekers." <http://www.amnesty.org/ailib/aipub/1994/EUR/441694.EUR.txt>

left for third countries in early 2002 (Abadi, Personal Correspondence 2/10/03). However, the later waves of refugees, who arrived in 2001, were considered “irregular movers” and are thus not eligible for resettlement. Yet a third group arrived in 2002, also with no resettlement options. UNHCR states that Iranians coming from northern Iraq, as well as Iraqis coming via Iran, are “quite consistently” given the status of irregular mover “in order to discourage potential movements of large groups of refugees, mainly Afghans in Iran and Iranians in northern Iraq, which could destabilize the protection regimen in Turkey” (UNHCR, 1998:25).

During my visit to Van, I interviewed a Kurdish Iranian named “Aria” who was a member of a political group in Iran and fled Iran because of his political activities. Aria arrived in Iraq in 1996, was interviewed by UNHCR in Erbil and recognized as a refugee in 1999. During that time, he continued his political activity with two Iranian opposition groups. Aria left Iraq in the summer of 2001 because of fear of attacks by Iranian agents. At that time, there were violent clashes between PKK and Turkish Armed Forces along the Iraqi border with Turkey, so he joined a small group of Iraqis and fled from Suleimaniya through Iran to Van. Facing an uncertain future in Turkey and the possibility of deportation to Iraq or Iran, Aria is currently awaiting a decision from UNHCR on his appeal (Interview 1/7/03). Despite the fact that Aria told me he had received a first instance decision, according to Deljou Abadi of the Iranian Refugees' Alliance, most of the 2001 arrivals had not received a decision on their cases from UNHCR and were suffering from prolonged uncertainty about their futures. (Abadi, Personal Correspondence 2/10/03).

Iraqi Nationals

Like Iranian nationals seeking asylum in Turkey, Iraqi citizens who seek protection in Turkey are a diverse group, including Sunni and Shia Muslim Kurds, Armenians, Chaldeans, Assyrians, Turkomens as well as Arabs. Turks, Kurds and Christians who have left largely in response to increased political pressures on minorities. Many Arabs are forced into flight because of political pressures. There are also members of the Iraqi National Congress, Iraqi military officers as well as draft evaders and deserters. Some of these cases of Iraqis are rejected by UNHCR, contrary to international law, on the basis that they had an “internal flight alternative” in northern Iraq and should have stayed in Iraq.³²

Migrants and asylum seekers regularly cross the Iraqi border into Turkey. As one police official in Uludere district said, “We capture about 25-30 people daily and send them back to their homes [in Iraq]” (*Turkish Daily News* 10/10/02). Some of those crossing the border may be visiting family members, as many families have members on both sides of the border.

As is the case with asylum seekers from Iran, Iraqi nationals are at risk of *refoulement*. According to UNHCR, Turkish authorities view Iraqis with a more negative attitude than other refugee groups and some officials have expressed their opinion that “Iraqi asylum seekers are all economic migrants” (UNHCR, 1998:12). According to the Turkish customs office in Habur, 21,391 Iraqi nationals have entered Turkey illegally in the last year (*Turkish Daily News* 12/30/02).

³² For a discussion of Iraqi military officers, draft evaders and deserters, the Iraqi National Congress and the application of the “Internal Flight Alternative” as a basis of rejection of Iraqi cases, see pages 24-25 of the *UNHCR 1998 Knowledge and Information Management Systems*, UNHCR BO Ankara: Turkey.

Kurds from Turkey, Returnees and Repatriates

The number of Kurds in Turkey is difficult to estimate because questions about mother tongue or ethnic origin are not included in the Turkish population census. A conservative estimate is that there are 10-12 million Kurds in Turkey (18-21 percent of the population), 6 million in Iran (11 percent), 3.5 to 5 million in Iraq (20-23 percent) and 800,000 in Syria (7 percent) (Gunter, 2000).

38 Kurdish refugees from Turkey repatriated from Iraq in 2001. Approximately 2,200 Turkish Kurds have repatriated since November 1997 (USCR, 2002a). Voluntary return was facilitated by UNHCR. Thousands of Kurds fleeing the war with the PKK in 1994 fled from the southeastern parts of the country to Iraq. Those who return are processed through the “Haji” camp in Silopi, where a background security check is conducted before they are released.

In October of 2000, Asylum Aid, a British legal aid NGO, did research on Kurdish asylum seekers who were returned to Turkey by EU countries (Asylum Aid, 2001). Their report suggested that suspicions on the part of Turkish border officials that Kurdish returnees hold anti-State views or political activities of a returnee’s family members may put returning asylum seekers at risk of detention and torture upon re-entering the country.³³ However, UNHCR has stated that returnees as a category are not subject to persecution.

Palestinians

One of the objectives of this study was to investigate the Palestinian community in Turkey, as there is a gap in the literature on the Palestinian diasporas about those who fled to Turkey. Unfortunately, I was unable to locate Palestinians in Istanbul. However, a Syrian smuggler whom I interviewed, “Ahmad,” shared some interesting insights. Ahmad said that Istanbul has a small Palestinian population, residing predominantly in the Aksaray and Topkapi neighbourhoods. He said that most of these Palestinians are coming from Syria, Lebanon and Jordan. He also said that when his migrant clients from Arab countries arrive by ship in Italy and Greece via Turkey, they frequently tell European authorities that they are Palestinian in order to avoid deportation back to the Middle East (Interview in Istanbul 12/30/02).

Other Non-European Refugees

Aside from the major groups of Iranian and Iraqi nationals, non-European refugees in Turkey include nationals from many Asian, Middle Eastern and African countries. The majority of Afghan refugees have returned to Afghanistan, however some remain in Istanbul and Van. Statistics on the exact numbers of African refugees in Turkey are difficult to find. I interviewed one Sudanese refugee who had spent several years in Egypt before arriving in Turkey. In comparing conditions for Sudanese asylum seekers in Turkey and Egypt, he said, “It’s worse here than in Egypt. In Egypt we have lots of other Sudanese. Lots from African countries. But here we are in small numbers and we have nothing. We should be able to gather together and make some programs, start something. But we have nothing. Sudanese don’t live together in communities like they do in Naser City or Ain Shams outside Cairo. Life is harder”(Interview in Istanbul 12/4/02).

³³ For more information about UNHCR’s involvement and the return of Turkish asylum seekers, also see the Immigration and Nationality Directorate of the United Kingdom’s “Report on UK Immigration & Nationality Directorate Fact Finding Mission to Turkey”, November 2002, available at www.workpermits.gov.uk/file.asp?fileid=201

7.5 Refugee Movements En-Masse and a Looming Crisis in Iraq

The Turkish authorities openly plan to prevent mass influxes of refugees from Iraq. Part 3 of the 1994 asylum regulation outlines procedures for dealing with a mass influx of refugees towards Turkey's borders:

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

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.

Preventing groups of refugees from entering the country has been Turkey's policy for some time. A chief example is when in 1991 Turkey sealed its borders to the half a million Kurds from northern Iraq that fled after the Iraqi forces crushed an uprising. More than 1,500 Kurds died while struggling to reach the Turkish border, where the poor preparation of shelter and relief supplies caused further suffering (Associated Press article by Louis Meixler, 12/2/02). Turkey's closure of the border caused NATO member states to push through a UN Security Council resolution that approved military intervention aimed at restoring stability in northern Iraq.³⁴

In recent months, Turkey has been preparing contingency plans for a refugee crisis from Iraq as a result of potential invasion by the United States. The prospect of a huge refugee influx rekindles memories of the hundreds of thousands of Iraqi Kurds who flooded Turkey's borders in 1988 and 1991.³⁵ In an article about Turkey's approach to the crisis in 1991, Kemal Kirişçi cited a statement made by the regional governor who dealt with the refugee influx from Iraq in 1988: "... we are not calling these groups refugees. The reason is that just because the word 'refugee' has a very different legal meaning and understanding throughout the world. These groups haven't yet expressed their wishes about staying here. We understand they may go back. So we call them 'Iraqis who are staying here awhile'" (Kirişçi, 1993).

In its current preparations, Turkey plans to keep Iraqi refugees from spilling across its borders by containing them in refugee camps in northern Iraq. On October 22, 2002, a controversial plan calling for the closure of Turkey's borders with Iraq was signed by former Prime Minister Bulent Ecevit. I obtained a copy of this plan, which calls for the establishment of 18 camps, called "Human Support Gathering Sites," including 12 in Iraq in Kurd-controlled territory, to hold 275,000 refugees. Six sites are to be established between the 36th and 37th parallel, in Iraq, six sites between the 37th parallel and Turkish border, and six within Turkish borders. Foreigners reaching Turkish borders before reaching the camps will be sent to the camps. According to the report, only when the

³⁴ For more about the refugee crisis in northern Iraq in March 1991 and Turkey's role in the repatriation of these refugees, see Kirişçi, Kemal (1993) "Provide Comfort' and Turkey: Decision Making for Refugee Assistance" *Low Intensity Conflict and Law Enforcement* Vol. 2, No. 2, Autumn, 1993.

³⁵ In the spring of 1991 a survey was conducted in one of the camps in Silopi, Turkey holding Iraqi Kurds who fled their homes in March of that year in response to an Iraqi offensive during the Gulf War. The study revealed that most camp dwellers suffered from incredibly harsh conditions and had high mortality rates in the camps but that despite this, most preferred braving the difficulties of camp life to returning to Iraq. See Kneller, Robert, Kristin Ingolfssdottir and Jean-Pierre Revel "The Mortality Experience of Kurdish Refugees Remaining in Turkey", in *Disasters* Vol. 16, Number 3.

camps within Iraqi borders meet their full capacity will foreigners be transferred to camps within Turkey. The report also states that foreigners settled in the sites will be either sent back to their country of origin or to third countries. The plan includes template forms, including a search form for disarmament, a refugee interview form in Turkish, milk and feeding cards, a form for unaccompanied children in Arabic, English and Turkish, as well as several other forms.

