

RIGHTS AND OBLIGATIONS OF PERSONS UNDER INTERNATIONAL PROTECTION IN TURKEY

QUESTIONS AND ANSWERS

Mülteci
Hakları
Merkezi

Refugee
Rights
Turkey

ULUSLARARASI KORUMA ALTINDAKİ KİŞİLER İÇİN
HAKLAR VE YÜKÜMLÜLÜKLER

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İNGİLİZCE

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Mülteci Hakları
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Refugee Solidarity
Network

I have escaped from my country and come to Turkey. What should I do?

Persons who were forced or compelled to flee their home countries because of war or persecution and who are therefore unable to go back have the right to seek asylum in Turkey. The procedures pertaining to asylum in Turkey are governed by the Law on Foreigners and International Protection (No. 6458). The Directorate General of Migration Management under the Ministry of Interior is the government agency entrusted with the responsibilities concerning asylum procedures. The Directorate General of Migration Management has provincial directorates in every province, and these are called Provincial Directorates of Migration Management.

If you are unable to return to your home country for reasons of war and persecution, you must apply for asylum. This application is called an “international protection application.” In order to register your application for “international protection,” you may directly approach the Provincial Directorate of Migration Management in whichever city you are present.

If you submit an application for international protection, you will be allowed to stay in Turkey until the Directorate General of Migration Management makes a decision about your application. During this process, you will benefit from some basic rights and services, such as education and if you meet certain conditions, healthcare. If the Directorate General of Migration Management’s decision is positive and you are granted international protection status, you will have the right to continue your stay in Turkey.

What are the criteria for obtaining international protection status?

If you are unable to return to your home country due to 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 the death penalty, torture, inhuman or degrading treatment or punishment;

you have the right to benefit from international protection in Turkey.

Can asylum seekers arriving from Syria apply for international protection in Turkey?

Citizens of the Syrian Arab Republic, as well as stateless persons and refugees who were previously residents of Syria, arriving to Turkey from the Syrian Arab Republic are subject to a separate asylum procedure referred to as “temporary protection.” In accordance with this policy, persons arriving from Syria are granted the right to legally stay in Turkey and have access to certain rights and services. Since there is a separate asylum procedure specifically designated for persons arriving from Syria, it is not necessary for them to submit an additional application for international protection.

What are the benefits of submitting an application for international protection?

Submitting an international protection application will give you the right to legally stay in Turkey. 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. Furthermore, you will be also able to benefit from certain rights and services such as education and for the duration of one year following your international protection application, healthcare.

Where should I go to register my application for international protection?

To register your application for international protection, you may approach the Provincial Directorate of Migration Management in whichever city you are present. The application and registration process may either be initiated by the Provincial Directorate of Migration Management where you submitted your application, or you may be referred to another Provincial Directorate of Migration Management office in another province. If you are referred to another province, you are expected to travel

to that city and file your international protection application with the Provincial Directorate of Migration Management in this city.

Is there a time limit to file an international protection application?

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.

What will happen during and after the application for international protection?

Once you file your international protection application, the officials will carry out a registration interview with you. Depending on their workload, officials may not be able to carry out your registration interview on the same day of the application. 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, the officials will ask you basic questions about your identity and the reasons why you left your country of origin. It is in your interest to answer the officials' questions as thoroughly and frankly as you can.

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 country. Officials will obtain photocopies of these documents and return the originals to you. If deemed necessary, officials may carry out a search of your belongings and the items in your luggage. They will take your fingerprints as well as a biometric photograph of you. 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 officials regarding the procedures that they will pur-

sue in evaluating your application, ways to appeal in case of a negative decision, and your rights and obligations as an international protection applicant.

At the end of your registration interview, you will be 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 greater detail.

International protection applicants and accompanying family members who have completed their registration are issued a document called an International Protection Applicant Identity Document bearing your identity information and indicating that you have applied for international protection in Turkey. The identity document will only be valid for a certain specified period of time and you must approach the Provincial Directorate of Migration Management to extend its validity. The International Protection Applicant Identity Document is issued free of charge.

The International Protection Applicant Identity Document will also bear your foreigner ID number starting with ‘99’. The Foreigner ID number allows you to benefit from some basic rights and services such as health-care and education.

Where will I reside after filing my international protection application?

Persons applying for international protection in Turkey do not have the right to choose their city of residence. The Provincial Directorate of Migration Management will assign a “satellite city” where you will be asked to go and stay until the finalization of your asylum proceedings.

