What's in my legal backpack? An Information Booklet for **Unaccompanied Minors**

October 2021 (English/İngilizce)







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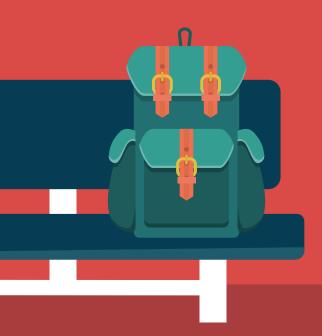
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This resource is produced by **Refugee Rights Turkey (RRT)** in the context of a project partnership with US-based **Refugee Solidarity Network (RSN)**. The information presented here is for informational purposes only.



Welcome!





I am under 18 years old and alone in Turkey. What are my rights as a foreign child?

Everyone under 18 years of age is considered to be a child in Turkey. This means that everyone under 18 years old can enjoy the rights and services granted to "children" in relevant Turkish laws. Where you see the word "child" or "minor" in this information, this refers to everyone under the age of 18.

If a child has arrived in Turkey without their mother, father, or other adult caregiver or relative; or lost contact with them after coming to Turkey, they are referred to as an "unaccompanied child" or "unaccompanied minor". All children, regardless of their nationality, religion, gender, or any other characteristic, can benefit from the rights and services offered to children in Turkey.

The Ministry of Family and Social Services (in Turkish: Aile ve Sosyal Hizmetler Bakanlığı) is the official body responsible for the protection of children in Turkey. When children are identified to be unaccompanied, they are accommodated at facilities suitable for their age and gender which are operated by the Ministry of Family and Social Services. They can stay at these shelters until they turn 18. Children living in shelters have their basic needs such as food, health, education, and clothing, provided for free at these facilities. These facilities are officially referred to as Child Support Centers (in Turkish: Çocuk Destek Merkezleri), but are also frequently referred to as "facilities", "centers" and "dormitories".



How can I access protection in Turkey as an unaccompanied minor?

If you are an unaccompanied minor and want to access protection in Turkey, firstly, your age as well as your status (whether or not you are accompanied or unaccompanied) must be identified.

The procedures for identifying whether or not you are an unaccompanied minor are carried out by police officers specialized in working with children once relevant government officials or the staff of non-governmental organizations have brought you to their attention. Police officers undertake the identification of your age based on a review of your documents, such as your passport, identity document(s), and your birth certificate. To understand if you are considered accompanied or unaccompanied, police officers will ask you several questions regarding your family's whereabouts, how and when you became separated from them, and the police officers record this information. If there is no doubt about whether or not you are in fact under 18 years old and are unaccompanied, then police officers will accompany you through several medical tests. including a test to assess whether you have any contagious diseases. At the end of these procedures, you will be taken to a facility suitable for your age and gender.

An age assessment may be considered necessary by the police if you do not have any documents to prove your age or if authorities believe you look older than 18 or if, for some reason, you had been previously registered by Turkish authorities as being older than 18.

These police officers trained in working with children will then accompany you to a public hospital for the age assessment. All aspects of these identification procedures are free-of-charge: you do not have to pay for anything.





What is an age assessment? How is it done?

An age assessment is a medical examination used to identify your age in the case that you do not have an official document, such as a passport or identity document, showing your age, or if there is a doubt as to whether or not you are providing accurate information regarding your age. This assessment is made by a doctor or a board of doctors working at a hospital.

The human body, especially your bone and tooth development and the changes that occur during puberty, help doctors to identify your biological age. The most common method by which age assessment are carried out for minors in Turkey relies on the assessment of bone development looking at an x-ray of your wrist bone. Both the physical examination and the tests, including taking x-rays, are carried out gently and in a way that will not be physically or psychologically painful or harmful to you. The doctor examining you and assessing your age should inform you about the purpose of the age assessment and the methods being applied.

A police officer trained in working with children and, if needed, an interpreter, will accompany you throughout the age assessment procedure. All stages of the identification process are free-of-charge: you do not have to pay for anything.



My age has been identified as older than my real age. Is there anything I can do about this?

It can be difficult to properly identify a person's age through the age assessment process, and for this reason, the results you receive may sometimes be mistaken. The human body's development can take place at a different pace in different countries based on climate, the available foods, and genetic factors. Age assessments should take all of these factors into consideration, but there is still a need for greater research on their impacts. In addition, sometimes the age assessment only estimates the age range of a minor such as "between 15 and 17 years old", rather than 16 years old and 5 months. In this case, your age may be registered differently, depending on the final assessment of the doctor.

It is possible to raise an objection to the results of an age assessment. In this case, you may approach the hospital where the initial age assessment was completed, or you may have an alternative test completed at the forensic department of another medical facility specialized in age assessments. In forensic medical departments, an age assessment is made based not only on bone development but also based on the assessment of the body as a whole. When challenging the results of an initial age assessment, it is helpful to obtain a test based on this kind of more comprehensive assessment. You should then present the results of these alternative tests to the Provincial Directorate of Migration Management, or to a court. It is important to consult with and be assisted by a lawyer in this type of case. Refugee Rights Turkey can give you advice about these procedures and help you with the appeal process.



Which agency provides me protection? Do I have to pay for anything?

