

Refugee
Rights

Turkey

Mülteci
Hakları

Merkezi

International Protection Procedure in Turkey RIGHTS AND OBLIGATIONS

QUESTIONS & ANSWERS

REFUGEE RIGHTS TURKEY: FREE LEGAL COUNSELLING & ASSISTANCE FOR REFUGEES

Türkiye’de Uluslararası Koruma Prosedürü
HAKLAR VE YÜKÜMLÜLÜKLER

I have escaped from my country and came to Turkey. Do I have the right to stay here?

Persons who were forced or compelled to flee their home countries because of war or persecution and are therefore unable to go back have the right to seek asylum in Turkey. In order to seek asylum in Turkey, you have to approach the Directorate General for Migration Management (DGMM) and make a request for asylum. DGMM is Turkish Government agency entrusted with the responsibilities concerning the protection of refugees. Under Turkish legislation, the application you have to register with DGMM is called an application for “international protection”. The rights and procedures pertaining to asylum in Turkey are governed by the Law on Foreigners and International Protection (No.6458).

DGMM is the official body that will evaluate and decide your application. If DGMM concludes that you are unable to return to your home country for reasons of war, persecution or other human rights violations, your application will be approved and you will be granted an “international protection status” by the Government of Turkey.

If you make an application for “international protection”, you will be allowed to stay in Turkey until DGMM makes a decision about you and you will benefit from some basic rights and services such as healthcare and education. If the DGMM decision is positive, you will have the right to continue staying in Turkey and enjoying the same rights and benefits. Turkish law does not grant refugees the right to stay and settle down in Turkey long term and obtain Turkish citizenship. That being said, once your application for “international protection” is successful and you are granted an “international protection” status by DGMM, even if you are unable to find another country agreeing to admit you for long-term settlement, you shall be allowed to stay in Turkey indefinitely on the basis of your “international protection status”.

What are the criteria for obtaining asylum in Turkey?

According to Turkish law, if you are unable to return to your home country, because of a fear of

- being persecuted on account of your race, your religion, your political opinion, your nationality or your membership to a particular social group,
- or indiscriminate violence arising from a situation of international or domestic

armed conflict,

- or being subjected to death penalty or torture or inhuman or degrading treatment or punishment,

you have the right to stay in Turkey on the basis of an “international protection status” which will be granted to you by the Government of Turkey.

If you make an application for “international protection”, the DGMM will give you an opportunity to explain the reasons why you left your own country and your fear of return. The DGMM will also take into consideration all available information regarding the general situation prevailing in your country of origin and problems encountered by individuals of a profile similar to yours, and will make a decision as to whether your personal circumstances match one of the three situations described above.

Can persons arriving from Syria apply for “international protection” in Turkey?

Persons who have fled to Turkey from Syria due to the ongoing armed conflict in this country are subject to a separate asylum procedure referred to as “temporary protection” policy. In accordance with this policy, persons arriving from Syria are granted the right to legally stay in Turkey and have access to some rights and services. Refugees from Syria are required to approach DGMM and register in order to benefit from this policy. Upon registration with DGMM they are issued a Temporary Protection Identification Card.

In current practice, Syrian nationals, stateless persons from Syria and Palestinians who were previously resident in Syria are subject to this arrangement. Since they have the legal right to stay in Turkey and enjoy rights and services as beneficiaries of “temporary protection” policy, Turkish Government does not consider it necessary for them to make an additional application for “international protection”. Therefore persons arriving from Syria are not given the option of making an “international protection” application in Turkey.

That being said, persons from Syria who arrive in Turkey not directly from Syria – but from another country which they previously fled to, may not be extended the opportunity to benefit from Turkey’s “temporary protection” policy. In that case, these persons nevertheless have the right to apply for “international protection” in Turkey if they fear being persecuted or otherwise coming in harm’s way if returned to the country from which they arrived to Turkey or if they fear being deported all the way back to Syria if they return to that country.

Where should I go to register my application of “international protection”? Is there any time limit?

In order to register your application for “international protection” in Turkey, you can directly approach the Provincial Directorate of Migration Management (PDMM) in whichever city you currently are. The PDMM is the representation of DGMM present in every province of Turkey. There is no legal time limit to file an international protection application. However, persons intending to apply for asylum in Turkey are advised to approach the authorities and initiate their asylum proceedings as quickly as possible and without delay following their arrival in Turkey.

In current practice – with the exception of asylum seekers arriving from Syria – persons who wish to seek asylum in Turkey usually first travel to Ankara to register with the UN High Commissioner for Refugees (UNHCR) before they approach DGMM to initiate their application for “international protection” with the Turkish Government. For information and advice regarding the role of UNHCR in Turkish asylum system and the purpose of registering in UNHCR’s system, please refer to the latter sections of this information booklet. During registration with UNHCR, UNHCR officials will notify you the DGMM instruction as to which city in Turkey you need to go in order to initiate your “international protection” application with the Turkish Government. You are obliged to report to this city within 15 days and approach the PDMM Office there. The PDMM Office in this city will be responsible to register and process your application for “international protection”.

What are the benefits of making an application for “international protection”?

If you left your country for reasons of war, persecution or fear of death penalty or torture, and are afraid to go back, making an application for “international protection” with DGMM will give you the possibility to stay in Turkey legally. As an asylum seeker, you will be safe from the risk of being deported to your own country or any other country where you would be at risk.

As an asylum seeker, you will be also able to benefit from certain rights and services such as

in regards to healthcare, education and work. Please consult our organization Refugee Rights Turkey's separate leaflets on the details of health care, education and work rights available for "international protection" applicants in Turkey.

Furthermore, if your application is successful, DGMM will grant you an "international protection status", which will allow you to continue staying in Turkey either indefinitely or until a time when you have found another country willing to admit you for long-term settlement.

If I apply for "international protection" will I be offered accommodation? Can I choose my city of residence?