The plan to seal off the border and contain refugees in camps within Iraq is controversial in part because it could trap Iraqis in a killing field, thus denying them of their right to seek asylum in a safe country. It is also controversial because of the presence of Turkish troops in Kurdish-controlled areas in Iraq. There are reports that Turkey has already begun sending military troops into northern Iraq to prevent a refugee influx. Many human rights advocates worry that these military missions and Turkey's establishment of camps in Kurdish areas can act as a guise for Turkish troops to destroy PKK networks and eliminate any attempt by Iraqi Kurds to establish their own state if Saddam Hussein's regime falls. "The Turkish Army would do its best to eliminate the possibility of a Kurdish entity in northern Iraq, through military means," said Selahattin Demitas, of the Turkish Human Rights Association, in a recent *New York Times* article (11/23/02). "The only law that will be applied in that area would be the law of war."

The Turkish Red Crescent Society has stated that it is ready to welcome 200,000 to 250,000 refugees at the border (*Turkish Daily News* 10/23/02). In terms of preparations on the Turkish side of the border, I was told by Feza Ozturk of the Foreign Ministry that as of late December, no camps actually had been constructed yet, however the areas for the settlements had been identified (Interview 12/19/02). In an interview with the *Irish Times*, Huseyin Baskaya, governor of one of the Turkish regions bordering Iraq, Sirnak, said, "We are preparing facilities for between 8,000 and 10,000 people in this province alone. But personally I do not expect anyone to come here. It is my belief, and my government's, that these people should be kept on their land" (*Irish Times* 12/16/02).

7.6 Yozgat Refugee Guesthouse

Particularly vulnerable cases of asylum seekers and refugees who face security problems, for example high profile political figures, former military officers and women at risk of assault from family members, can be sent to Yozgat Refugee Guesthouse. This is a government-run, heavily guarded facility 150 miles east of Ankara.

7.7 Dam Displacement

Residents in some areas of the largely Kurdish southeastern regions of Anatolia face threats from dam projects. The South East Anatolia Project (Güneydoğu Anadolu Projesi, or GAP) is the corporation responsible for 13 controversial projects aimed at creating hydroelectric power and irrigation, thereby stimulating much-needed development in the southeastern parts of the country. These projects include plans for the construction of 22 dams on the Euphrates and Tigris Rivers. Opponents to the project claimed that the dams could lead to the displacement of at least 36,000 people (BBC 11/13/01 "Dam decision takes Turkey by surprise"). These dams have provoked public outrage because, in addition to potentially displacing thousands of people, some of them threaten historical monuments. One of the dams would flood the Tigris River and the nearby town of Hasankeyf, the oldest town in upper Mesopotamia.

7.8 Transit Migrants

Turkey is an increasingly popular country for transit migrants from a range of Middle Eastern, Asian and African countries. Turkey's geographical terrain facilitates illegal entry and exit of the country. There are long stretches of mountain range along the remote borders with Iran and Iraq in the southeast of the country. And to the west, Turkey has miles of coastline, some of it lying very close to Greek islands.

Although the reasons for travel differ for transit migrants than for refugees, who are fleeing persecution in their home countries, in part because of restrictive asylum policies, many asylum seekers may be forced to follow the same route to protection used by transit migrants. Thus, refugees, as defined by the 1951 UN Convention, may at times fall within the category of transit migrants, or persons entering a country of destination with the intention of moving on to another country (Icduygu, 1996:127-142).

While it is impossible to know how many undocumented people transit Turkey each year, or how many of these people are seeking asylum from persecution, the figures of those illegal migrants who have been captured by the Turkish authorities has risen steadily in the past five years. From 1995 to 2001, some 322,438 "irregular migrants" were apprehended by the Turkish authorities while crossing Turkish borders without proper documents. In 2000 alone, 94,514 migrants were caught, representing a 98.8% increase from 1999, in which 47,524 migrants were captured. A table showing the nationalities of these migrants is included as **Appendix C**. Professor Ahmet Icduygu has done extensive research on transit migration in Turkey told me the following about his estimates on illegal immigrants in Turkey: "The reports say that there are about 100,000 illegal immigrants caught each year. I would multiply this number by 3, making it 300,000 illegal immigrants entering Turkey each year" (Interview 12/19/02). In comparing the total figures of migrants caught in the last six years, the majority were Iraqis, followed by Iranians, Afghans, Moldovans and Pakistanis. The *Turkish Daily News* reported that in the first 11 months of 2001, 86,104 illegal immigrants were detained. Of these, 4,097 of them wanted to be granted refugee status (*Turkish Daily News* 1/12/2002).

In addition to the illegal migration, there are increasing problems of trafficking of women from Eastern European countries to Turkey to work as prostitutes or domestic servants, as well as the processing and trafficking of heroin from Afghanistan and southeast Asia.



Map 8.13.1 Major transit routes for migrants heading to Europe

7.9 Smuggling

Refugees can be forced to use smugglers when legal channels of finding protection are not available.³⁶ There are many reasons why they may choose to do this. For example, asylum seekers who have been in the country without a residence permit are forced to pay a fine upon exit, which they may be unable to do. Many asylum seekers also are not able to meet the Turkish government's 10-day time requirement for filing an application for asylum and therefore their status becomes illegal.

Asylum seekers who use smugglers may be treated by Turkish *Jandarma* and border police as illegal migrants. In some cases, efforts to keep them from entering the country can turn deadly. In March of 2002, Turkish police exchanged fire with suspected migrant-smugglers along the Syrian border, killing two Turks and one Iraqi who were trying to enter the country illegally (AP "Three killed as Turkish police clash with illegal migrants," March 5, 2002).

Because of a lack of training and resources to deal with the situation, asylum seekers caught in smuggling operations may not be given the opportunity to make an asylum claim and are at risk of expulsion or deportation. As noted, *refoulement* is particularly a risk for asylum seekers who come from the neighbouring countries of Iran and Iraq.

Turkish government and border officials have claimed a connection between smuggling networks and the PKK (*Anadolu Agency* "Separatist Terrorist PKK is Behind Human Smuggling" January 10, 2001). There have been allegations that fees paid to smugglers by asylum seekers fund PKK activities (UNHCR, 1998:2). Efforts to crack down on these smuggling operations may make it harder for asylum seekers to enter the country, and

³⁶ A new report on human smuggling was released by UNHCR in December of 2002. See "New Issues in Refugee Research" UNHCR Working Paper No. 72 Human Smugglers and Social Networks: Transit Migration Through the States of Former Yugoslavia" Lejla Mavris, December 2002.

may mean that those who are caught entering with the help of smugglers may be deported.

In addition to the risk of *refoulement*, the rate that migrants pay for being smuggled is huge in comparison with their income. The cost for a trip may mean a life savings. Reports in by the *Anadolu Agency* on human smuggling have stated that some pay between \$3,000 to \$10,000 each to human smugglers to reach European destinations (1/4/01). The two smugglers I interviewed said that some migrants pay as much as \$5,000 to \$6,000 dollars to get to Van, Turkey from Pakistan and Afghanistan. One asylum seeker I interviewed paid \$2,200 to get her family of 7 from Saqez, a city in western Iran, over the mountains on horseback to Van (Interview in Van 1/7/03).

In addition to the high cost, the journey can be hazardous. Stories abound of deceitful smugglers who have robbed, beaten or abandoned migrants and asylum seekers. Trips can be treacherous and often entail great suffering for migrants. Minefields along the Turkish border pose another threat (*Deutsche Presse-Agentur*, 3/20/02, “Two illegal immigrants killed by landmine on Greek-Turkish border”). For those travelling by sea, drowning is also a risk. There are countless newspaper articles each month about boatloads of stranded illegal migrants being rescued off Turkey’s coastline.³⁷ One Iranian family I interviewed in Van told me that they had paid a smuggler to take them to Greece from Istanbul. Their trip ended in tragedy as their boat ran aground and they were tossed into icy waters, losing all of their belongings and fighting for their lives. They were rescued by the Turkish authorities, who, rather than deporting them, sent them back to Van (Interview 1/7/03).

The two smugglers I interviewed on December 30, 2002, “Ahmad”, a Turkoman from Syria and “Mehmet”, a Turk, estimated that only 1 or 2% of their customers were going to Europe because they had serious political problems at home and that most of the travellers left their home countries for economic reasons. His clients included Iraqis, Afghans, Bangladeshis, Pakistanis, and Tunisians. They estimated that 60-70% per cent of the migrants they deal with go to Greece, which typically costs \$1,000 to \$1,500. Ahmad said that migrants used to pay him up front for the trips but, increasingly, because of the risks involved, they tend to want top pay once they reach Italy or Greece. This can make it difficult, he said, because boats must be purchased, as well as a securing a captain, fuel and food. And then there is the added cost of bribing military officers and police.

When asked about his success rate, Ahmad said, “Once you’re on my boat, we don’t stop. Even if the coast guard orders us to stop, we keep going.” The dangerous part, he explained, lies in getting to the ship, as there are many check points and security points where migrants can be intercepted. “Finding people who want to go is no problem. With one phone call, I could get 1,000 people together. Getting them to the boat to take off is the most difficult part.”

There can also be severe penalties when the ships reach their port. In 1998, Ahmad had purchased a large ship and brought hundreds of migrants to Italy. Upon arrival, his ship was confiscated and he served 16 months in an Italian prison. Afterwards, he returned to Turkey and went back to business. Given the high price that migrants pay, the profit margin for smugglers is too great to pass up. Ahmad said that within his smuggling

³⁷ For example, “Turkish coast guard finds 94 dehydrated migrants in boat” Associated Press, August 8, 2002.

network alone, one to two boats per week leave for Greece, each carrying 50 to 80 people.

CHAPTER 8: REFUGEE RIGHTS AND THE SOCIO-ECONOMIC STATUS OF REFUGEES IN TURKEY

8.1 Introduction

This section examines various aspects of refugee life showing how asylum seekers are affected by the national legislation and asylum procedures. The 1951 Convention Relating to the Status of Refugees laid out the issue of refugee rights (Chapters II-V), such as the freedom of movement, the right to employment, education, and association, and stipulated that the rights of refugees should be similar to those given to citizens of the host country. Within this framework, Chapter 8 describes the limited rights refugees enjoy in Turkey and the effects on their socio-economic status.

8.2 Freedom of Movement

The freedom of movement, article 26 of the 1951 Convention, is a right of refugees within the host nation to choose their place of residence and move freely within its territory to no lesser extent than citizens of the host country.³⁸ Turkish citizens generally enjoy the freedom of movement domestically except in times of a national emergency, in which movement within areas may be restricted. However, the freedom of movement of asylum seekers and recognized refugees is highly restricted. According to the Law Related to the Residence and Travel of Foreign Subjects from July of 1950, refugees should reside in a place that is designated by the Ministry of the Interior (Article 17).