The assigned satellite city may be the city where you made your international protection application, or you may be referred to another city. If there is a particular city you prefer or where your close relatives live, you can share your preference with officials during registration. They may be able to take your request into consideration; however, there is no guarantee.

The Provincial Directorate of Migration Management in your assigned satellite city may require you to report to their office regularly. You are expected to fulfil this reporting obligation. Additionally, your assigned satellite city is indicated on your International Protection Applicant Identity Document. As a rule, international protection applicants can only access rights and services in their satellite city.

Can I travel to another city?

International protection applicants are required to reside in their assigned satellite city and to report on a regular basis. Therefore, prior to leaving your satellite city, you should secure permission from the Provincial Directorate of Migration Management either by approaching their offices in person or via E-Government Gateway (E-Devlet). The Provincial Directorate of Migration Management may or may not grant your request. If your request is accepted, you will be issued a written travel authorization document. If you made an online application, you will be notified via SMS. Please print the document and keep it with you at all times during your travels.

The permission to travel to another city is often valid for fifteen days. If you are not able to return to your satellite city within this authorized period, you may request an extension from the Provincial Directorate of Migration Management of the city you are visiting. Authorities may either accept or reject your request. Please bear in mind that you must submit a request for extension prior to the expiry of your travel permission.

How can I get a travel permission document?

To obtain a travel permission document, you must approach the office of the Provincial Directorate of Migration Management in your city of registration or apply online via E-Devlet. If you apply online, you will be notified about the result of your application via SMS. If you are granted a travel permission, you can print the document yourself without having to go to the Provincial Directorate of Migration Management.

Can I change my assigned satellite city?

If you have close family members such as a mother, father, sibling, spouse, grandmother or grandfather who are legal residents in Turkey,

you can request to be transferred to the city where they reside. Or, if you have a serious health condition and the health institution refers you to a hospital located in another city, you can request your residence to be transferred to the city where the hospital you are referred to is located. If you wish to change your satellite city, you need to submit a petition to the Provincial Directorate of Migration Management in your city of residence. Your request will be assessed by the authorities. You may receive a positive or a negative decision.

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 Provincial Directorate of Migration Management in your assigned satellite city. Your request will be assessed by the authorities; it may be accepted or rejected.

If you receive a positive decision for your request, you must approach the Provincial Directorate of Migration Management in your new satellite city and complete your registration.

What would happen if I leave my assigned satellite city without permission?

According to Turkish law, you should not leave your satellite city without written authorization from the Provincial Directorate of Migration Management. If you leave your satellite city without permission, the Provincial Directorate of Migration Management will conclude that you are no longer interested in pursuing your international protection application and will consider your application “implicitly withdrawn.” This means that all proceedings regarding your application will be stopped, and you will no longer be considered an international protection applicant. For this reason, you should avoid leaving your satellite city without permission.

Please also bear in mind that, as a rule, international protection applicants can only access rights and services in their assigned satellite city. Therefore, you will not be able to access rights and services (other than in exceptional situations such as for emergency health care needs) outside of your satellite city.

Will I be offered accommodation in my satellite city?

International protection applicants are not provided any form of accommodation support; they are expected to find their own accommodation in their assigned satellite city and bear the costs of that accommodation by their own means.

However, only very few applicants who are deemed particularly vulnerable may be accommodated free of charge. Should you have a special condition, you may share this information with the authorities during registration and receive information on whether or not you will be offered accommodation.

Separated and unaccompanied children seeking international protection in Turkey are accommodated free of charge in state facilities deemed appropriate by the Ministry of Family, Labor and Social Services.

Additionally, there are some organizations which provide this type of support and assistance services to asylum seekers. You may receive further information about these services by approaching the civil society organizations operating in your locality.

I have a special condition. What should I do?

According to Turkish law, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single mothers or single fathers with an accompanying child, and persons who have been subjected to torture, rape, or other serious psychological, physical or sexual violence are recognized as persons with special needs.

The applicable law states that individuals recognized as persons with special needs shall be given priority in access to rights and procedures. If you or other individuals in your family have a condition listed above, please report this fact during the registration. The authorities may decide to give you priority in the registration process. In case you have not reported your special condition at the time of registration, or if these conditions have arisen afterwards, you may also approach the regis-

tration authorities and request that your registration status be revised accordingly.

What is the “personal interview”? What will happen during this interview?