In Turkey asylum seekers are not provided any form of accommodation support. As a matter of general principle, international protection applicants are expected to find their own accommodation in their assigned city of residence and bear the costs of that accommodation by their own means.

That being said, applicants who are deemed particularly vulnerable may be accommodated free of charge in one of the two Reception and Accommodation Centers for Asylum Seekers, which are located in the cities of Yozgat and Erzurum. Furthermore, unaccompanied children seeking international protection in Turkey should be accommodated free of charge in state facilities deemed appropriate by the Ministry of Family and Social Policies.

Persons applying for international protection in Turkey do not have the right to choose their city of residence. DGMM officials will assign the city where you will be asked to go and stay until the finalization of your asylum proceedings in Turkey. Following your arrival in Turkey, if you first approach the UNHCR Office in Ankara before you approach DGMM, UNHCR officials will advise you as to the city designated for you by DGMM. If you first approach a PDMM Office upon arrival before you approach UNHCR, the PDMM officials will instruct you whether you will stay in that city or report to another city to continue your "international protection" application and to live until the end of your asylum proceedings.

That being said, if there is a city you particularly prefer or where your close relatives live, you can express your preference to PDMM and/or UNHCR officials during registration. They may be able to take it into consideration; however, there is no guarantee.

It is very important for you to report to your assigned city of residence within 15 days, or if you are already in your assigned city of residence to refrain from ever leaving the city without a written authorization from the PDMM. If you leave your assigned city of residence without permission, you will be considered to have “implicitly withdrawn” your international protection request, as a result of which you may come at risk of deportation.

The PDMM in your assigned city of residence may require you to report to their office once a week or more frequently in order to document your continued presence in the city.

What will happen during and after my application to the Provincial Directorate for Migration Management (PDMM) ?

Once you approach the PDMM in the city where you currently are or in your assigned city of residence and express a request to apply for “international protection”, the PDMM officials will carry out a registration interview with you in order to obtain your basic information and initiate the procedures for the processing of your asylum application.

Depending on the work load of the PDMM in your locality, the officials may not be able to carry out your registration interview immediately on the same day. In that case, the officials will give you an appointment date and instruct you to come back for the registration interview. During the registration interview, PDMM officials will ask you basic questions about your identity and the reasons why you left your country of origin. You will also be asked to present your passport, if you have one, and any other identity documents that you have with you, as well as any other documents related to the reasons why you left your own country. PDMM officials will obtain photocopies of these documents and return the originals to you. They will take your fingerprints as well as a photograph of you with biometric qualities. If deemed necessary, officials may carry out a search of your belongings and the items in your luggage. If deemed necessary, they may also decide to refer you to a public health institution for a medical check. If you have any accompanying family members, they will also be subjected to the same registration procedure.

During the registration interview, you will be provided verbal and written information by PDMM officials regarding the procedures that they will pursue in evaluating your application and your rights and obligations as an international protection applicant.

Following the registration step, you – and your accompanying family members if any – will be issued a document called International Protection Registration Document bearing your identity information and indicating that you have applied for international protection in Turkey. This document is free of charge and valid for 30 days. PDMM in your locality can extend its validity if they deem necessary.

At the end of your registration interview, you will be also informed about the date, time and place of your “personal interview” which will give you the opportunity to explain the reasons why you left your country of origin and your fear of return in detail.

What will happen during my “personal interview”?

The “personal interview” is your opportunity to explain the reasons why you left your country of origin and your fear of return in detail. On the basis of the information you present during this interview, the DGMM will make a decision as to whether your situation matches the criteria provided in Turkish law for staying in Turkey as a beneficiary of “international protection”.

Your personal interview will be conducted by the officials of the PDMM in your assigned city of residence. An interpreter will be provided by DGMM to facilitate the interview if you request so. During this interview you will have the opportunity to explain, in detail, the problems you faced in your country and the reasons why you fear going back. You will also have the opportunity to present any additional documents you may have with you in support of your application. The personal interview should be carried out within 30 days from the day of your registration interview. In practice, you may have to wait a longer period depending on the work load of the PDMM officials in your locality.

If you have accompanying family members, PDMM officials may want to hold separate interviews with some or all of them in order to get complimentary information about the reasons why your family has left your country of origin. PDMM may also invite you and your family members for additional interviews at a later date, if they deem necessary.

The personal interview is your opportunity to present all the information and documents that explain and support your application. It is in your interest to answer the officials’ questions as

thorough and frankly as you can in order to make it easier for them to ascertain all relevant facts about your situation and to decide whether you fulfil the criteria for staying in Turkey as a beneficiary of “international protection”.

What is the International Protection Applicant Identity Document and what can I use it for?

International protection applicants, and accompanying family members, who have completed their personal interviews are issued by the PDMM a document called the International Protection Applicant Identity Document. This document bears a photo of the applicant and is completely free of charge. It proves that you have applied for international protection in Turkey, that your application is pending a decision, and that you are legally entitled to live in Turkey. This document serves as residence permit for international protection applicants. It is valid for 6 months and its validity is extended by PDMM in 6 month intervals as long as the evaluations on your application are ongoing.

That being said, if at registration stage the authorities decide that your application is considered “inadmissible” or if they decide to refer your application to “accelerated processing”, you shall not be issued an International Protection Applicant Identity Document. Please refer to the latter sections of this booklet for information on “inadmissible applications” and “accelerated procedure”.

Do I have the right to an interpreter during my interactions with DGMM?

If you are unable to communicate with DGMM/PDMM officials in Turkish or in any other common language, you have the right to an interpreter during both registration interview and personal interview stages. If you have difficulty communicating with the officials, you should immediately express this to the officials and request an interpreter. The officials should provide an interpreter to you free of charge.

Will DGMM share my information with any other persons or agencies or the authorities of my own country of origin?

The information and documents you share with the officials of DGMM/PDMM shall be kept and treated as strictly confidential and cannot be shared with any third persons, other agencies, or the authorities of your country of origin. The fact that you have made an application for asylum in Turkey will also be kept confidential and not be shared with the authorities of your country of origin.