As described in the previous section on status determination, persons who are granted “temporary asylum seeker status” by the Turkish authorities may be relocated to one of over 20 satellite cities by the Ministry of the Interior while waiting for their application to be considered by UNHCR or after being recognized by UNHCR while waiting for resettlement to a third country. Whether in a satellite city or residing in a border city, asylum seekers must register with the police on a regular basis to confirm their presence in the city. Travel outside of the city without permission from the authorities is prohibited. These restrictions allow the Turkish authorities to have greater control over asylum seekers. Ostensibly, this system of satellite cities is meant to ensure the protection of the refugees and to distribute refugees throughout the country, as one UNHCR officer told me in an interview (Interview in Van 1/8/03). However in practice, it can be problematic.

Restrictions on freedom of movement are problematic for several reasons.³⁹ Freedom of movement for asylum seekers – both to travel and choose residence - makes it easier for them to access essential services including legal advice and specialist healthcare. Freedom of movement can also provide refugees with more opportunities to find employment. One of the Iranian Kurds I interviewed in Eskisehir, told me she would prefer to have the ability to travel to other cities and feels trapped in Eskisehir, where she must register with the police five days a week (Interview 12/29/02). The requirement of regular registration with the police is especially harsh. Amnesty has reported cases in

³⁸ According to current reception policies, most asylum seekers have the legal right to travel freely within national borders in all EU Member States with the exception of Germany.

³⁹ The European Council on Refugees and Exiles released a research paper in January 2002 on the effects of restriction on the freedom of movement of refugees within EU member states. To download the report, go to <http://www.ecre.org/>

which Iranian asylum seekers were ill-treated and abused by police officials during their regular registration (Amnesty, 1994).

In addition, according to some asylum seekers, confining undocumented asylum seekers in border areas can pose a serious threat to their lives. As Andrew Brown of the Canadian Embassy told me, some refugees say they cannot wait to leave Van because there are Iranian operatives in Van that make it dangerous for them. Some people seem genuinely worried about being there (Interview 12/19/02). These fears may not be unfounded. According to a report by Amnesty International, there have been several reports of members of Iranian opposition groups in Turkey who have been killed “in circumstances suggesting they might have been extrajudicially executed by the Iranian Government” (Amnesty, 1994).

There are also unofficial policies implemented by the Turkish authorities with regard to the location of those non-European refugees and “illegal” asylum seekers who did not make an application with the Turkish authorities or who were rejected. As one refugee from Rwanda explained to me, Turkish authorities tend to require African asylum seekers to stay in Istanbul. “There aren’t African refugees in Ankara. If an African goes to Ankara, for sure the police will send him to Istanbul. They say Istanbul is for foreigners. There are other Africans here, and they want us to all stay together” (Interview in Istanbul 12/4/02).

8.3 Access to Residence Permit and Housing

The Turkish Law on Foreigners does not provide for the right to residence. The issuance of a residence permit, or *ikamet*, is left to the discretion of the Foreigners Department. Although tourists and persons not seeking asylum can stay in Turkey for up to three months without a residence permit, because of the 1994 asylum regulation, individuals or groups entering the country with the intention of seeking asylum must register with the Turkish authorities within 10 days of arrival. Those persons who are accepted in the government procedure as “asylum seekers” can get a temporary residence permit from the Aliens and Passport Department (Yabancılar Polisi) while awaiting resettlement to a third country.

According to UNHCR’s Carolyn Ennis, the *ikamet* fee may be waived but this is not often the case (Interview 1/6/03). Administrative fees for residence permits change often due to the high inflation rate in Turkey and can be a hefty sum for asylum seekers. One Iranian asylum seeker interviewed in Van reported paying \$90 for a 16-month *ikamet*. Another stated that she paid \$600 for a yearlong residence permit for her family of 7 (Interviews 1/7/03). Yet a third asylum seeker I spoke with, in Eskisehir, said she paid \$100 each six months for residence fees (Interview 12/28/02).

The language of the 1994 asylum regulation is vague in regards to the renewal of residence permits. According to Article 28, residence permits for asylum seekers “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.” No specific explanation is given as to the length of a “reasonable time.”

Most of the Iranian families I met in Van lived as single families in rented flats with an average rent of \$50 per month. One refugee I met told me the following about how he found his apartment: “When I first arrived, I didn’t know anybody. But in the post office I met other Iranians and got help finding a house and UNHCR. Finding people to help

you is hard, though. I've seen many refugees sleeping in the street when they first come. Those who come without passports can't rent a hotel room" (Interview in Van 1/7/03). More research is needed in order to identify housing patterns of different refugee groups and in different regions of the country.

8.4 Access to Employment

The 1994 asylum regulation states the following in Article 27 with regard to work and education:

Within the general provisions [of the law], possibilities for education and work, limited to their period of residence in our country, are to be accorded to refugees and asylum seekers.

Despite this provision, in practice asylum seekers are not allowed to work without a work permits and are forced to work in the informal sector. Many of the asylum seekers I interviewed in Van and Eskisehir survived on remittances sent from family members at home. A survey of 159 transit migrants in Turkey, including asylum seekers, conducted by IOM in 1995 showed that the majority of respondents were living on incomes significantly lower than they had earned in their home countries. One third were receiving remittances from relatives abroad and one fifth received money sent from family in their home country. Only 9 percent of those interviewed had a work permit, and the majority of these were Iranians and ethnic Turks from Iraq (IOM, 1995).

According to Turkish law, work permits for foreigners are issued independently of residence permits. The work permit is not issued to the asylum seeker him or herself but to the institution or firm she or he works for. This has the effect of leaving asylum seekers and illegal migrants more vulnerable to exploitation and abuse by employers. In addition, there are certain professions reserved exclusively for Turkish citizens, including all employment in the services sector as well as many other jobs, such as drivers, waitresses, and interpreters.⁴⁰

The *Turkish Daily News* reported that at the beginning of 2001, the Turkish Labor and Social Security Minister estimates that around one million foreigners were working illegally in Turkey (Kaiser, 2001:22). *Radikal*, a Turkish daily, reported that in Istanbul alone there are as many as 750,000 illegal workers (Kirişçi, 2002a:49) According to the Ministry of Labor and Social Security, a new draft law has been prepared to discourage foreigners from working illegally. Employers will be fined 2.5 billion Turkish liras and the illegal foreigner will be deported to his/her country of origin (Kaiser, 2001:22). This law was drafted as part of a package of reforms for Turkey's mid-term goals for EU harmonization.

Despite the risks, some asylum seekers do find work. One man I interviewed, a 33-year-old Kurd from Iran has been working as a baker in Van for the past four and a half years. Despite the fact that his file was closed by UNHCR and he has never had a work permit, he continues to register with the police twice a week and works at the bakery. He says that the police are aware that he works there and do not object because they know he

⁴⁰ This is based on The Law on Activities and Professions in Turkey Reserved for Turkish Citizens of June 16, 1932 (Law No. 2007), which provides a list of these professions exclusively reserved for citizens of Turkey. For more information, also see Kaiser-Pehlivanoglu, Bianca, Armağan E. Çakır and E. İlker Mutlu (2001). "The Concept of 'Free Movement of Persons' and Turkey's Full Membership in the European Union". Final Project Report for the Research Fund of Marmara University (No. 2000/SOB-5).

works for little pay. For a 12-hour day of work, he earns nearly 150 million TL, or roughly \$100 per month. “They pay me 5 million TL a day,” he said, “but if I were a Turk they would pay me 10 million TL a day” (Interview 1/7/03).

To alleviate some of the financial distress caused by difficulties in gaining employment, UNHCR provides financial assistance to some of the most impoverished refugee families. During the first half of 2002, 3,035 persons received monthly allowances (UNHCR, 2002b).

8.5 Access to Education

As with the right to work, Article 27 of the 1994 asylum regulation states that possibilities for education are to be accorded to refugees and asylum seekers. Furthermore, Article 42 of the Turkish Constitution states that “No one shall be deprived of the right of learning and education.” However, aside from the 1994 asylum regulation, there are no specific legal provisions for asylum seekers and refugees to attend schools in Turkey. Turkish regulations allow asylum-seeking children to attend primary schools only if they have a valid residence permit. Some refugee children have been accepted by Turkish schools for primary and secondary education. However, school fees often limit enrolment. As UNHCR’s Metin Corabatir told me, school attendance has been low due to the fact that many refugee families consider attending Turkish schools unnecessary because their stay in Turkey is only temporary (Interview 12/19/02). In other cases, parents who lack residence permits may be reluctant to attempt to register their children in schools because they fear deportation.

In Eskisehir, I met one family with 3 school-aged children, none of whom had attended school in the four years since they left Iran because they failed to meet the 10-day registration period and had received several deportation notices from the authorities (Interview 12/29/02). However, I did meet other asylum seekers in Van who lacked a residence permit but who managed to enrol their children in Turkish schools (Interview 1/7/02).

Informal education activities have been established by some NGOs and churches in several cities. In Istanbul, the Istanbul Inter-Parish Migrants Program, the International Catholic Migration Commission, and Caritas all run education programs. The UNHCR has been providing an education package to cover the costs of books and the uniform for several hundred refugee children and works with an NGO in Van to provide education to refugee children. However, many of the education grants and vocational training programs may be suspended because of budget shortfalls (USCR, 2002b).

8.6 Access to Healthcare

Many asylum seekers whom I interviewed told me that one of the greatest difficulties they face in Turkey is the limited access to healthcare. “Rahim,” a Kurd from Iran, told me, “The hardest thing about living here is that I cannot go to the doctor. Even if my daughter is sick, I cannot take her” (Interview 1/7/03).

In July of 2002 the Ministry of the Interior issued a circular to governors regarding the provision of health care to asylum seekers who have been recognized by the Turkish authorities. Since then, in theory, asylum seekers should be provided with “green cards” for medical expenses (Commission of the European Communities, 2002:114). However, the implementation of this policy seems to be inconsistent. Currently in Van, only recognized refugees who have paid their residence permit fees can access public

hospitals. The UNHCR offers some financial assistance to recognized cases in financial need for medical expenses and has been collaborating with local authorities to increase the state health services available to recognized refugees in Van and other cities (Interview Ennis 1/8/03). The Turkish Red Crescent Society (TRCS) and the International Red Cross and Red Crescent (IFRC) run a clinic providing medical assistance to European refugees in Istanbul. ICMC's Social Services Program facilitates the provision of medical services to European refugees by the TRCS clinic. The Istanbul Inter-Parish Migrants Program also provides some financial assistance for medical care for asylum seekers and migrants.