The “personal interview” is an interview conducted by the Provincial Directorate of Migration Management where you will have the opportunity to explain the reasons why you left your country of origin and your fear of return in detail. After this interview, the officials will decide as to whether your situation fulfils the criteria provided in Turkish law for staying in Turkey as a beneficiary of international protection. Therefore, the interview is the most important part of the evaluation process of your application.

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 thirty days from the date of your registration interview. However, in practice, you may have to wait longer.

If you have accompanying family members, the officials at the Provincial Directorate of Migration Management may also want to hold separate interviews with some or all of them, if they deem this necessary. You or your family members may also be invited for additional interviews at a later date.

It is in your interest to answer the officials’ questions as thoroughly and frankly as you can in order to make it easier for the officials to decide on your application.

Do I have the right to an interpreter during my application?

If you are unable to communicate with the officials in Turkish or in any other common language, you have the right to an interpreter during both the registration interview and the personal interview stages. As a

rule, notifications at all stages of the international protection procedure should be communicated in a language that you can understand. The interpretation services provided by authorities are free of charge.

Will the Provincial Directorate of Migration Management share my information with any other persons, agencies or the authorities of my own country of origin?

The information and documents you share with the officials of the Provincial Directorate of Migration Management 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 will not be shared with the authorities of your country of origin.

When will the decision about my application be made?

If your application is processed under the “regular procedure,” authorities will make efforts to issue a decision within six months. Authorities will inform you if it will take longer to reach a decision.

If your application is processed under the “accelerated procedure,” the duration will be much shorter. In this case, your application will be evaluated within five days following the interview. Please refer to the relevant section for more detailed information on the accelerated procedure.

How is the decision about my international protection made?

The authorities will carry out a detailed assessment in light of relevant Turkish legislation and based on the information and documents you shared during the registration and personal interview stages. Based on these factors, they will decide whether you meet the criteria to benefit from international protection. During the assessment of your applica-

tion, in addition to your personal condition and the information and documents you shared, the general conditions of your country of origin or your former country of residence will also be considered.

The decision regarding your application for international protection will be taken on an individual basis. However, if you have also applied for your accompanying family members, your application will be evaluated as a family.

At the end of the evaluation, your international protection application may be accepted or rejected. This decision shall be communicated to you or to your attorney if you have one. Should a negative decision be made, you will be informed about the reasons for the decision, and how to appeal this decision.

If your application is accepted, you will be granted international protection status. There are three types of international protection status in Turkey: refugee status, conditional refugee status and subsidiary protection status.

Who qualifies for refugee status?

If you originate from a “European country” (a country that is a member state of the Council of Europe) and if it is established 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.

Who qualifies for conditional refugee status?

If you are unable to return to your country of origin for fear of being persecuted because of your race, religion, political opinion, nationality or your membership in a particular social group but you originate from a “non-European country” (any country that is not a member state of the Council of Europe), you will be granted “conditional refugee” status.

Who qualifies for subsidiary protection status?

If it is established 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 the death penalty or torture, inhuman or degrading treatment or punishment, you will be granted “subsidiary protection” status.

I was granted international protection status.

What does this status entitle me to?

If and when you are granted a positive decision and one of the three forms of international protection status, you and your accompanying family members will be issued an International Protection Beneficiary Identity Document. This document proves that you are an international protection beneficiary in Turkey. This document also bears your foreigner ID number starting with ‘99’ and it is issued free of charge. The identity document will only be valid for a certain specified period of time and you must approach the Provincial Directorate of Migration Management to extend its validity.

If and when you are granted one of the three types of international protection status (refugee, conditional refugee, subsidiary protection), as long as the conditions in your country of origin remain unchanged, or unless you find another country willing to admit you for long-term settlement, you will be allowed to stay in Turkey on the basis of your international protection status. Additionally, as a status holder, you will enjoy certain rights and services such as education and, for a period of one year following your international protection application, healthcare.

The authorities rejected my international protection application. What does this mean?

If the authorities rejected your application, it means that the authorities assessing your application concluded that you do not fulfil the criteria for qualifying for international protection. This decision will be communicated to you or to your lawyer or legal representative. A notification of a negative decision should include the material reasons and legal grounds of the decision. You will also be informed about how to appeal against this decision and the time limits for appeal.

If you do not wish to appeal this negative decision and want to return to your country of origin, you may share this with the Provincial Directorate of Migration Management officials. The officials will inform you about voluntary return procedures.

The authorities rejected my international protection application. How can I appeal this negative decision?