When will DGMM decide about my application?

If your application is processed under the regular procedure, the DGMM will endeavour to issue a decision within six months. In current practice however, the DGMM usually takes much longer to reach a decision. If your application is processed under the “accelerated procedure”, please read the separate section on accelerated processing in the following pages of this booklet.

What does it mean to get a positive decision from DGMM?

The DGMM conducts a detailed assessment to determine whether a person seeking asylum in Turkey fulfils the eligibility criteria listed in Turkish law for benefitting from international protection in Turkey. The criteria for asylum in Turkey are provided by the Law on Foreigners and International Protection. The DGMM will make a decision about your application based on the legal criteria listed in this law. If the decision is positive, depending on where you come from and the reasons why you are unable to return to your country of origin, DGMM will grant you one of the three forms of “international protection status” defined in Turkish law:

- If you originate from a ‘European country’ (= a country that is a member state of the Council of Europe organization); and if DGMM establishes that you left your country for fear of being persecuted because of your race, religion, political opinion, nationality or your membership in a particular social group, you will be granted “refugee status”;
- If you are unable to return to your country of origin for the same reasons as above

but you originate from a ‘non-European country’ (= any country that is NOT a member state of the Council of Europe organization), you will be granted “conditional refugee status”;

- Whether you originate from a ‘European country’ or from a ‘non-European country’, if DGMM establishes that you were forced to escape your country of origin and are unable to return for fear of

- indiscriminate violence arising from a situation of international or domestic armed conflict,

- or because you will be at risk of being subjected to death penalty or torture, inhuman or degrading treatment or punishment,

you will be granted “subsidiary protection status”.

What does an international protection status in Turkey entitle me to?

If and once you are granted one of the three forms of “international protection status” summarized above, you will be allowed to continue living in Turkey legally as an international protection beneficiary and enjoy certain basic rights and benefits.

Turkish law does not grant refugees the right to stay and settle down in Turkey long term and obtain Turkish citizenship. International protection status is not defined as a permanent status in Turkish law. That being said, if and once you are granted an international protection status by DGMM, as long as the conditions in your country of origin remain unchanged, or unless you find another country agreeing to admit you for long-term settlement, you shall be allowed to stay in Turkey indefinitely on the basis of your international protection status.

Upon the issuance of a positive decision on your application by DGMM, the PDMM in your assigned city of residence will issue an International Protection Status Holder Identity Document for you and your accompanying family members. This document proves that you are a person benefitting from international protection in Turkey and serves as residence permit. It is completely free of charge. It has an initial validity period of 1 year both for “conditional refugee” status holders and “subsidiary protection” status holders, and will be extended in a year time.

If my application with DGMM is successful, can I obtain Turkish citizenship in the future?

Turkish law does not grant refugees the right to stay and settle down in Turkey long term and obtain Turkish citizenship. Therefore even if your application is successful and you are issued an “international protection” status by DGMM, relevant provisions in Turkish law do not grant you the right to apply for Turkish citizenship in the long run. That being said, unless the situation in your country of origin changes or you can find another country agreeing to admit you for permanent settlement, you can continue to live in Turkey legally as an international protection beneficiary.

If you originate from a ‘European country’ (=any country that is a member state of the Council of Europe organization) and if you have been granted “refugee status” by DGMM as described above, you can get in touch with our organization Refugee Rights Turkey to seek advice regarding considerations of Turkish citizenship.

What happens if my application is rejected? Do I have a right to appeal?

Following the examination and assessment of your application, if DGMM concludes that you do not fulfil the criteria for asylum in Turkey, the PDMM in your assigned city of residence will notify you in written that a negative decision was issued on your application. If you disagree with this negative decision, you have the right to appeal.

If you do not appeal a negative decision within the time limit specified by Turkish law, as will be explained below, the negative decision becomes final. In that case, unless there are other reasons that may justify your continued legal stay in Turkey, the DGMM will issue a separate decision for your deportation from Turkey. Therefore, if you intend to object to the negative DGMM decision on your international protection application, it is very important that you keep with the time limits provided by Turkish law.

There are two ways to appeal the negative decision by DGMM:

- You can submit a judicial appeal against DGMM’s negative decision at the competent administrative court within 30 days of the DGMM notification. There is no time limit for the administrative court to review and finalize your appeal, and it can take multiple

months. If the administrative court also rejects your appeal, you can file a final onward appeal at the highest administrative court in Turkey (called Danıştay in Turkish) for a final review.

- As an alternative, before you consider making a judicial appeal, you can approach the PDMM in your city of residence within 10 days of the notification, and submit an administrative appeal petition addressed to the International Protection Evaluation Commission. International Protection Evaluation Commission is not a court; it is an appeals body within the DGMM that reviews and decides appeals against negative decisions on international protection applications and other unfavorable decisions which applicants wish to challenge. If you submit an administrative appeal to the International Protection Evaluation Commission, the Commission should finalize your appeal and issue a decision within 20 days at latest.

- If the International Protection Evaluation Commission rejects your administrative appeal, you can still submit a judicial appeal with the competent administrative court. However, the time passed for the processing of your administrative appeal with the Commission does not stop the 30 days window for the submission of a judicial appeal. You have to make sure to submit your judicial appeal within 30 days of the DGMM notification.

Therefore, in making a decision as to which appeal mechanism to use you should carefully take into consideration the time frames explained above. Since judicial appeals are determined by a court fully independent from DGMM, which is the agency that rejected your international protection application in the first place, it is very important that you do not miss the opportunity to take advantage of this right.

If your application is processed under the “accelerated procedure”, the time limits and procedures for appealing a negative decision will be different from what is explained above. For information on how to appeal negative decisions issued under the accelerated procedure, please review the information in the sections below on “accelerated processing”.

Am I in danger of being deported while my appeal is being processed?