8.7 Status of Children

Children born to asylum seekers in Turkey are issued with a medical report from the hospital where they were born. Children born to parents holding a residence permit may be registered by the Turkish authorities and included in the residence permit. However, those babies born to asylum seekers residing illegally in the country are often unregistered as they are at risk of deportation. There is no legal provision for the automatic granting of Turkish citizenship to children born in Turkey. However, children born in the country may acquire Turkish citizenship if they cannot acquire any other citizenship from their parents. Those born of Turkish mothers who are not able to acquire the father's citizenship may also be granted Turkish citizenship in relation to their mother's (UNHCR, 1998:43-44).

8.8 Freedom of Association and Expression of Refugees

Political rights of asylum seekers and refugees in Turkey are limited. While I am not aware of any legislation pertaining to the political activity of asylum seekers or refugees, in general political rights are not granted to aliens. It should be said that the freedom of assembly and association has been limited to Turkish citizens as well as foreigners. There are also limits on freedom of expression and freedom of thought for Turkish citizens.⁴¹

As mentioned in section 6.7, numerous protests and sit-ins have been organized by asylum seekers in front of UNHCR over the years. One particularly large demonstration occurred in Van in September 2001 with over 80 participants. During my visit to Eskisehir, I met an asylum seeker who had participated in a group demonstration against the Islamic Republic of Iran in front of the American Embassy in Ankara in the summer of 2002. The asylum seekers were arrested by the police and, following a brief detention, were banished to different satellite cities. This appeared to have been an attempt by the Turkish authorities to prevent them from organizing further activities. According to the asylum seeker I interviewed, one of the protesters was deported, and another committed suicide (Interview in Eskisehir 12/28/02).

8.9 Prevalence of Discrimination

Discrimination does exist towards refugees but is not directed in the same way to all groups. Unable to blend in, Africans and other darker skinned refugees are often subject to racism, harassment, beatings and frequent arrest. As one Rwandan refugee told me, "Life in Istanbul has improved, but I still have to be careful. I don't go out late at night... If I do, 100% I will run into trouble from Turkish citizens. They will beat you up for money. Cops come bother us when they need money, too. Things are better now than they were 10 years ago, when I first came. Then they used to throw stones at us, kick us. A police could be standing right there and wouldn't do anything. Still the police don't do

⁴¹ Human Rights Watch has published numerous reports and press releases on freedom of expression issues in Turkey. These are available at <http://hrw.org/europe/turkey.php>.

anything, but it's not that bad. People do yell at us, though. They call us "zenci" [racial epithet] (Interview in Istanbul 12/4/02).

Other refugee groups have better experiences. One Iranian woman I interviewed in Eskisehir told me that hadn't had any problems with Turkish citizens and that landlords in Eskisehir tend to prefer renting to Iranians, who are considered as being more prompt about paying bills (Interview in Eskisehir 12/29/02).

8.10 Detention and Deportation

Asylum seekers who regularize their stay in Turkey by registering with the authorities within the 10-day limit are usually protected from detention and deportation. However, those "extra-procedural" cases who only register with UNHCR and not the government, as well as those who are transiting Turkey without filing an asylum claim, are at risk. Interviews with NGOs and refugees in Istanbul and Ankara as well as numerous news reports suggest that African asylum seekers in particular are prone to detention.

In 1993, there was a large-scale roundup of African migrants and asylum seekers in Istanbul. Several hundred Africans were arrested and taken to an internment camp in southeastern Turkey in Silopi in order to crack down on illegal immigration in Turkey. This had formerly been a UN refugee camp for displaced Kurds. Those kept in the camp suffered from extremely harsh conditions. Eventually, the camp attracted media attention and it was closed. However, roundups and frequent arrests of Africans, including UNHCR-recognized refugees, continue to occur.⁴²

In the hopes of learning more about the arrests of persons "of concern" to UNHCR, on one occasion I visited the Emniyet Yabancılar Subesi, or Foreigners Department of the Police, in order to bring food and supplies to a Congolese refugee, "Jean", who had been arrested and held for three days along with several dozen other Africans. When I arrived at the block where the asylum seekers were being held, the police rifled through the bag of food that I had brought and proceeded to eat some of the food. I waited, as the police watched Pink Panther cartoons on the television in the office, until they brought out Jean. Shortly afterwards, I was told by the police that they had decided to release Jean, acknowledging that he was a person of concern to UNHCR. Rather than release him on the spot, the police gave Jean and I an "escort" from the station to Aksaray, a neighbourhood with a high concentration of foreigners. This was Jean's second arrest in two years. Arbitrary detention and subsequent releases such as this, Jean told me, occur frequently for Africans.

In July of 2001, Istanbul police arrested, detained, and deported more than 300 African immigrants of various nationalities. The Turkish Human Rights Association said that the authorities severely mistreated some of the Africans in detention, depriving them of food, clean water, and medical assistance (HRA, 2001). One Ethiopian died immediately after detention. Another had a miscarriage. After several days, the authorities dumped the group on the Greek side of the border, but Greece refused them entry and forced them back to the Turkish side. Although Turkey eventually readmitted most of the Africans, three reportedly died and another three allegedly were raped while trapped in the border zone.

⁴² I initially learned about this camp in Silopi through a Sudanese asylum seeker who had been interred there. To read more about it, see the *Turkish Daily News* article on January 23, 1997 http://www.turkishdailynews.com/old_editions/01_02_97/feature.htm

Although I was informed by UNHCR officials that incidents of deportation of Mandate refugees have decreased in recent years, this remains a threat. Amnesty International released a report in 1997 describing the deportation and large-scale roundups of Iranian and Iraqi asylum seekers, “Turkey: *Refoulement* of non-European refugees – a protection crisis”, September 1997. According to the US Committee for Refugees, during 2001, 97 asylum seekers and 3 refugees were returned to a country where they feared persecution. The majority of these individuals were Iraqi. This represents an increase from the 21 asylum seekers and 4 refugees *refouled* in 2000 (USCR, 2002a). Furthermore, these numbers only represent those persons who have filed claims with the UNHCR office. The number of *refoulements* from border areas or of asylum seekers transiting through Turkey is unknown.

Deportation of refugees at border points, particularly if they are approaching the border in a group, is also a real threat. The US Committee for Refugees has reported that in 1998 Turkish officials on the Iran border have the discretion to summarily send back any foreigner apprehended in the two-kilometer zone separating Iran and Turkey. In 2000 there were several reports of Turkish troops opening fire on several groups of migrants approaching the border, killing at least 13 people (Refugees USA, 2002).

According to many of the Iranian asylum seekers I interviewed in Van, in some cases the Turkish authorities ignore deportation notices that are served to asylum seekers upon negative decisions on their claims. This may be due to a lack of resources to follow up on the deportations. The majority of the rejected asylum seekers I spoke with in Van continued to register with the police on a regular basis and, despite the fact that their cases had been closed, none had been detained or deported by the authorities (Interviews 1/6/03, 1/7/03, 1/8/03).

Deportation is rarely to a third country. Iraqis are typically sent via Silopi to northern Iraq. Iranians may be handed over to Iranian police. Foreigners from distant countries are often deported to the neighbouring country from which they entered Turkey. In several cases, UNHCR has been successful in preventing deportation.

8.11 Exit Permits

In theory, when a refugee wants to leave the country she or he must write to the Ministry of the Interior and apply for exit authorization. In cases of refugees who entered the country legally and were accepted in the government procedure, permission is usually granted. However for anyone who was not accepted in the government system, even if he or she was accepted for resettlement as a refugee or humanitarian case by a third country, exit permission can be denied, thus forcing the refugee to remain illegally in the country. The refusal to grant exit authorization to extra-procedural refugees considered “illegals” by the Turkish authorities is a serious impediment to resettlement.

One example of the harm this policy can cause to refugees is the case of a woman, an Ethiopian refugee I met in Istanbul (Interview 12/4/02). She was recognized as a refugee by UNHCR and accepted into the United States resettlement program. Her flight was booked through IOM. She packed up her apartment and mentally prepared herself to embark on a new life in the United States. However, because she had failed to register with the Turkish authorities within 10 days of entering the country and therefore had no residence permit, she was denied an exit permit. With no authorization to leave the country, she missed her flight to the United States. When I left Istanbul in mid-January, she had still not received permission to exit the country and was emotionally devastated.

The difficulties in obtaining exit permits for “extra-procedural” cases is attributed to the fact that in the eyes of the Turkish authorities, despite being recognized as refugees by UNHCR, these people are in the country illegally and Turkey is taking an increasingly hard line on illegal migrants. Denial of exit permits is another vindictive tool the authorities are using in some kind of misguided approach to discourage immigration.

Amnesty International has reported the refusal to grant exit permission for Iraqi refugees who have been accepted for resettlement elsewhere. According to Amnesty, “The Turkish Government appears to believe that to allow Iraqi refugees to leave Turkey for a resettlement country would simply encourage new arrivals of Iraqi asylum-seekers in Turkey. Several hundred Iraqis are thus being denied their right to leave Turkey, a right recognized under international law, and are being forced to remain in Turkey where, as recent events have shown, they risk being forcibly returned to Iraq” (Amnesty, 1994).

In an interview with Feza Ozturk of the Turkish Ministry of Foreign Affairs, I asked about this policy of denying “illegal” asylum seekers exit permits. Feza Ozturk explained that there are many “authentic” refugees who apply with the Turkish authorities, are recognized as asylum seekers and must wait for many years for resettlement. “The people who are here illegally, who don’t apply with the Turkish authorities, are working against the system. They are working against the people who have applied the right way.” He added, “The main purpose of this is because it’s against those who are applying regularly and who are suffering” (Interview 12/19/02).

To their credit, IOM has tried to circumvent these problems in the past by bringing Iranian and Iraqi refugees to the border to do an exit/entry in order to regularize their stay in Turkey and facilitate the acquisition of an exit permit for resettlement. In some cases, the Turkish authorities have been aware of this procedure and have allowed it. However, the strict procedures of the asylum regulation, which make it difficult for asylum seekers to access the government asylum system and have legal status in Turkey, ensure that this will continue to be a problem in the future.