The procedure and time limits to appeal a negative decision depend on whether your application was assessed under the regular procedure or accelerated procedure. Please review the following section for a detailed information on how to appeal negative decisions taken under the accelerated procedure.

If your application was processed under the regular procedure and was rejected, there are two ways to file an appeal against this negative decision. The first is to apply to the International Protection Evaluation Commission. The International Protection Commission is not a court. It is an appeals body within the Directorate General of Migration Management that reviews and may overturn or uphold negative decisions on international protection applications and other unfavorable decisions which applicants wish to challenge. You can approach the Provincial Directorate of Migration Management in your assigned satellite city and file an appeal petition addressed to the International Protection Evaluation Commission within ten days after the notification of decision. The Commission should finalize your appeal and issue a decision within fifteen days, with a possibility of extending this deadline for an additional five days. In some cases, it can take more time for the Commission to finalize your appeal. If the International Protection Evaluation Commission rejects your appeal, you have the right to make a further appeal with the competent administrative court within thirty days of the Commission's decision.

The second way is to appeal the negative decision at the competent administrative court within thirty days of the negative decision. If you wish, you can skip the International Protection Evaluation Commission step en-

tirely and appeal the negative decision directly at the competent administrative court. There is no time limit for the administrative court to review and finalize your appeal. If the administrative court also rejects your appeal, you can file a final appeal before the higher administrative court.

If you do not appeal a negative decision within the time limit specified by Turkish law, the negative decision shall become final. In that case, unless there are other grounds that may justify your continued legal stay in Turkey, you will be issued an order for your deportation from Turkey. Therefore, it is very important that you submit your appeals within the time limits. Please refer to following sections for more information about e deportation orders and the appeal procedure.

You may also find further information about how you can benefit from legal assistance and support in the appeal procedure in the following sections.

My international protection application was processed under the accelerated procedure, and I received a negative decision. What is accelerated procedure and how can I appeal this decision?

The authorities may process your international protection application under the accelerated procedure if:

- You have not mentioned elements that would require international protection at the application stage;
- It is assessed that you misled the authorities by presenting false documents or misleading information or by withholding information or documents that might negatively impact the decision;
- It is evaluated that you destroyed or disposed of identity or travel documents maliciously;
- You are under administrative detention for the purpose of removal;
- It is evaluated that you pose a threat to public order and public security;

- You repeat the application after the initial application was considered as “implicitly withdrawn”.

Different than the regular procedure, for applications evaluated under the accelerated procedure, the personal interview with the applicant should be held no later than three days of the date of application, and the decision must be issued within five days of the personal interview. This decision might be positive or negative; or if it is evaluated that your application would need a longer assessment, authorities may decide to assess your application under the regular procedure.

You have the right to appeal a negative decision whether your international protection application is evaluated under the regular procedure or the accelerated procedure. Unlike the regular procedure, however, you do not have the right to file an appeal before the International Protection Evaluation Commission if your application is assessed under the accelerated procedure. Therefore, the only appeal procedure available is filing an appeal before the competent administrative court. It is very important to note that, different from the regular procedure, the time limit to file your appeal under accelerated procedure is fifteen days following the communication to you of the negative decision.

If you appeal this decision within the time limits, you will be allowed to stay in Turkey until the negative decision becomes final. However, for the Provincial Directorate of Migration Management to be informed that you appealed the negative decision, it is important for you to notify the Provincial Directorate of Migration Management about your appeal application.

If the administrative court also rejects your appeal, you do not have the right to file an additional appeal before the higher court. Thus, the negative decision regarding your application becomes final. In this case, you will be subject to a deportation order since authorities considered that you do not meet the criteria to benefit from international protection in Turkey. In this case, you may also appeal the deportation order. If you appeal this deportation order within the time limits specified by law, apart from exceptional cases, you will not be deported until the court assesses your appeal and makes a decision.

You may consult with a lawyer to receive further information about your case and the appeal procedure.

I want to apply to the court to appeal a negative decision. Can I initiate this procedure on my own?

You may apply to the relevant court within the specified time limits to appeal a negative decision issued by the Provincial Directorate of Migration Management or the Directorate General of Migration Management. You have the right to initiate this procedure in person. However, please keep in mind that the appeal application should be drafted in Turkish and all proceedings will be in Turkish. In addition, legal procedures are generally complicated and require legal knowledge. Therefore, in order to better present your arguments and follow legal procedures diligently, it is in your interest to receive the assistance of a lawyer. You may find further information about how to receive legal assistance and support in the following sections.