According to Turkish law, you will be allowed to remain in Turkey and no deportation decision shall be issued until the negative DGMM decision becomes final. The negative DGMM decision will not become final if you use your right to appeal within the time limits described above, and therefore you will not be at risk of being deported until a decision is made on your appeal application.

However, if your appeals are unsuccessful and therefore the negative DGMM decision on your application becomes final, DGMM will issue a separate decision for your deportation unless there are other reasons that may justify your continued legal stay in Turkey.

That being said, you also have the right to appeal a deportation decision if you wish. If you find yourself in this situation, it is advisable to consult with our organization Refugee Rights Turkey or another lawyer or NGO that provides legal assistance in order to seek information and advice on your legal options.

DGMM officials notified me that my application was considered “inadmissible”. What does that mean?

According to Turkish law, DGMM may consider your international protection request “inadmissible” if the DGMM officials identify that one of the three situations summarized below apply to your case:

- You did not arrive in Turkey directly from your country of origin but you came to Turkey from another country where you could stay and be safe from persecution or serious harm;
- Although you have previously applied for international protection in Turkey, and your application was rejected and your appeals were unsuccessful, you have made a repeat application to DGMM without however presenting any new information or reasons that indicate why DGMM should make a new determination about you;
- You have previously agreed for your case to be processed as part of the international protection request of a close family member. Whether this previous application by your family member was already rejected or not yet decided, now you want to make an individual

application on your own behalf without however presenting any information or reasons which indicate that your case is in any way different from the application of your family members.

If DGMM identifies that any of the above is true in your case, they will consider your application “inadmissible” and stop processing it. Where an application is considered “inadmissible”, this usually happens at registration stage.

If DGMM considers your application “inadmissible” because they determined that “you came to Turkey from another country where you could stay and be safe from persecution or serious harm”, this means that they believe you can go back to that country and enjoy asylum there and therefore you do not need international protection in Turkey. Accordingly, DGMM will start taking steps to reach out to the authorities of that country for the purpose of returning you there. You shall be issued a special kind of residence permit called “humanitarian residence permit” while the preparations for your return are pending. However, you may not be able to benefit from all the rights and services that you enjoyed as an international protection applicant.

If the country in question refuses to readmit you, DGMM will conclude that there is no possibility for you to enjoy asylum in that country and therefore re-activate your file and continue the processing of your international protection application in Turkey as before – and make a positive or negative decision.

On the other hand, if your application was considered “inadmissible” because “you made a repeat application or personal application on your behalf without presenting good reasons for it”, that means that DGMM will no longer process your application. You have the right to appeal this decision. If you do not appeal this decision within 15 days, it becomes final. That means you are now no longer considered an international protection applicant. In that case, DGMM can issue a separate deportation decision to you unless there are other reasons that may justify your continued legal stay in Turkey.

How can I appeal against DGMM’s decision that declares my application “inadmissible”?

If your application was considered inadmissible, you will receive a written notification of this decision. Starting from the notification date, you have 15 days to appeal against that decision before the competent administrative court. The Court should finalize your appeal within a maximum of 15 days. In current practice however, the courts usually take a longer time to decide appeal applications.

In your appeal application,

- if the authorities deemed your application as “inadmissible” because “you made a repeat application or personal application on your behalf without presenting good reasons for it”, you need to present all relevant information and documents that explain why you actually fulfil the criteria for asylum in Turkey;
- if the authorities concluded that you came to Turkey from a country considered “safe” for you, you need to explain why this country, in your specific circumstances, should not be considered as safe for you.

If the administrative court decides to reject your appeal, there is no other onward appeal mechanism you can use to challenge that decision. In that case, the DGMM’s decision declaring your application “inadmissible” becomes final. Now DGMM would begin taking steps to send you back to the country considered “safe” for you, or, if your application has been considered “inadmissible” because “you repeated the same application as before”, the DGMM may issue a deportation decision to you.

What would happen if I leave my assigned city of residence without permission from the local PDMM?

According to Turkish law, you should not leave your assigned city of residence without a written authorization from the PDMM. If you leave your city of residence without permission, the PDMM will conclude that you are no longer interested to pursue your international protection application and consider you to have “implicitly withdrawn” your application. This means that all proceedings regarding your application will be stopped, you

will be no longer considered an international protection applicant, and you will now be subject to a deportation decision.

If and when you eventually return to your assigned city of residence and wish to continue your international protection application, registering yourself once again as an international protection applicant may take a difficult legal process during which you may be unable to enjoy the rights and services you were previously enjoying as an asylum seeker. Therefore the negative consequences of leaving your assigned city of residence are very serious. For this reason, you should avoid leaving your assigned city of residence without permission.

DGMM has declared my application to have been “implicitly withdrawn”. Can I appeal this decision?

If you leave your assigned city of residence without permission, if you fail to report to your personal interview appointment at PDMM three times in a row without an excuse, or fail to comply with other requirements as an asylum seeker, the PDMM in your locality may conclude that you are no longer interested to pursue your application and declare that you have thereby “implicitly withdrawn” your asylum request. You have the right to appeal against the “implicit withdrawal” decision, however if you fail to initiate an appeal within the time limits described below, you may find yourself subject to a deportation decision.

In order to challenge a DGMM “implicit withdrawal” decision,

- You can submit a judicial appeal at the competent administrative court within 30 days of the DGMM notification. There is no time limit for the administrative court to review and finalize your appeal, and it can take multiple months. If the administrative court also rejects your appeal, you can file a final onward appeal at the highest administrative court in Turkey (called Danıştay in Turkish) for a final review.

- As an alternative, before you consider making a judicial appeal, you can approach the PDMM in your city of residence within 10 days of the notification, and submit an administrative appeal petition addressed to the International Protection Evaluation Commission. The Commission should finalize your appeal and issue a decision within 20 days at latest.

- If the International Protection Evaluation Commission rejects your administrative appeal, you can still submit a judicial appeal with the competent administrative court. However,

the time passed for the processing of your administrative appeal with the Commission does not stop the 30 days window for the submission of a judicial appeal. You have to make sure to submit your judicial appeal within 30 days of the DGMM notification.