8.12 Resettlement

Since refugees in Turkey are only granted temporary stay, resettlement to a third country is the only durable solution. Cases of UNHCR recognized refugees are interviewed by Durable Solutions and are submitted for consideration to the embassies of resettlement countries. In 2001, 2,747 refugees were resettled, including 2,203 Iranians, 477 Iraqis and 67 others. Approximately 3,400 refugees were awaiting resettlement at the end of the year (USCR. 2002a). The primary resettlement countries are the United States, Canada, Norway, Sweden and Australia. The quota from donor countries for resettlement is 3,000 to 4,000 refugees per year. I was informed of this both by the MFA’s Feza Ozturk and by the Canadian Embassy’s Andrew Brown (Interviews in Ankara 12/19/02).

8.13 Problems Faced by NGOs and IGOs

NGOs and IGOs are crucial actors in the refugee field. This is particularly true in Turkey, where the government offers non-European asylum seekers little or no assistance and no permission to work. However, the activities of many of the NGOs in the refugee field in Turkey are highly constrained by the perennial problem of lack of resources. UNHCR Geneva budget cuts in 2002 further diminished the already insufficient resources available for assistance. The problems caused by reduced funding to the UNHCR are exacerbated by the fact that few of the NGOs assisting refugees function independently

of funding from the UNHCR. The Human Resource Development Fund's (HRDF) refugee rights and reproductive health training sessions for refugees have been suspended because of UNHCR budget cuts. For the same reason, the legal assistance to refugees provided by HRDF in conjunction with the International Catholic Migration Commission ended at the end of 2002 (Interview, Tuba Dundar, 12/16/02).

In addition to a lack of resources, one NGO worker with whom I spoke noted that she felt that UNHCR did not seem open to working with other NGOs. "They hold social service training sessions, for instance, for preparation for crises, and they don't invite NGOs," she said. "They don't invite NGOs to the training they do for lawyers, police and *gendarmerie*, either," she added (Interview, Ankara 12/19/02).

A representative of the New York-based Iranian Refugees' Alliance, which offers assistance to Iranian refugees in Turkey, told me the following: "Local NGO's insignificant role in assisting non-European refugees is, in my experience, partly the fault of UNHCR and its policy of wanting to make asylum an unattractive solution. In 1997 UNHCR agreed to promote our humanitarian assistance (monthly stipends and school stipends) project by informing asylum seekers about it, but they never did. They agreed to let us know whether or not a case is getting financial assistance from UNHCR but after a short while they stopped cooperating" (Abadi, Personal Correspondence 2/10/03).

NGO activities are also constrained by the state. Turkey has a highly restrictive "Law on Associations" and many NGOs, especially human rights NGOs and Kurdish NGOs, face severe pressure from the state. Despite the need for the resources and insights that local and international organizations in dealing with the return of forcibly displaced villagers in Turkey, as the October 2002 Human Rights Watch report stated, "... the government has consistently cut non-state agencies out of the whole process" (HRW, 2002:54). Based on my interviews in the field, the International Catholic Migration Commission was the only international NGO officially recognized by the Turkish Government in the refugee field since the late 1960s until 2002 when Amnesty International was also recognized. ICMC is still the only NGO with a specific mandate concerning uprooted people. The activities of several of the other NGOs I interviewed, such as the Istanbul Inter-Parish Migrants Program and Caritas Turkey, are not officially recognized.

Both the Human Rights Association and Mazlumder, two of the NGOs I met with who are active with refugees and internally displaced persons, had offices closed by the government. ASAM, a local NGO established to refugees and IDPs, was prohibited from receiving funding from a foreign body to continue its activities. The offices of Göç-Der and HADEP, Kurdish NGOs, are constantly under surveillance and have been raided repeatedly. Göç-Der has been sued five times for its activities with IDPs (Interview Ozgur 1/3/03). There have been numerous reports of organization members being detained, tortured and even extrajudicially executed (HRW, 2002:54-56). In addition, activities of international organizations such as the well-known Human Rights Watch and Amnesty International have been monitored and in some cases restricted. Amnesty was forced to close its office in Turkey after a parliamentary coup in 1980 and only in February of 2002 was given permission to reopen.

8.14 Conclusion

On the one hand, the country's geographical position makes it vulnerable to mass influxes of refugees and large-scale movements of economic migrants bound for Europe. Desperate to stem the tides of illegal migrants entering the country, and in its eagerness to

prove to the European Union that it is taking serious measures to do so, Turkey's restrictive domestic legislation and limited implementation of the 1951 Convention have seriously limited refugee rights, with disastrous consequences for some refugees. Fears of the abuse of the asylum system by illegal migrants have lead authorities to implement even more restrictive asylum procedures.

Turkey's high rate of unemployment and recent economic crises resulting in plummeting values of the Turkish Lira and high rates of inflation have made it more difficult both for Turkish citizens as well as refugees to make a living. However, restrictions on their right to work and movement, are added strains for refugees, forcing many to live on the margins of society. Despite the many hurdles before them, survive they do. After meeting with asylum seekers and being welcomed into their homes, one cannot help but be inspired by their perseverance and courage in spite of their socio-economic status.

In several of Turkey's major cities, including Istanbul and Van, refugees who are scraping to get by live side by side another group of forcibly displaced people who have been marginalized – the internally displaced Kurds. Turkey's 15-year war with the PKK and the forced displacement of over 1 million people have stretched the housing capacities of cities such as Istanbul, with high concentrations of IDPs as well as asylum seekers. In the next chapter, I will give a brief background on this issue and the status of those who were forced to leave their homes as a result of the conflict.

CHAPTER 9: INTERNALLY DISPLACED PERSONS

9.1 Background on the Conflict

Between 1984 and 1999, the Turkish armed forces and the Kurdistan Workers Party (PKK) engaged in a bitter war that took the lives of over 35,000 people.⁴³ In fighting the PKK, military and security forces forcibly evacuated thousands of villages and hamlets. The homes and crops in these rural areas were destroyed. In 1987 a state of emergency was declared in the provinces of the largely Kurdish southeastern Turkey where the PKK was most active. During the fighting, the government organized and paid for a civilian auxiliary, known as Village Guards, to aid in the fight. Many of these Village Guards were forced into service and then became targets of the PKK. Many of them also became the perpetrators of violent crimes against their fellow-villagers. The period of forced evictions was also a time of great brutality and human rights violations of those perceived as Kurdish nationalists or PKK supporters. Hundreds were detained, tortured and in some cases executed.

There were thousands of innocent civilians who supported neither side yet who were caught in the crossfire. The war resulted in a mass exodus from the villages to urban centers of the Southeast, such as Batman, Hakkari, Sanliurfa and Van. The populations of the largest cities in the center and west of the country, such as Istanbul, Izmir and Ankara, also ballooned. The population of Diyarbakir doubled since 1990 and is now more than one million. For the most part, people fled because they were forced out by government forces trying to destabilize PKK resources and networks. Many also left because their homes and livelihoods were destroyed by the conflict, and because of threats from the Village Guards. As a result, Turkey has one of the largest internally displaced populations in the world.

⁴³ The number of people who were killed as a result of the conflict varies. This figure was sited in an article in the *Turkish Daily News* on October 2, 2002, "Emergency Rule Ends, Village Guards Problem Endure".

As Ankara University's Professor Doğu Ergil explains, the flows of those who were forcibly displaced are part of a larger movement of urbanization in Turkey. Turkey's cities, particularly those in the Marmara region, such as Istanbul, have mushroomed in recent decades as people have migrated from southeastern Anatolia and the Black Sea region. "In 1965, 35% of Turkey were urban dwellers and 65% were living in rural areas. In 2000, 70% are urban and 30% are rural. No country can manage this mass urban migration," Ergil says (Interview 12/18/02). Much of the urban migration is due to economic conditions. However, during the 1990s, poverty in the under-developed Southeast was exacerbated by the war and many had no choice but to leave.

9.2 Status of Internally Displaced Persons in Turkey

Estimates on the number of displaced persons vary. Part of the reason that there is no official figure is that in the last Turkish census the question asking citizens where they were residing during the previous census was omitted. The Turkish government has stated that 378,000 persons "migrated" from 3,165 villages between 1994 and 1999. The US Committee for Refugees estimates the number at between 400,000 to 1 million. Similarly, Human Rights Watch puts the figure at 380,000 to 1 million (HRW, 2002). Göç-Der, a Kurdish NGO, estimates that between 3.5 and 4 million people were displaced by calculating the growth in the cities to which IDPs migrated (Interview Ozgur 1/3/03).

Living standards for many Kurds plummeted as a result of the displacement. Displaced Kurds face severe social, educational and economic disadvantages. Most came from rural areas and were unprepared for life in large cities. "People who had been trained as farmers and irrigators were forced to go to cities and they didn't have the means to integrate," says Professor Doğu Ergil (Interview 12/18/02). Many of the displaced are unemployed or underemployed and face many difficulties in finding housing. Thousands live in cramped homes in crowded areas along the periphery of the city in squalid shanty areas called *geci kondus*.⁴⁴ As one researcher (who asked that her name be withheld) who is studying the effects of displacement on social networks told me, landlords in Istanbul are sometimes reluctant to lease apartments to Kurds because of prejudice and suspicions of support for PKK (Interview 12/26/02).⁴⁵ In addition, the first language of the majority of the displaced is Kurdish, and a poor command of Turkish has presented further obstacles to integration (HRW, 2002:20-21). Many villagers also suffer from a great sense of depression and alienation, combined with a longing to return to their homes.

9.3 Assistance to Internally Displaced Persons

UNHCR's mandate is restricted to foreigners who need protection in Turkey and therefore does not extend to internally displaced persons. According to UNHCR, "Despite the fact that Turkey has one of the largest populations of IDPs in the world ("Refugees" Magazine – January 1996), and that the protection problems mentioned above continue to be largely unsolved, neither the U.N. Secretary General nor the UN General Assembly have requested UNHCR to get involved." UNHCR also states

⁴⁴ Anthropologist Christopher Houston has written about the trauma and extent of this forced migration of Kurds and the attempts by the Turkish Government to assimilate Kurdish refugees in "Profane Institutions: Kurdish Diaspora in the Turkish City," *Australian Journal of Anthropology* 12 (April 2001).