I appealed a negative decision about my international protection application. Am I in danger of being deported while my appeal is being processed?

According to Turkish law, if you appeal a negative decision about your international protection application within the time limits, you are allowed to stay in Turkey until the negative decision becomes final. Therefore, if you filed your appeal within the time limits, you will not be deported until there is a final decision. However, it is very important for you to notify the Provincial Directorate of Migration Management about your appeal application.

I was notified that my application was considered “inadmissible.” What does this mean?

Your international protection application may be considered “inadmissible” if it is identified that one of the three situations summarized below applies to your case:

- You did not arrive in Turkey directly from your country of origin, but 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 without presenting new information or reasons that indicate why a new decision about your application should be made;
- 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, you now want to make an individual application on your own without presenting any information or reasons which indicate that your case is in any way different from the already existing application of your family members.

If authorities consider your application inadmissible, they will not continue to assess your application.

If authorities 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 could seek asylum in that country. Accordingly, the Directorate General of Migration Management will initiate the procedure to contact the authorities of the country in question with a view to secure your return. If you qualify for readmission, you will be returned to that country. You can legally stay in Turkey while your return process is pending; however, please be informed that you will no longer be considered an international protection applicant. Therefore, you will not be able to enjoy the rights and services afforded to international protection applicants. If that country rejects the readmission request, Turkish authorities shall open your file again and continue to process your application to reach a final decision.

On the other hand, if your application was considered inadmissible because you made a repeat application without presenting any reasons

for doing so, a deportation order will be issued unless you appeal the inadmissibility decision.

How can I appeal the decision that declares my application inadmissible?

The decision of having declared an application to be inadmissible will be communicated to you or to your lawyer or your legal representative. This notification should also include the material reasons and legal grounds for the inadmissibility decision. You will also be informed about how to appeal this decision and the time limits for the appeal.

Starting from the notification date, you have fifteen days to appeal this decision before the competent administrative court. The court should finalize your appeal within fifteen days. If the administrative court rejects your appeal, there is no other available appeal mechanism. In this case, the Directorate General of Migration Management's decision declaring your application inadmissible shall become final. If the authorities decide to return you to a country that is considered safe for you, they will initiate the return proceedings. If your application is considered inadmissible because you repeated the same application as before, you will be issued a deportation order.

If you are issued a deportation order, you also have the right to appeal this decision and benefit from legal assistance services. Please refer to following sections for more information about the deportation order and the appeal procedure.

My international protection application is considered “implicitly withdrawn.” Can I appeal this decision?

If you leave your assigned satellite city without permission, or if you do not fulfil your reporting obligations without a valid excuse, or if you fail to attend to your personal interview appointment three times in a row without a valid excuse, or fail to comply with other requirements as an asylum seeker, the Provincial Directorate of Migration Management may

conclude that you are no longer interested in pursuing your application and declare that you have thereby “implicitly withdrawn” your asylum request. In this case, the authorities will discontinue assessing your asylum request.

This decision will be communicated to you or to your lawyer or legal representative. You will also be informed about how to appeal this decision and the time limits for the appeal.

You have the right to appeal against an implicit withdrawal decision. If you wish to appeal, you should approach the Provincial Directorate of Migration Management in your satellite city within ten days and file an appeal petition addressed to the International Protection Evaluation Commission. The Commission should finalize your appeal and issue a decision within fifteen days. This timeframe can be extended for an additional five days. In some cases, it may take more time for the Commission to finalize your appeal. If the International Protection Evaluation Commission rejects your appeal, you may also appeal at the competent administrative court within thirty days of the Commission’s decision.

The second way is to appeal before the competent administrative court within thirty days. If you wish, you can skip the International Protection Evaluation Commission step entirely and appeal directly before the competent administrative court within thirty days. There is no time limit for the administrative court to review and finalize your appeal. If the administrative court also rejects your appeal, you may file a final appeal before the higher administrative court.

If you appeal the implicit withdrawal decision, the decision will not become final until all appeal procedures are completed. Until then you will not be subject to a deportation order. However, if you fail to initiate an appeal application on time, the decision will become final, and a deportation order will be issued. Please refer to following sections for more information about the deportation order and the appeal procedure.

You may consult with a lawyer to receive further information about your case and the appeal procedure. In addition, you can find more informa-

tion about how to receive legal assistance and support in the following sections.

What is a deportation order? How can I appeal it?