If you appeal against the “implicit withdrawal” decision within the time limits summarized above, the decision will not become final until the appeal procedures are completed. Until then you will not be subject to a deportation decision. However, if you fail to initiate an appeal application on time, you may find yourself at risk of deportation from Turkey.

I want to change my city of residence. Is that possible?

If you wish to change your city of residence, you need to submit a petition to the PDMM of your city and explain the reasons why you want to be referred to another city. The decisions regarding transfer requests of asylum seekers are finalized by DGMM.

Applications for transfer to another city of residence are normally accepted on two grounds that DGMM considers as valid justifications for a transfer request:

- If you have close family members legally resident in Turkey, whether as asylum seekers or regular residence permit holders, you can request to be transferred to the city where they reside. For the purposes of transfer requests, DGMM considers that grandparents, parents, spouses, minor children and dependent adult children as close family members.
- If you have a serious medical condition, which cannot be treated at any of the state hospitals in your current city of residence, you can request to be transferred to another city where appropriate medical treatment is available. In that case, DGMM may or may not take into consideration your preference, and may choose to refer you to another city of their own choice to undergo medical treatment.

If there is another reason not mentioned above why you want to be transferred to another city, you can explain that reason in your petition to the PDMM in your current city. DGMM may or may not grant your transfer request.

I am currently being detained in a Removal Center. Do I have the right to apply for international protection?

Yes; According to Turkish law, persons being detained in Removal Centers or other places of detention have the right to apply for international protection in Turkey – if they believe that they fulfil the criteria for asylum in Turkey and fear being persecuted or other types of harm if deported from Turkey. Whether or not a deportation decision was already issued by DGMM for your removal from Turkey does not make any difference.

If you have a fear of persecution or other types of serious harm if deported, and if you believe that you fulfil the criteria for asylum in Turkey, you should express to detention authorities that you want to make an application for international protection. All detention authorities in Turkey are legally obliged to inform DGMM of your request without delay. It is the legal responsibility and obligation of the PDMM in the city where you are being detained to register and process your request.

That being said, persons who make a request for international protection from places of detention may be kept in detention for an additional 30 days while their application is processed by the PDMM in that locality.

Authorities have informed me that I will be held in detention while my international protection application is processed. What does that mean? Do I have the right to appeal against detention?

Under some specific circumstances, the DGMM might decide to hold international protection applicants in detention while their application is processed. International protection applicants may not be detained more than 30 days for this purpose. In practice, persons who were apprehended for irregular presence, entry or attempted exit from Turkey and are already in detention before they make a request for asylum are usually not released immediately when they make an asylum request.

If you wish to object to being detained as an asylum applicant, you can challenge the DGMM's decision to detain you by filing an appeal with the competent Magistrate's Court (Sulh Ceza Hakimliği in Turkish). The judge is required to decide your appeal within 5 days. He or she may or may not grant your appeal and order your release.

If you are being detained despite the fact that you expressed a request for international protection, it would be advisable for you to contact our organization Refugee Rights Turkey, or another lawyer or NGO providing legal assistance services to asylum seekers. A lawyer can help determine whether your continued detention is in compliance with the legal justifications provided by the relevant provisions in Turkish law and whether there are grounds that may require your release.

I applied for international protection while I was already in detention. I was told that my application would be processed and decided under the “accelerated procedure”. What does it mean?

According to Turkish asylum legislation, in certain circumstances the DGMM may decide to process an asylum application within the framework of an “accelerated procedure” as opposed to the regular procedure. This means that your application will be processed and decided much faster. In “accelerated processing”, the personal interview with the applicant should be held within 3 days of registration interview, and the decision on the application must be issued within 5 days from the personal interview.

In certain circumstances, DGMM may also decide to detain an applicant while processing their application in “accelerated” fashion. This does not mean however that all persons whose applications are processed in “accelerated procedure” will also be detained. The decision to detain an international protection applicant is a separate decision.

The reason why DGMM chooses to process certain types of applications in this “accelerated” fashion is because they believe there are indications that the application may be unfounded, insincere or intended to use the asylum procedure for a reason other than seeking asylum in Turkey. For example: where DGMM authorities identify that you have deliberately destroyed your identity documents in order to mislead authorities regarding your identity or nationality; or you approach DGMM and make a repeated asylum request although you

have not diligently pursued your previous asylum application in Turkey as a result of which your previous international protection file was terminated; or you applied for international application after a deportation decision was issued for your removal from Turkey; or you did not mention anything during your registration interview which indicate that you may have problems in your country of origin.

DGMM's decision to process your application in "accelerated" way does not mean that they already decided to reject your application. It just indicates that they do not want to take too much time to process your application in case it is indeed unfounded, insincere or intended to serve a different purpose. Nevertheless, applicants processed in "accelerated procedure" must be given the same opportunities to explain and substantiate their reasons for making an asylum application in Turkey as with the applicants processed in the regular procedure, including the right to have a "personal interview" and an interpreter if needed.

My application was processed under the "accelerated procedure" and rejected. Do I have the right to appeal?

Yes; You have the right to appeal a negative decision on your international protection application, whether the decision was made in regular procedure or "accelerated procedure". The negative decision must be communicated to you by PDMM officials in your locality in written. Negative decisions issued in "accelerated procedure" can be appealed at the competent administrative court within 15 days. The administrative court should finalize your appeal within a maximum of 15 days.

You will be safe from being subjected to a deportation decision for 15 days following the communication of the negative decision to you by PDMM; and if you choose to file an appeal with the competent court within this time frame, you will be protected from a deportation decision until the finalization of this appeal application.

That being said, in order to make sure that the authorities know about the fact that you have filed an appeal, you should promptly approach the PDMM in your city and inform the officials that you have appealed against the negative decision. If you were being detained while you received the negative decision and filed an appeal from your place of detention, you or your legal representative should also inform the detention authorities about your appeal

application.