⁴⁵ Indeed, a sense of distrust of Kurds remains rampant in Istanbul. I learned first-hand about this prejudice upon trying to locate an interpreter for an interview with Göç-Der, a Kurdish NGO. The first person I asked, an 18-year-old Turkish student fully fluent in English and Turkish, made his dislike for Kurds known to me immediately. The second person I approached, a neighbour, refused to attend the interview with Göç-Der out of suspicion that the NGO supported the PKK.

explicitly that it is not involved in promoting or monitoring human rights involving the local population in Turkey (UNHCR, 1998:56).

Government assistance to IDPs has been extremely limited. There are a number of NGOs which assist displaced Kurds, including Human Rights Association, Göç-Der and Mazlumder, all of whom I met with. However, their activities have been severely limited by the state (HRW, 2002:54-56). The Migration and Humanitarian Assistance Foundation (GİYAV) provides support to IDPs, as well as HADEP, the pro-Kurdish People's Democracy Party. The Turkish Medical Association has organized workshops on the health problems related to the displacement. In addition to these, there are a host of other NGOs involved in the issue that I unfortunately did not have time to meet or learn about.

9.4 Return

In 1999, the government presented a program for the return and resettlement of displaced villagers, called the Village Return and Rehabilitation Project. The South East Anatolia Project (Güneydoğu Anadolu Projesi, or GAP) was charged with the task of managing the project.⁴⁶ However, as reports by groups like Human Rights Watch as well as a host of local organizations have shown, the program is riddled with problems and returns to villages have been modest.

Figures on the numbers of returnees are inconsistent. Citing a report issued by the Emergency Rule Governor, the *Turkish Daily News* reported that 51,000 people have returned to their villages in the 11 provinces that were or are still under emergency rule (10/5/02 "More than 50,000 return to their villages in two years"). There are many reasons for the modest returns. In October 2002 Human Rights Watch issued an extensive 78-page report, *Displaced and Disregarded: Turkey's Failing Village Return Program*. The report describes how thousands of displaced villagers are prevented from returning to their homeland by the Turkish government, security forces and the Village Guards. Despite the fact that violent conflict between the PKK and Turkish Forces ceased in 1999, the village guard system has not been dismantled and persecution still continues. There have been numerous reports of abuse, harassment and killings of returning villagers by the *Jandarma* and Village Guards, causing some to be displaced a second time. In other cases, returnees arrive to find that their homes and lands have been taken over by Village Guards (Interview Ozgur 1/3/03). Returning villagers are also plagued by frequent explosions from landmines left over from the conflict. The Human Rights Association reports that there were 838 landmine victims in the past 12 years, amongst whom were 244 children (IMK 11/11/02 – 11/30/02).

In addition, some districts near the Iraqi border are still under emergency rule and many towns are off-limits. Others are completely barren and lack infrastructure to support returnees. Some villagers return to their homes to find nothing but a pile of stones left. One villager from the village of Doruklu in Gevas District stated the following about his application to return to his village, which was torched by military and Village Guards in 1997: "The response of the local authority was to say that our village had not been burned down by anybody. The village, though, is currently in the same condition as it was when they burned it down. Nobody lives there. It is full of burned out houses, empty shells and military waste. Was it ghosts who set fire to it all?" (IMK 12/1/02-12/15/02)

"A trauma occurred," Feray Salman, General Secretary of Human Rights Association, told me. "And there's no rehabilitation for the trauma. There should be a forum for these

⁴⁶ GAP is also responsible for coordinating the hydroelectric and irrigation projects in Turkey.

people to participate in the decision making, but there isn't" (Interview Salman 12/19/02). Last year Salman witnessed three villages "open" for return but there were no homes in them, and there were landmines in the surrounding area. As for government assistance, Salman told me that in Tunceli, the people were only provided with 1 – 2 kilos of wheat per year.

Part of the government's program requires returnees to sign a statement absolving the government of responsibility for the displacement and foregoing their rights to seek compensation for their losses. The form gives displaced persons a series of options to choose to explain why they left their homes, including health issues, education, a family feud or terrorism. Being evacuated by Turkish armed forces is not an option. Those who refuse to sign the form are prohibited from returning and in some cases are threatened.

A representative of Göç-Der, the Migrants Solidarity and Culture Association, said the following about the government's return to the village program: "We have sent 17,914 petitions to Parliament regarding the return to villages. They said, 'You can return to your village' but they are lukewarm about the return to the villages and compensation for the people. They do not provide opportunities or support for these people. In these petitions, people have asked for compensation for their loss, but most of them have been rejected; only two petitions ended positively" (*Turkish Daily News* 7/6/02). Some cases have been brought up against the Turkish government in the European Court of Human Rights, but so far, only a tiny minority of displaced villagers have been compensated (HRW, 2002:50-53).

Although the fighting between the PKK and the Turkish armed forces has stopped, the suffering continues. Many fear that a war in Iraq could make the situation worse for Kurds in southeastern Turkey and that if Turkey reinstates emergency rule, human rights violations could begin again.

CHAPTER 10: CONCLUSION

10.1 Summary

This study has detailed the findings of five weeks of fieldwork on the general situation of refugees in Turkey. In particular, it examined the international and national sources of refugee law in Turkey (Chapter 4), including an analysis of Turkey's role as gatekeeper of Europe and the influence of European Union accession on Turkey's asylum and immigration policies (Chapter 5). It outlined the parallel UNHCR and government refugee status determination procedures (Chapter 6), as well as the demographic characteristics (Chapter 7) and socio-economic condition of refugees (Chapter 8). Finally, it includes a brief discussion of the situation of Turkey's internally displaced population (Chapter 9). The Kurdish issue is a complex one and I have only begun to understand it.

Although I had hoped to make a more thorough analysis of the condition of internally displaced Kurds and to interview them and more of the organizations involved with them, because of time constraints I was forced to focus my study primarily on Turkey's foreign refugee population. However, I view this report as a work in progress. I plan to make many more trips to Turkey to study refugees in the future.

The bulk of the information gathered for this report was done through extensive interviews with refugees, researchers and NGO and UNHCR staff. I would like to express my gratitude for their assistance. For many of the refugees with whom I spoke,

telling their stories of flight was a painful process. I am indebted to them for their trust, openness and willingness to share their lives with me.

10.2 Conclusions

The implementation of the 1951 Convention in Turkey is far from ideal. However, there are positive developments suggesting that Turkey is committed to upholding its obligations to refugees. The cooperation of Turkish officials with UNHCR in training programs for border officials, lawyers and police show Turkey's willingness to improve the implementation of its asylum system. When I met with Feza Ozturk from the Foreign Ministry, he had recently returned from a trip to Sweden, a country known for its progressive asylum policies, where he was learning about Swedish refugee status determination procedures. "We are currently evaluating other countries' systems and trying to learn from them", he said (Interview 12/19/02). Ozturk informed me that for 30,000 asylum applicants, Sweden has 2,600 people working in the asylum department. Indeed, creating an official body and building the technical and administrative capacity to carry out refugee status determination are important priorities for Turkey.

Despite some positive developments, there is still much room for improvement. Asylum seekers entering the country must overcome the formidable obstacles of Turkey's own stringent asylum application procedures before registering a claim with UNHCR. The strictly enforced and arbitrary regulations laid out in the Turkish government system, including the ten-day time limit and the proof of valid ID, mean that many refugees are excluded from the government asylum process. Regardless of whether they are recognized by UNHCR, their status in Turkey becomes illegal, leaving them vulnerable to *refoulement*. Difficulties gaining exit authorization for these people can prevent resettlement. Although there are signs that Turkey may lift the geographical reservation and begin to recognize non-Europeans as refugees, as of yet there are no guarantees that refugees will be granted more rights in Turkey or that increased measures will be taken to ensure their protection from detention and deportation.

Even those who do manage to access the Turkish asylum system do not enjoy all of the rights to which they are entitled under international law. Arbitrary arrest and deportation are still a threat. Freedom of movement and employment are restricted, and as a result access to healthcare and education are hindered. Whether they have legal status or not, refugees in Turkey are forced to rely on themselves for most of their social and economic needs. In addition to changes which need to be made to prevent *refoulement*, steps need to be taken to ensure that civil society are enabled to take a more active role in assisting and protecting refugees.

One of the primary challenges facing Turkey in the coming years will be to prevent illegal migration and protect national security while at the same time complying with the 1951 Convention and upholding the human rights of refugees and migrants. As Turkey pursues more vigorous control of its borders in an attempt to meet the demands of European integration, refugees can be the unintended casualties of a system designed to keep illegal migrants out. Increased efforts need to be taken in order to identify asylum seekers among detained illegal immigrants and make sure that they are not deported. As it expands eastward, the European Union should bear some of the responsibility in assisting countries like Turkey to better protect the rights of persecuted people.

10.3 Implications for Future Research

In the five weeks I spent studying the situation of refugees in Turkey, I merely scratched the surface. Given Turkey's important position in the movement of asylum seekers, it is clear that more research is badly needed in many areas. Very little independent research has examined how refugees are surviving. The living conditions, livelihoods and survival strategies for refugees and internally displaced people all need to be better understood.

An analysis of the impact of the urban caseload of asylum seekers on Turkey's economy, particularly in the satellite cities of Central Anatolia, also merits examination. Refugees are typically seen as a "burden," though at present most of Turkey's refugee and asylum seeking population does not live in assisted camps and are self-settled, receiving no government assistance. They provide a source of cheap labour, particularly in the textile sector, because they are forced to work informally and are often willing to work for far less than Turkish citizens. Many others receive remittances from family members abroad, providing a cash injection to the Turkish economy. What are the effects of these self-settled asylum seekers on the host economy?

More structured research into the prevalence of discrimination in Turkish society towards asylum-seekers and foreigners also would be valuable, as many refugees, particularly Africans, described racism as a major problem. And, as many NGO staff members and researchers informed me, there have been relatively few studies on smuggling and transit migration in Turkey and on the participation of asylum seekers within these networks. Qualitative research documenting the human rights abuses that can occur as a result of efforts to crack down on smuggling and transit migration is desperately needed. In addition, longer-term research on the policies promoted by the European Union to stop illegal migration flows through Turkey and their effects on asylum seekers also would be highly valuable.

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<http://www.hri.org/news/turkey/anadolu/>

European Council on Refugees and Exiles

<http://www.ecre.org>

European Union – Turkey Communication Platform (Includes the National Program of Action for the Adoption of the EU Acquis)

<http://www.abgs.gov.tr>.