A deportation order may be issued to foreigners in Turkey in certain cases summarized below:

- If your international protection application is rejected, or you are excluded from international protection status, or your application is considered inadmissible, or you have either withdrawn your application or your application was considered withdrawn, or your international protection status has ceased or been revoked; and in all these cases, you no longer have any other right to stay in Turkey after the final decision;
- If you breached or attempted to breach the terms and conditions for legal entry into or exit from Turkey;
- If you submitted false information and documents during the entry, visa and residence permit process in Turkey;
- If you were identified to be working without a valid work permit;
- If you are considered as a person who earns his/her living from illegitimate means during the time in Turkey;
- If you overstayed your visa or visa exemption period by more than ten days or if your visa was cancelled;
- If your residence permit was revoked, or you exceeded the duration of your residence permit by more than ten days without an acceptable reason;
- If you have been identified as a threat to public order or public security or public health;
- If you have been identified as a leader, member or supporter of a terrorist organization or of a profit-oriented criminal organization.

The deportation order will be communicated to you or to your lawyer or your legal representative. This notification should include the material

reasons and legal grounds for the order. You will also be informed about how to appeal this decision and the time limits for the appeal.

If you are issued a deportation order, you may appeal this decision within **seven days** before the competent administrative court. If you appeal a deportation order in due time, you will be allowed to remain pending the final outcome of court proceedings. In other words, an appeal to a deportation order suspends the deportation process.

You may benefit from legal assistance services for your appeals against a deportation order. You may also find information about how to receive legal assistance in the following sections.

My international protection application was rejected, and I was issued a deportation order. Can I file a repeat asylum application?

Even if you previously applied for international protection in Turkey and that application was rejected and a deportation order was issued for your removal, if there have been changes or new developments either in your country of origin or in 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 submit a renewed request to obtain asylum in Turkey.

If the Provincial Directorate of Migration Management officials identify that you have only repeated your previously rejected application and your case does not deserve renewed consideration on the basis of relevant new developments and new information, they may conclude that your application is inadmissible and refrain from processing it. In that case, there will be no proceedings for your renewed application, and your legal status as a foreign national will continue as before. Please refer to the relevant section for further information about inadmissible application decisions and how to appeal this decision.

If the officials decide upon renewed consideration of your case upon examining the new information and documents you provide, they will

process your new application. In this case, your renewed international protection application will likely be processed under the accelerated procedure. Please refer to the relevant section for further information about the accelerated procedure.

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

It is possible for persons who have previously applied for asylum in Turkey but who did not pursue their application and returned to their country of origin to submit a renewed application for asylum upon returning to Turkey.

In this instance, you should explain to 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 the reasons why you are afraid to go back. It is crucial for you to present this new information, because the Directorate General of Migration Management interprets the fact that you did not pursue your previous asylum application and returned to your home country voluntarily as an indication of not having any concern of persecution in your country of origin.

If the officials conclude that you did not present any new information and explanations which suggest that your case deserves renewed consideration, they may decide to declare your new application to be inadmissible. In this case, your renewed application will not be processed at all. Please refer to the section above for further information about inadmissible application decisions and how to appeal this decision.

On the other hand, if officials determine upon examination of the new information and documents you provide that there are valid reasons justifying renewed consideration of your case, they may choose to process your request as a new application. In that case, your renewed international protection application will likely be processed under the accelerat-

ed procedure. Please refer to the relevant section for further information about the accelerated procedure.

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

Persons being detained in removal centers or other facilities of detention have the right to apply for international protection if you believe that you fulfil the criteria for asylum in Turkey and fear being persecuted or facing other types of harm if deported from Turkey. In this case, you may express to detention authorities that you want to file an application for international protection. Your request for application shall be processed without delay.

You can receive further information by calling Refugee Rights Turkey's Administrative Detention Help Desk at +90 507 218 62 85. You may also contact the bar association of the province you are being held in and request to benefit from legal aid services.

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 my detention?

Under some specific circumstances, the authorities might decide to hold international protection applicants in detention while their application is processed. International protection applicants may not be detained more than thirty days for this purpose.

If you wish to object to being detained as an international protection applicant, you can file an appeal before the competent Criminal Peace Judgeship. The Judgeship is required to decide your appeal within five days.

If you are being detained despite the fact that you expressed a request for international protection, it would be advisable for you to consult with a lawyer as to whether your continued detention is in compliance with the legal justifications provided the relevant provisions, and whether there are grounds that may require your release. You can receive further information by calling Refugee Rights Turkey's Administrative Detention Help Desk at +90 507 218 62 85.