If the administrative court rejects your appeal, the negative decision by DGMM on your application becomes final. Negative asylum decisions issued within the framework of the “accelerated procedure” may not be appealed onward at a higher court of law. Therefore, if your appeal with the administrative court is unsuccessful you will become subject to a deportation decision unless there are other legal grounds that may justify your continued stay in Turkey.

That being said, if such a deportation order is issued for your removal from Turkey, you also have the right to appeal that decision. If you are in that situation, it is advisable for you to contact our organization Refugee Rights Turkey, or another lawyer or NGO that provides legal assistance services, in order to seek advice about your legal options.

My international protection application was rejected by DGMM and I was issued a deportation order. Can I make a repeat asylum application?

Even if you previously applied for international protection, that application was rejected and a deportation order was issued by DGMM for your removal from Turkey, there may be exceptional circumstances or grounds that may justify a repeated asylum application. If there have been changes or new developments either in your country of origin or your personal circumstances, as a result of which there are new or additional reasons why you fear being sent back to your own country, you can express a renewed request to obtain asylum in Turkey.

If you believe that your situation requires a new consideration for asylum, you should express to detention authorities that you wish make a renewed application for asylum. That being said, if DGMM authorities identify that you are not presenting any relevant new information that indicates your case deserves a renewed consideration, they may conclude that your application is “inadmissible” and refrain from processing it. In that case, your previous legal status as a foreign national undergoing deportation proceedings will continue as before. On the other hand, you also have a separate right to appeal the deportation decision by DGMM.

On the other hand, if the DGMM determines upon the examination of the new information

and documents you provide that there are valid reasons justifying a renewed consideration of your case, they may choose to process your request as a new application. In that case, your renewed international protection application would likely be processed under the “accelerated procedure” and the authorities will almost certainly opt to keep you detained up to 30 days while they decide your application.

I previously applied for asylum in Turkey, but I didn't pursue that application and returned to my country of origin. I am now back in Turkey. Do I have the right to apply again?

Yes; if there are reasons that justify a renewed consideration of your asylum request in Turkey, it may be possible for persons in your situation to register a renewed application for asylum in Turkey. In that case, you have to approach the PDMM in the city where you currently are, explain the reasons why you came back to Turkey and express your request to make a renewed asylum application in Turkey.

At this instance, you should explain to PDMM officials any new developments either in your country of origin or in your personal circumstances as a result of which you made the decision to leave your country again and you are afraid to go back. The reason why it is crucial for you to present this new information is because in DGMM's interpretation the fact that you did not pursue your previous asylum application in Turkey and returned to your home country voluntarily is an indication that you do not have any problems in your own country.

If the DGMM concludes that you did not present any new information and explanations which suggest that your case deserves a renewed consideration, they may decide to declare your new application as “inadmissible”. If they decide so, your renewed application shall not be processed at all. Please refer to the section above regarding “inadmissible applications” for information about the ways to appeal such an “inadmissibility” decision by DGMM.

On the other hand, if DGMM determines upon the examination of the new information and documents you provide that there are valid reasons justifying a renewed consideration of your case, they may choose to process your request as a new application. In that case, your renewed international protection application would likely be processed under the “accelerated procedure”.

Why do I need to register with UNHCR in addition to my application for “international protection” with DGMM? How will UNHCR help me?

Legal protection of refugees is primarily the responsibility of the governments of the countries where they seek refuge. On the other hand, UN High Commissioner for Refugees (UNHCR) is the expert UN agency that was entrusted by the United Nations with the task of working together with governments to secure protection and solutions for refugees around the world. In this spirit, UNHCR Turkey Representation undertakes activities in Turkey to identify persons in need of asylum in Turkey and keep track of their conditions; consult with DGMM and other state agencies regarding the needs and problems encountered by asylum seekers; and for a small number of refugees in Turkey find other countries willing to admit them for long-term settlement within the limitations of the quotas made available to UNHCR by these countries.

Persons who seek asylum in Turkey are advised to approach UNHCR Turkey Office in Ankara – either before they register with DGMM or after – in order to register themselves in UNHCR’s own system in addition to their application with DGMM for international protection status. This way UNHCR will be made aware of the fact that you are a foreign national in need of asylum in Turkey. UNHCR officials will provide you information about the steps you need to take in order to request asylum from the Government of Turkey and your rights and obligations as an asylum seeker. UNHCR shall also undertake its own evaluations as to the reasons why you left your country of origin and are afraid of going back, and whether therefore you are in need of the legal protection of another state other than your own.

UNHCR’s own determinations regarding persons seeking asylum in Turkey are of a complementary nature to the legal determinations undertaken by DGMM on the same individuals as international protection applicants. That being said, on the basis of this determination, UNHCR will be able to advise DGMM concerning your needs and if possible make an effort to find a country willing to admit you for long-term settlement.

How can I register with UNHCR?

In the current practice, newly arrived asylum seekers usually first approach the UNHCR Office in Ankara to register in UNHCR's own system before they approach DGMM to initiate their application for "international protection" in Turkey.

To register with UNHCR, you have to approach UNHCR's Registration Center in Ankara, which is administered by a Turkish NGO called ASAM-SGDD that works together with UNHCR in Turkey. At this Registration Center, UNHCR and ASAM-SGDD officials will ask you some basic questions about your identity and reasons why you left your country of origin, and register you in UNHCR's system.

SGDD-ASAM / UNHCR Registration Center:

Aşağı Dikmen Mahallesi, Galip Erdem Caddesi, No:42

Çankaya / ANKARA

Tel: 0312 427 55 83 and 0312 212 60 12

Fax: 0312 212 60 14

Will the DGMM and UNHCR make separate determinations and take separate decisions about me?

Yes indeed; DGMM and UNHCR will make their own separate determinations about you, each for a different purpose.