International Catholic Migration Commission, Turkey

<http://www.icmc.net/docs/en/programs/turkeyback>

Representation of the European Commission to Turkey

<http://www.deltur.cec.eu.int/english/main-e.html>

Republic of Turkey Ministry of Foreign Affairs

<http://www.mfa.gov.tr/>

Republic of Turkey Prime Ministry State Institute of Statistics (English)

<http://www.die.gov.tr/ENGLISH/index.html>

Turkish Daily News – Turkey’s only English daily

<http://www.turkishdailynews.com>

UNHCR Turkey (Only available in Turkish)

<http://www.un.org.tr/unhcr/Unhcr.htm>

Appendix A: Table of Interviews

Following is a list of persons formally interviewed during my visit to Turkey. It does not include names and contact details for refugees, asylum seekers and smugglers interviewed.

Non-Refugee Interviews		
Name	Title/position	Date of meeting
Professor Dr. Kemal Kirişçi	Professor of Political Science	Tuesday, December 03, 2002
Derya Durmaz and Bora Ozbek	Training Managers, Cultural Orientation Program, ICMC	Tuesday, December 03, 2002
Rojbin Tugan	Human rights lawyer	Tuesday, December 10, 2002
Professor Dr. Behzad Yaghmaian	Professor of Economics, Ramapo College of New Jersey	Tuesday, December 10 and 26, 2002
Ekin Ogutogullari	Program Coordinator, Social Services Program, ICMC	Tuesday, December 10, 2002
Helen Bartlett	Coordinator, Istanbul Interparish Migrants Program	December 4 and 15, 2002
Tuba Dunder	Program Coordinator, Human Resource Development Foundation	Monday, December 16, 2002
Tülin Türkcan	Coordinator, Caritas Turkey	Tuesday, December 17, 2002
Ozlem Dalkiran	Spokeswoman, Amnesty International Turkey	Tuesday, December 17, 2002
Regina Boucault	Chief of Mission, International Organization for Migration	Wednesday, December 18, 2002
Professor Doctor Doğu Ergil	Professor of Political Science, Ankara University, President of TOSAM	Wednesday, December 18, 2002
Esra Canakci and Seda Mumcu Aydeniz	Human Rights Projects Coordinators, The British Council	Wednesday, December 18, 2002
Metin Corabatir	External Affairs Officer, UNHCR	Thursday, December 19, 2002
Feza Ozturk	Head of Department, International Political Organizations, MFA	Thursday, December 19, 2002
Professor Dr. Ahmet Icduygu	Professor of Political Science and Public Administration, Bilkent University	Thursday, December 19, 2002
J. Andrew Brown	Second Secretary (Immigration), Canadian Embassy	Thursday, December 19, 2002
Adem Arkadas	General Secretary, Association for Solidarity with Asylum Seekers and Migrants	Thursday, December 19, 2002
Feray Salman	Secretary General, Human Rights Association	Thursday, December 19, 2002
Levent Korkut	Human rights lawyer, Amnesty International Turkey	Thursday, December 19, 2002
Bulent Peker	Human rights and refugee attorney, the Platform	Thursday, December 19, 2002
Nese Erdilek	Administrative Director, Bilgi University Centre for Migration Research	Thursday, December 26, 2002
Anonymous Researcher	Research on effects of forced displacement on Kurdish social networks	Thursday, December 26, 2002
Professor Dr. Bianca Kaiser	Professor of International Relations, Istanbul Kultur University	Friday, December 27, 2002
Şefika Gürbüz and Mahmüt Özgür	President and Chairman, Göç-Der Immigrants Association for Social Cooperation And Culture	Thursday, January 03, 2003
Carolyn Ennis	Protection Officer, Van District Officer, UNHCR	January 6 and 8th, 2003
Abidin Engin	Deputy Manager, Mazlumder Van Office	January 6th, 2003
Refugee and Smuggler Interviews		
Name	Location	Date of meeting
<i>Rwandan, Sudanese, Ethiopian, Sri Lankan refugees</i>	Istanbul	December 4, 2002 and December 10, 2002
<i>Turkish, Syrian smugglers</i>	Istanbul	Monday, December 30, 2002
<i>Iranian, Kurdish Iranian refugees</i>	Eskisehir, Central Anatolia	December 28-29, 2002
<i>Iranian, Kurdish Iranian, Afghan refugees</i>	Van, Turkey	January 5, 6, 7, 8 2003

Appendix B: Contacts of individuals and institutions in the refugee field – Turkey as of January 2003

Amnesty International

Name: Ozlem Dalkiran
Job Title: Spokeswoman
Business Address: Amnesty International Turkey
Muradiye Bayiri Sok. No:50 D:1
Tevsikiye, Istanbul
Turkey
Business Phone: +90 212 258 4367
Business Fax: +90 212 258 4459
E-mail: amnesty@superonline.com

Name: Levent Korkut
Job Title: Attorney
Business Address: 10 Sokak 4315
Bahcelievler, Ankara
Turkey
Business Phone: +90 312 213 3374
E-mail: lkorkuty@yahoo.com

AI publishes reports on human rights violations in Turkey. Monitors cases of refugees at risk of refoulement and processes referrals of some cases to lawyers. Helps organize and facilitate training on human rights and refugee rights. Another main part of AI's work is lobbying the Turkish government for refugee rights. AI offers limited legal assistance and no humanitarian assistance.

Anatolian Development Foundation

Name: Prof. Dr. Ahmet Akyürek
Job Title: President of the Board
Business Address: Atatürk Bulvarı
No. 121/181
06640 Bakanlıklar
Ankara, Türkiye
Business Phone: +90 312 418 2668
Business Fax: +90 312 417 6728
E-mail: akv@marketweb.net.tr
Web: <http://www.akv.org.tr/>

The Anatolian Development Foundation (ADF) was established in Van, Turkey in 1981. It aided in settling over 4,000 Afghan refugees in Turkey in 1982 and provided assistance to refugees from Iraq in 1991. It became an implementing partner of UNHCR in 1992, when it managed the refugee camp for Bosnian refugees and assisted Kosovar refugees in 1999. ADF has offices in Bosnia, Macedonia and Turkey.

Association for Solidarity with Asylum Seekers and Migrants (ASAM)

Name: Adem Arkadas
Job Title: General Secretary
Business Phone: +90 312 426 0319
Business Fax: +90 312 426 0367
E-mail: asam@ixir.com
Asam@europe.ecom
Web: <http://www.asam.8k.com/>

ASAM is a Turkish organization that was established in 1995 to deal with the problems of refugees, asylum seekers, migrants and the internally displaced. Its objective is to promote better understanding and awareness of refugee and asylum issues, to conduct and publish research on these issues, to advocate for the rights of refugees, asylum-seekers and IDPs and to provide counselling and limited legal and humanitarian assistance.

Bilgi University Centre for Migration Research

Name: Nese Erdilek
Job Title: Administrative Director
Business Address: Istanbul Bilgi University
Inonu Caddesi No: 28
Kustepe 80310
Sisli – Istanbul, Turkey
Business Phone: +90 212 216 2222 ext 546
Business Fax: +90 212 216 2409
E-mail: nerdilek@bilgi.edu.tr
Web: www.netmigrate-bilgi.org

Recently launched, this is the first migration research center in Turkey. Its mission is to strengthen the institutions in the migration field and act as a focal point for researchers and policy makers. It aims to support new research and joint projects through networking activities, to develop teaching programs and to build an online electronic library and documentation center for working papers and published reports in the field.

Bilgi University Human Rights Law Research Center

Name: Professor Turgut Tarhanli
Job Title: Director
Business Address: Kurtulus Deresi C. No: 47,
Dolapdere, Istanbul
Turkey
Business Phone: +90 212 253 87 42
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A human rights law investigation and implementation center.

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Organized a workshop in June of 2002 on trafficking in women in Turkey and other countries aimed at raising awareness and addressing the problem at a regional level.

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Interviews UNHCR-referred refugees and as well as Country of Asylum Class asylum seekers for possible resettlement in Canada. Includes Turkey, Ajerbaijan and Turkmenistan.

Caritas Turkey

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Caritas offers limited humanitarian assistance and counseling to Christian, Chaldean and Assyrian Iraqi asylum seekers, refugees and migrants. Caritas assists in facilitating resettlement interviews with the humanitarian programs of the Canadian and Australian Embassies and administers an education program, an urgent health aid program and a women's health program. Caritas Turkey has a central office in Istanbul, an office in Izmir (western Turkey) and in Antakya (eastern Turkey).

Professor Dr. Doğu Ergil, TOSAM (Center for the Research of Societal Problems)

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Professor Ergil is a specialist on the Kurdish problem in Turkey and teaches classes on political psychology, international terrorism and politics of violence at Ankara University. He is the president of TOSAM, an NGO which organizes seminars, panel discussions and training courses on conflict resolution, strengthening civil society, democratic transition and political pluralism.

Göç-Der, Immigrants Association for Social Cooperation and Culture

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Göç-Der was founded in Istanbul in 1997 in order to provide social and humanitarian assistance to Kurds who were displaced from their homes in the Eastern and Southeastern regions of Turkey due to armed conflict and political tension. It publishes research reports on the socio-economic and socio-cultural conditions of these Kurdish citizens and the reasons for their displacement and helps migrants with housing, health, employment and education and legal assistance. Branch offices also in Diyarbakir, Van and Hakkari.

The Human Resource Development Foundation (HRDF)

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HRDF was founded in 1988 as an organization primarily involved in education. Offers education on health and family planning for women and men, develops technical training materials for health and community service providers, promotes children's rights and works to improve the socio-economic status of women. In cooperation with UNHCR, HRDF implemented a program to educate refugees and asylum-seekers on reproductive and sexual health, human rights and women's rights.

Human Rights Association of Turkey (HRA) [İnsan Hakları Derneği \(İHD\)](#)

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One of Turkey's most prominent human rights organizations, HRA has a Committee on Migration, Forced Displacement and Refugees. It publishes regular reports on issues related to torture and prison conditions as well as the Kurdish situation and the status of refugees. It offers humanitarian assistance and counselling to refugees and IDPs. HRA has 34 branch offices in 28 cities.

Human Rights Foundation of Turkey (HRFT)

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Also one of Turkey's foremost human rights groups, HRFT monitors and publishes reports on Turkey's human rights situation, including the situation of asylum seekers, refugees, and the internally displaced.