Do I have to submit a separate application to the United Nations High Commissioner for Refugees (UNHCR)?

Before September 2018, asylum seekers in Turkey used to file two separate applications to both the Provincial Directorate of Migration Management and the United Nations High Commissioner for Refugees (UNHCR). However, as of September 2018, UNHCR's Turkey Office officially announced that the organization has ended registration and refugee status determination procedures in Turkey. Therefore, you don't have to submit a separate application to UNHCR's Turkey Office.

I have previously registered with the United Nations High Commissioner for Refugees. Will my application be processed?

As explained above, since September 2018, the United Nations High Commissioner for Refugees' Turkey Office has ended registration and refugee status determination procedures in Turkey. The Directorate General of Migration Management is the responsible agency for all procedures in relation to international protection application and status determination. Therefore, even if you have already applied to UNHCR's Turkey Office and completed your registration, the UNHCR will not assess your application. However, UNHCR's Turkey Office continues to work in cooperation with the Turkish authorities to resettle asylum seekers to third countries.

The Provincial Directorate of Migration Management granted me international protection status. Will I be resettled to a third country?

United Nations High Commissioner for Refugees' (UNHCR) Turkey Office undertakes efforts to resettle persons who are granted international protection status by the Directorate General of Migration Management, and are identified to have serious vulnerabilities, to third countries. During the identification and resettlement procedure, UNHCR, the Provincial Directorates of Migration Management and the Directorate General of Migration Management work in cooperation.

Resettlement or admission to a third country other than the country in which you are currently seeking asylum is not considered a right. There are a small number of countries every year which make a commitment to admit 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. That being said, the resettlement countries also have their own priorities pertaining to certain nationalities or groups with vulnerabilities which they wish to admit for long-term settlement and expect UNHCR to consider these priorities during the submission of resettlement.

In recent years, the number of persons seeking asylum in Turkey has substantially increased. However, the annual quotas provided by the resettlement countries to UNHCR's Turkey Office have remained limited. Therefore, UNHCR may only secure resettlement admissions for a small number of asylum seekers in Turkey. For the majority of asylum seekers currently in Turkey, the prospect of being resettled to another country with the assistance of the UNHCR is improbable. For this reason, you should not expect that you will certainly be resettled from Turkey to another country by UNHCR.

For this reason, the application for international protection you will submit to the Directorate General of Migration Management as an asylum seeker in Turkey is very important. If your application is successful, you will be granted the right to stay in Turkey and enjoy certain rights and benefits, even if you do not receive long-term resettlement to another country.

I have international protection status. Can I apply for citizenship in Turkey?

Pursuant to the applicable legislation in Turkey, persons who received an international protection status are not eligible for citizenship in the long term. Nevertheless, if it is not possible for you to be resettled to another country, you may continue to live in Turkey as an international protection status holder.

However, according to their personal situation, some individuals may be eligible for Turkish citizenship on other grounds. In order to receive detailed information about your personal situation, we advise you to consult with the Provincial Directorate of Migration Management or with a lawyer.

I have close family members in another country. Do we have the right to apply for family reunification?

If you have a close family member who is a resident of another 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, depending on the family reunification procedures of the country in question. In order to pursue this, an application for family reunification should be submitted to the authorities of the country in question. The terms and conditions for family reunification differ across countries. Some countries require the family member in Turkey to initiate this process by approaching the country's embassy or consulate in Turkey. Other countries, on the other hand, require the family member residing in their country to submit an application on behalf of the family member in Turkey.

The to decide on such applications for family reunification lies solely with the authorities of the country where reunification should occur. Neither UNHCR nor the Directorate General of Migration Management may intervene in such family reunification decisions made by the authorities of other countries.

Is there a right to family reunification in Turkey?

According to Turkish law, if your application with the Directorate General of Migration Management for international protection is successful and you are granted either refugee status or subsidiary protection status, you may request that your spouse, minor children and/or dependent adult children currently residing outside of Turkey be admitted to Turkey on the basis of a family residence permit. Should you have such a request, you may consult with the Provincial Directorate of Migration Management for more information.

While I am in Turkey, can I apply for asylum in another country by contacting these countries' embassies or consulates?

According to international law, to make an asylum application in a country, you need to have reached the borders of that country. If you left your country for reasons of war or persecution and you are currently in Turkey, the responsibility to evaluate your asylum application and offer you legal protection lies solely with the Government of Turkey.