DGMM is the official Turkish state agency responsible for making the legal determination to decide whether or not you fulfil the criteria for asylum in Turkey. In accordance with the criteria and procedures described in this information booklet, DGMM will make a decision about your international protection application, either a positive decision or a negative decision. The application that you will make to DGMM is therefore very crucial and will determine whether or not you will be allowed to stay in Turkey. DGMM is the sole decision maker on your application for asylum in Turkey.

The purpose of the UNHCR procedure, on the other hand, is to ensure that UNHCR is informed and aware of all persons seeking asylum in Turkey and to give UNHCR the

opportunity to make determinations on these persons in light of international law to assess whether they are indeed in need of the legal protection of another state other than their own. UNHCR's own determinations on your case is completely separate from the determinations carried out by DGMM on your international protection application.

That being said, because of the huge increase in the numbers of asylum seekers arriving in Turkey in recent years and limitations of UNHCR's personnel capacity, it is no longer practically possible for UNHCR to undertake personal interviews and conduct detailed legal determinations with all persons who register in UNHCR's system. For the same reasons, asylum seeker are subject to long waiting periods for their personal interview with UNHCR and/or for a decision by UNHCR on their case. Furthermore, in some cases UNHCR may consider it unnecessary to undertake detailed determinations on each person of concern. Therefore, the fact that you registered yourself in UNHCR's system does not mean that UNHCR will invite you back to Ankara for a personal interview and/or issue their own decision on your case.

In recent years, UNHCR has started to prioritize persons who have particular vulnerabilities. The agency intends to more quickly undertake determinations about such individuals so that UNHCR officials can keep track of their proceedings with DGMM and at the same time initiate efforts to find other countries willing to admit these particularly vulnerable asylum seekers for long-term settlement.

Will UNHCR's assessment of my situation have any impact on my “international protection” application with DGMM?

If UNHCR concludes as a result of their own determinations that you would be at risk of persecution or other types of serious harm if you return to your country of origin and that therefore you require the legal protection of a state other than your own, they will issue a UNHCR Refugee Certificate to you. This is a document UNHCR issues on the basis of their own Mandate and does not have any direct impact on your legal status in Turkey or your application for “international protection” with DGMM.

That being said, UNHCR will share its own assessment of your case with DGMM counterparts. From the point of view of DGMM, UNHCR's own determinations about

a person are not considered legally binding in any way. But DGMM considers UNHCR's conclusions as a valuable recommendation, which they often take into consideration when deciding applications for international protection. However there is no guarantee that DGMM will take UNHCR's recommendation on your case into consideration or even wait for UNHCR to conclude their own assessments before DGMM makes a decision on your application.

On the other hand, if UNHCR concludes as a result of their own determinations that you do not actually need the protection of another state other than your own and can safely return to your own country, they will issue a negative decision on your case. This negative assessment by UNHCR does not have any direct impact on your "international protection" application, however it will also be shared with DGMM and therefore may negatively affect DGMM's determination on your application.

I learned that UNHCR issued a negative decision on my application. What does it mean? Can I appeal against that decision?

If UNHCR concludes as a result of their own determinations that you do not actually need the protection of another state other than your own and can safely return to your own country, they will issue a negative decision on your case. You will be notified of this negative decision by means of a letter from UNHCR. You have the right to appeal this decision by sending an appeal letter to UNHCR's Appeals Unit.

Although this negative assessment by UNHCR does not have any direct impact on your "international protection" application, UNHCR shares its evaluations on cases with DGMM and therefore a negative UNHCR decision may negatively affect DGMM's own determination on your international protection application in Turkey. Therefore, if you disagree with UNHCR's assessment that you can safely return to your own country, it is very important that you appeal it to request UNHCR to reconsider your case.

In your letter of appeal to UNHCR, you should present information and clarifications to address the reasons specified in your letter of rejection from UNHCR which explains why a negative decision was made on your case. UNHCR Appeals Unit will review your letter of appeal. They may either decide to invite you for an appeal interview in Ankara to give you an

opportunity to provide further explanations, or they may decide that you did not present any new information or sufficient clarifications in your letter of appeal and therefore decide to reject your appeal application and close your file. If UNHCR has closed your file at appeals stage, a renewed consideration of your case by UNHCR is possible only in very exceptional circumstances.

To get free of charge legal advice and assistance concerning negative decisions issued in UNHCR procedure you can contact our organization Refugee Rights Turkey.

I have learned that UNHCR reached a positive decision about my case. Does that mean that UNHCR will resettle me to another country?

UNHCR undertakes efforts to find countries willing to admit at least a small number of refugees currently in Turkey. UNHCR identifies these persons for resettlement from among the persons already registered with DGMM as international protection applicants and who are also registered and processed in UNHCR's own system.

For asylum seekers there is no right to be admitted by a country other than the country they first arrive to seek refuge. There are a small number of countries around the world, such as USA, Canada and Australia, which every year make a commitment to UNHCR for admitting a relatively small number of refugees from around the world for long-term settlement. However, there are vastly more refugees around the world than the modest resettlement quotas made available by these resettlement countries to UNHCR. For this reason, UNHCR offices in Turkey and in other countries hosting asylum seekers seek to prioritize individuals that have particularly serious vulnerabilities when trying to determine which refugees they will refer to resettlement countries. That being said, resettlement countries also have their own priorities as to certain nationalities or profiles of asylum seekers which they wish to admit for long-term settlement.

As the annual quotas provided by the resettlement countries for Turkey are much lower than the number of refugees in Turkey seeking resettlement, UNHCR can secure resettlement admissions only for a small number of asylum seekers currently in Turkey. UNHCR has a difficult job of deciding which individuals of concern they will prioritize for submitting to resettlement countries for consideration. For the vast majority of refugees currently in Turkey, the prospect of being resettled to another country with the assistance of UNHCR is improbable.