Professor Dr. Ahmet Icdyugu

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Professor Icdyugu's research interests include the causes and consequences of international migration, social and demographic situation of ethnic and racial minorities, and citizenship issues. He has written extensively and done research on transit migrants and irregular migration in Turkey and was one of the founding members of ASAM.

International Catholic Migration Commission (ICMC)

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ICMC Turkey is the regional office for the Middle East and also serves in Yemen, Lebanon and Kuwait. ICMC facilitates the U.S. Refugee Resettlement Program, has a Cultural Orientation Training Project for U.S. bound refugees, has a social services project, Refugee Children's Educational and Psychosocial Development Program, a training project for the Turkish Foreigners Police Department staff who take refugee claims and work at detention centres, on "Refugee Psychological Health Issues" and a Seminar Project on creating awareness about the refugee issues.

International Organization for Migration

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Organizes the safe movement of people for permanent or temporary resettlement. Assists in the voluntary return of stranded and/or irregular migrants and rejected asylum-seekers in Turkey to their countries of origin. Conducts research on migration flows and transit migration in Turkey. Handles some voluntary family reunification, mainly of northern Iraqis

International Federation of Iranian Refugees

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International organization of Iranian refugee activists with offices in 15 countries. IFIR has several representatives in Turkey, including one in Van. IFIR helps to organize protests of refugees and asylum seekers in support of refugee and human rights issues and advocates for refugee rights.

Iranian Refugees' Alliance, Inc

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Non-profit organization established in New York in 1994 to monitor and document the situation of Iranian refugees worldwide. Offers legal counseling and outreach assistance to Iranian refugees in Turkey. Publishes regular reports about the status of Iranian asylum seekers in Turkey.

Istanbul Interparish Migrants Program (IIMP)

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Run by several churches based in Istanbul, IIMP has served uprooted people since 1992. It provides assistance to refugees and migrants from the Middle East, Africa and Asia. It includes an educational program, a medical program, assistance with voluntary repatriation, an arts and crafts income generating program and basic support with clothing and food to migrants in need.

Professor Dr. Bianca Kaiser

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Research interests include EU migration flows to Turkey and the situation and integration of German immigrants in Turkey, EU Integration and German foreign policy.

Professor Dr. Kemal Kirişçi

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Research interests include European integration, asylum policy, practice and training, Middle Eastern politics, ethnic conflicts and international migration. He is author of *Justice and Home Affairs Issues in Turkish-EU Relations: Assessing Turkish Asylum and Immigration Policy and Practice* (Tesev 2002) and is coauthor of *The Political Economy of Cooperation in the Middle East*.

Feza Ozturk, Ministry of Foreign Affairs

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Deals with human rights law and refugee issues for the Ministry of Foreign Affairs. A separate department of the Ministry of the Interior handles illegal immigration.

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Non-governmental human rights organization established in 1991. Monitors, documents and publishes reports on various human rights issues in Turkey, including forced displacement in the Southeast.

Turkish Education and Volunteers Association (TEGV)

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An education foundation, the Turkish Educational Volunteers Association donated the use of its park facilities for ICMC's children's education and development projects for refugees. TEGV is also supporting ICMC's project by donating their curricula, volunteer teacher training and through volunteer activities.

Turkish Bar Association

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The Turkish Bar Association has worked with UNHCR to help organize and participate in training and seminars on refugee law. Unfortunately, because of time constraints I was unable to meet with them.

Turkish Red Crescent Society

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In addition to its other humanitarian assistance and disaster relief, the Turkish Red Crescent Society helps to organize and manage refugee camps. It provided health services to Bosnians in Istanbul in cooperation with the International Red Cross and Red Crescent Society (IFRC).

Although I requested an interview by phone and in a formal letter sent by fax, I received no response. TRCS has stated in numerous interviews with the press that it will provide much of the relief supplies to refugees in camps in northern Iraq in the event of a US invasion.

Rojbin Tugan, Attorney

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UNHCR Turkey runs a refugee status determination system parallel to the government's. It also works to help it develop its own asylum system and to train Turkish officials on refugee rights and refugee law. Identifies durable solutions for refugees, cooperates with government and non-governmental organizations to offer basic assistance to recognized refugees. In Turkish: Birlesmis Milletler Multeciler Yuksek Komiserligi (BMMYK)

Professor Dr. Behzad Yaghmaian

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Behzad Yaghmaian is the author of *Social Change in Iran: An Eyewitness Account of Dissent, Defiance, and New Movements for Rights* (SUNY Press, 2002). He is currently doing research for his upcoming book, *Embracing the Infidel: The Secret World of the Islamic Migrant* (Verso Books).

Appendix C: Apprehended Cases of Illegal Migrants in Turkey, 1995-2001

Nationality	1995	1996	1997	1998	1999	2000	2001	Total
Afghanistan	24	68	81	921	3046	8476	9542	22158
Albania		1		9	792	1026	1461	3289
Algeria	27	25	69	207	102	430	429	1289
Armenia	4	2		1	98	474	491	1070
Azerbaijan	21	3	3	10	620	2262	2201	5120
Bangladesh	113	322	301	2408	1193	3228	3771	11336
Bulgaria	21	22	39	103	1005	1699	2108	4997
Egypt	4	12	99	29	94	382	319	939
Georgia	37	9	9	5	809	3300	3570	7739
Germany		1	1		372	629	579	1582
India	2	25	18	102	189	779	897	2012
Iran	252	362	364	1116	5281	6825	8504	22704
Iraq	2128	3319	5689	14237	11546	17280	23444	77643
Macedonia	1				439	488	460	1388
Moldavia	19		17	5	3098	8290	7980	19409
Morocco	28	53	93	295	369	1401	1905	7033
Nigeria	1	20	30	84	137	450	419	2356
Other - Unknown					2028	3289	361	5678
Pakistan	708	435	307	1798	2650	5027	5618	16543
PRC				1	115	545	731	1392
Romania	68	12	107	36	3395	4500	4533	12651
Russia	5	4	52	2	1695	4554	4694	11006
Sierra Leone				20	42	462	370	894
Stateless					61	322	315	698
Syria	78	86	144	476	776	1399	1293	4252
Tunisia	3	48	81	44	76	255	297	804
Ukraine	9	4	17	4	1715	4527	4401	10677
United Kingdom		2		4	233	643	442	1324
Uzbekistan	1	1			142	587	486	1215
Yugoslavia	13				325	1283	1443	6340
Total	11,362	18,804	28,439	29,426	47,524	94,514	92,364	322,438

Source: Department for Foreigners, Borders and Asylum (2001a)

Appendix D: Regulations on the Procedures and the Principles Related to Mass Influx and the Foreigners Arriving in Turkey or Requesting Residence Permits with the Intention of Seeking Asylum from a Third Country

DECISION No. 94/6169 – THE REGULATION ON THE PROCEDURES AND THE PRINCIPLES RELATED TO 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

Date of entry into force: 30 November 1994

[NOTE: This is an unofficial translation. This regulation was published in the Official Gazette dated 30 November 1994.]

In response to the Ministry of Interior's letter of 1/7/1994, No. 173475, it has been decreed by the Council of Ministers on 14/9/1994 that the annexed "Regulation on the Procedures and the Principles Related to 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" shall be enacted.

DECISION No. 94/6169 – THE REGULATION ON THE PROCEDURES AND THE PRINCIPLES RELATED TO 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 a third country shall apply within five days to [any] local governorate if they entered the country legally; and if they entered illegally, shall apply within five days to the governorate of the province where they entered the country.

Obligations of the Authorities to be applied to – Article 5

Individual aliens who seek asylum from Turkey or request residence permission in order to seek asylum from another country:

- (a) Shall be registered by taking their photographs and fingerprints.
- (b) Shall be interviewed according to the 1951 Geneva Convention relating to the Status of Refugees.

- (c) Interview documents, along with the comments of the Governorates shall be sent to the Ministry of the Interior.
- (d) Pending further instructions from the Ministry of the Interior the alien shall be kept under surveillance.
- (e) Further steps shall be taken following instructions from the Ministry of the Interior.

Decision-making Authority – Article 6

Applications of individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country shall be assessed and a conclusion reached by the Ministry of the Interior by considering the rights stated in the 1951 Geneva Convention relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees, along with the opinions of the Ministry of Foreign Affairs and other relevant ministries and organizations.

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

Those aliens whose applications are accepted shall be accommodated in a guest house 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 not accepted shall be deported by the Governorate on instructions from the Ministry of the Interior.

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

In proceedings regarding individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from a third country, there shall in principle be co-operation through the Ministry of Foreign Affairs with the United Nations High Commissioner for Refugees and other concerned international organisations, especially on aspects such as the giving of food and shelter, transport, co-operation with the International Organisation for Migration, particularly on aspects regarding the transportation of aliens.

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 organisations 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 Refugee 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.

Assembly areas shall be designated by the Ministry of Interior in conjunction with the Turkish General Staff and shall be established by the Governorates.

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 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 organisations 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 organisations 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 utilise 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 organisations 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 local authorities. In addition, for those who are eligible, travelling and residence documents limited to Turkish boundaries shall be issued by the Ministry of the Interior after relevant ministries and organisations have been consulted in principle.

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

Following a favourable statement from the Ministry of Foreign Affairs, the Ministry of the Interior shall grant permission to the representatives of foreign states and international organisations to visit front-line assembly areas and [in-land] assembly areas. 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 hospitalisation, 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 not be covered and the person in question shall be responsible for the expenses regarding such treatment.

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 authorised 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 shall 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 organisations 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 organisations 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 organisations shall be established reporting 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 organisations 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 favourable opinion by the Ministry of Foreign Affairs, request material and financial aid from the International Federation of Red Cross and Red Crescent Societies and other organisations; 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

Within the general provisions [of the law], possibilities for education and work, limited to their period of residence in our country, are to be accorded to refugees and asylum seekers.

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 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.

Temporary Appointment – Article 30

In order to enforce this Regulation, a sufficient number of personnel shall be appointed on a temporary basis at the respective ministries, public organisations, frontline assembly areas and [in-land] assembly areas following a recommendation by the Turkish General Staff or the Ministry of the Interior.

Personnel appointed on a temporary basis shall receive, if deserving, daily allowances through the organisations in which they are employed in accordance with the Daily Allowances Law, number 6245.

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 herewithin.