As of the present time, the main mechanism enabling asylum seekers in Turkey to be legally admitted to other countries is the resettlement procedure administered by United Nations High Commissioner for Refugees. That being said, resettlement is not the same as asylum. While asylum in Turkey is a right for persons escaping war or persecution, other countries which admit a certain number of refugees through the UNHCR do not have an obligation to admit you for resettlement.

On the other hand, in very exceptional cases, some countries grant visas for travel to a small number of asylum seekers for various grounds.

To receive detailed information, you may wish to contact the embassies of the countries you would like to travel.

How can I access counselling, information or legal assistance on matters related to my international protection application?

According to legal regulations, the international protection application should be made personally. Therefore, a lawyer representing you can't submit an international protection application on your behalf. You have the right to be represented by a lawyer for all proceedings other than your personal application. For instance, you may consult a lawyer for the preparation of your personal interview. Upon your request, your lawyer can also accompany you at the personal interview. Regarding appeals of negative decisions before the International Protection Evaluation Commission or appeals before the administrative court, your lawyer can also represent you and proceed on your behalf. You will, however, be required to pay a fee to the lawyer representing you and for other associated expenses.

I need to consult with a lawyer, but I cannot afford to do so. What should I do?

Under Turkish law, persons who cannot otherwise afford to pay an attorney and associated court fees without putting a considerable financial duress on the individual or their family may benefit from the state-funded free Legal Aid scheme called “*Adli Yardım*” in Turkish. Thus, persons satisfying these criteria may benefit from the scheme. Legal aid in Turkey is rendered by bar associations. A bar association is the professional association of lawyers in a specific province or region. Bar associations administer a Legal Aid service by which they assign lawyers to persons who do not have sufficient income to pay lawyers' fees. Asylum seekers in Turkey can also benefit from legal aid services.

If you cannot afford to pay for an attorney, you may request legal support and counselling by approaching the bar association in your city of residence.

In order to benefit from the legal aid scheme, you should not already be represented by a lawyer. If you are already represented by a lawyer, you will not be able to benefit from the legal aid services.

The bar association will initially carry out an assessment with respect to your financial condition. Thus, you may be required to submit document evidence such as official deeds or a poverty certificate issued by the *mukhtar*. The bar association will also investigate whether there are grounds to reasonably consider a successful outcome in the proceedings for which the grant of legal assistance is sought. Based on these assessments, the bar association may decide to grant legal aid.

You may approach the legal aid bureau of the Bar Association in your city of residence, our organization, Refugee Rights Turkey, or other civil society organizations for further information.

How can Refugee Rights Turkey help me?

Refugee Rights Turkey provides free information and assistance to persons seeking international protection and those under temporary protection in Turkey. You may approach our office with your questions on the right to access protection mechanisms in Turkey and fundamental rights and freedoms.

Is Refugee Rights Turkey related to the Turkish government or to the United Nations High Commissioner for Refugees?

No. Refugee Rights Turkey is an independent civil society organization. It is not an implementing partner of the Turkish government or the United Nations High Commissioner for Refugees. However, Refugee Rights Turkey cooperates with the relevant Turkish authorities and the United Nations High Commissioner for Refugees to ensure the legal protection of persons seeking international protection and those under temporary protection in Turkey.

Do I need to pay for Refugee Rights Turkey's services?

All services provided by Refugee Rights Turkey are free of charge. Should you become aware of any person or entity claiming to be acting in our name who requests money or other financial benefits, please report them immediately to our organization. We will maintain your confidentiality.

Will Refugee Rights Turkey keep my information confidential?

Refugee Rights Turkey operates under a principle of strict confidentiality and respects the confidentiality of individuals. Thus, we do not share your information or documents with any third parties without your explicit and informed consent.

How can I reach Refugee Rights Turkey?

Wherever you may be in Turkey, you are welcome to get in touch with us all weekdays (Monday to Friday) from 10:00 AM to 5:00 PM to discuss your questions or concerns regarding asylum procedures.

Mülteci Hakları Merkezi
Refugee Rights Turkey

Refik Saydam Cad. Dilber Apt. No: 39 Kat: 4

Şiřhane, Beyođlu – İstanbul

T: +90 212 292 48 30

F: +90 212 292 48 33

E: info@mhd.org.tr

You can access all of our information booklets and videos for refugees and asylum seekers in Turkey via the Publications section at our official website:

<https://www.mhd.org.tr>

Or via our new “Information Portal for Refugees in Turkey”,
launched as of April 2019:

<https://multecihaklari.info>
<https://refugeerights.info>