For this reason, the most important application you will make in Turkey as an asylum seeker is the application for international protection with DGMM. If your application with DGMM is successful, you will be granted the right to stay in Turkey and enjoy certain rights and benefits even if UNHCR is unable to find another country for you to settle long-term. Secondly, UNHCR will only consider you for resettlement if you have already registered with DGMM and diligently pursue your application for “international protection” in Turkey. That being said, UNHCR officials will advise you as to whether or not they will be able to refer you to one of the resettlement countries that admit refugees from Turkey.

For questions regarding resettlement, you should contact UNHCR and the two Turkish NGOs that work together with UNHCR, ASAM-SGDD and HRDF-IKGV.

While I am in Turkey, can I apply for asylum in another country by contacting these countries’ Embassies or Consulates?

According to international law, in order to make an asylum application in another country, you need to have reached the borders of that country and present yourself to the authorities of that country. For instance, you cannot apply for asylum in Germany or in France while you are in Turkey. If you left your country for reasons of war or persecution and you are currently in Turkey, the responsibility to take your asylum application and offer you legal protection lies solely with the Government of Turkey. Likewise, in order to make an asylum application to Germany or to France, you first need to reach Germany or France.

As of present, the main mechanism enabling asylum seekers in Turkey to be legally admitted to other countries is the resettlement procedure administered by UNHCR. That being said, resettlement is not the same as asylum. Where as asylum in Turkey is a right for persons escaping war or persecution, you do not have a right to be resettled to and admitted by another country unless they choose to admit you.

In addition to resettlement, in very exceptional cases some Western countries grant visas to a small number of asylum seekers through their embassies or consulates in Turkey on human rights grounds or other reasons. That being said, this remains an extremely exceptional practice.

I have close family members in another country with whom I was separated. Do we have a right to family unification whether in Turkey or in the country where my family members are?

If you have a close family member whose asylum application is accepted in a different country, there may be a possibility for you to be admitted to that country on the basis of your family member's right to be reunified with you under the asylum laws of that country. In order to get there an application for family unification should be made to the authorities of that country. Some countries require the family member in Turkey to initiate this process by approaching their embassy or consulate in Turkey. Other countries require the family member who is already enjoying asylum in their country to make an application on behalf of the family member in Turkey. The authority to decide such applications for family unification lies solely with the authorities of that country. Neither UNHCR nor DGMM have any say in such family unification decisions made by the authorities of other countries.

According to Turkish law, if your application with DGMM for international protection is successful and you are granted either the "refugee status" or the "subsidiary protection" status as explained in the earlier sections of this booklet above, it may be possible for your close family members outside Turkey to be admitted to Turkey on the basis of a "family residence permit". Your spouse, minor children and dependent adult children may benefit from this possibility. If you wish to consider this option, you need to consult with the PDMM in your assigned city of residence.

How I can access legal assistance on matters relating to my international protection application with DGMM?

On questions relating to your international protection application, you are free to seek and receive the legal assistance of a lawyer or legal counselling and assistance services provided by NGOs. Turkish law permits you to rely on the services of lawyers on all legal matters, including in regards to appealing negative or unfavorable decisions by DGMM or other authorities.

Legal assistance services provided by NGOs like our organization Refugee Rights Turkey are free of charge. However, if you wish to obtain the assistance of a private lawyer you will be asked to pay a lawyer's fee.

If you do not have the financial means to pay a lawyer, you can approach the bar association in your city of residence and request free of charge legal aid. In Turkey there are bar associations in every city. Bar associations administer a service called Legal Aid (Adli Yardım in Turkish), by which they assign lawyers to persons who do not have sufficient income to pay lawyer's fees. If you apply to the local bar association and request a Legal Aid lawyer, the bar association will make an inquiry about your financial condition and the problem that you present and make a decision whether or not they will be able to offer you free legal aid.

Can your organization Refugee Rights Turkey assist me on matters relating to my international protection application?

Refugee Rights Turkey provides extensive, free of charge legal counselling and assistance services to asylum seekers of all nationalities, who have left their countries of origin for reasons of war or persecution and seek to access legal protection in Turkey as refugees.

You can contact us for any questions or problems you may have regarding both your international protection application with DGMM and your file at UNHCR. Our organization specializes particularly on legal counselling and assistance in relation to appealing negative decisions by either DGMM or UNHCR.

Wherever you may be in Turkey, if you would like to benefit from our legal assistance and counselling services you are welcome to visit our office or get in touch with us by telephone, fax or email all weekdays from 10:00 to 17:00. All of our services are entirely free of charge.

Our organization undertakes legal assistance activities directed towards asylum seekers independently from all government agencies and decision-making bodies and is guided by the principles of international human rights law. Our organization strictly adheres to respecting and protecting the privacy of asylum seekers that we serve and confidentiality of all information and documents shared with our Office by our beneficiaries.

Refugee Rights Turkey - Contact Information:

Wherever you may be in Turkey, you are welcome to visit our office or get in touch with us by telephone, fax or email all week days from 10:00am to 17:00pm in relation to any questions you may have regarding your rights and obligations as asylum seekers and any problems you may encounter in the legal procedures for asylum in Turkey.

 Dr. Refik Saydam Cad. Dilber Apt. No: 39 Daire: 11 Kat: 4

Şiřhane, Beyođlu - İstanbul

 +90 212 292 48 30

 +90 212 292 48 33

 info@mhd.org.tr

Mülteci Hakları Merkezi

Refugee Rights Turkey

📍 Dr. Refik Saydam Cad. Dilber Apt. No: 39 Daire: 11 Kat: 4
Şiřhane, Beyođlu - İstanbul

☎ +90 212 292 48 30

📠 +90 212 292 48 33

✉ info@mhd.org.tr

www.mhd.org.tr

This resource is produced by **Refugee Rights Turkey** within the context of a project run in cooperation with U.S.A. based **Refugee Solidarity Network** and **Dutch Council for Refugees** and supported by **US Department of State, Bureau of Population Refugees, and Migration**.



Refugee Rights Turkey



Refugee Solidarity Network



US Department of State
Bureau of Population,
Refugees, and Migration