The Turkish state provides protection for unaccompanied minors in Turkey. The Ministry of Family and Social Services (in Turkish: Aile ve Sosyal Hizmetler Bakanlığı) is the state agency responsible for the protection of individuals under 18 years old. Officials working at facilities where unaccompanied minors are accommodated under the Ministry of Family and Services coordinate minors' access to their rights, including the right to accommodation, as part of their professional responsibilities. All services provided for unaccompanied minors, throughout the identification process as well as following placement at a facility, are free-of-charge.



What kind of a place will I stay at? Are there going to be people taking care of my needs?

Unaccompanied minors under institutional care stay at facilities operated by the Ministry of Family and Social Services. Babies and children aged 0-7 may stay together. If you are between 8- and 17-years old, you will stay at designated facilities according to your age and gender. 8-to-12-year-old boys and girls stay at a certain facility, whereas boys ages 13 to 17 and girls ages 13 to 17 stay at separate facilities.

In provinces such as Istanbul, where a high number of unaccompanied minors are identified on a regular basis, you may first be asked to stay at a temporary facility for a few weeks, before being transferred to the facility where you will stay until you turn 18. Usually, you will stay at designated facilities with along with other minors from different nationalities. It is also possible to be placed at mixed facilities along with Turkish minors under institutional care, often because of some special conditions or issues regarding facility capacity.

Each facility has a certain capacity, for instance, on average 20 to 40 minors can stay at a single facility. However, the capacity and physical conditions of facilities can vary.

Each minor staying at a facility has a "counsellor" who is responsible for them. Your counsellor is an official who works at the facility as a psychologist or teacher. It is expected that you primarily share your needs, any challenges faced at the facility or other types of concerns with your counsellor. You will be informed of who your assigned counsellor is when you are placed at a facility, and usually this counsellor will also inform you about the facility's rules and other important information. Apart from your counsellor, you can also consult with other adults working at the facility including teachers, officials, nurses, cleaning and kitchen attendants, and the facility's administrators.

The facilities where you and other unaccompanied minors stay at are places which are suitable for your age and gender, and where your basic needs are provided for. These places are designed to support you and your peers' physical and psychological development while staying there. These facilities are not meant to feel like a type of restriction or punishment; on the contrary, they are meant to provide you with protection and support.



I have siblings under 18. Are we going to stay together or at different facilities?

If you have unaccompanied minor siblings, the Ministry of Family and Social Services makes an assessment based on the age and gender of yourself and all your siblings. It is the Ministry's preference to accommodate siblings at the same facility, if possible.

As mentioned above, while female and male babies and toddlers aged 0-7 can stay together in the same facility, girls and boys aged 8-12 and 13-17 stay at different facilities suitable for their age and gender. If the age and gender of yourself and your siblings allow for it, you can stay together. If it is not possible for to stay at the same facility together with your siblings, then you will be accommodated at facilities close to another or in the same province, so that you can see each other on a regular basis.







I am an unaccompanied minor, but I do not want to stay at a facility. Can I live alone?

According to Turkish law, if you are understood to be an unaccompanied child, meaning that you are younger than 18 and that you have no family member(s) accompanying you, then you must be taken under state protection. Accordingly, if this is your case then you will be taken under the state's care at a state facility, as explained above.

Alternatively, you may stay with a family member or relative, if you have any in Turkey, or with a foster family. In all these scenarios (staying at a facility, with a relative, or with a foster family), the authorities will need to make an assessment in consideration of your best interest as a child. If you request to live with a relative or family member in Turkey, the Ministry of Family and Social Services makes an assessment regarding your request, and examines the living conditions of your relative in order to understand whether this family member/relative can take care of you. You can stay with your family member or relative only after the Ministry has approved your request. It is not possible for an unaccompanied minor to live alone; you will either be taken under the care of a facility, placed with a foster family, or where applicable, with your own family member.





I am under protection at a facility. How long will I stay here?

As an unaccompanied minor, you can stay at Ministry of Family and Social Services facilities until you turn 18. You are expected to leave the facility following your 18th birthday. In Turkey, individuals 18 and older are considered to be adults and, as per current practices, adult asylum seekers are expected to take care of their own accommodation. In other words, adult asylum seekers rent a house or apartment for themselves, and they provide for their own living and needs.

In some exceptional circumstances it may be possible to continue staying at the facilities for a short term, or for a longer period, after turning 18 if you need to do so in order to continue your education or for any other special circumstances. Here, special circumstances refer to circumstances like turning 18 before you are going to leave Turkey, (for example, for family reunification) in a few weeks, and therefore you cannot settle somewhere on your own before leaving Turkey, or if for example you are about to recover from a serious health issue and have been permitted to stay for slightly longer before moving out of the facility. Even in such exceptional situations, the capacity of the facility and in some cases a decision from the court on the extension of the protection measure are important in determining whether or not an extension of your stay at the facility is granted.

The majority of unaccompanied minors staying at facilities feel anxious about their lives after turning 18, especially about where they will live, how they will sustain their living and the procedures they will need to undergo. It is normal to have these anxieties about the future. If you have any similar concerns, you can talk to your counsellor or with other facility staff. You can also contact Refugee Rights Turkey's hotline for unaccompanied minors and youth at +90 549 510 52 06.



Which rights and services will I benefit from while staying at the facility?

You and other unaccompanied minors can benefit from all your rights and from all services for free while you are under institutional care.

As an unaccompanied minor, you can benefit from shelter assistance, meaning you may stay at a facility under the Ministry of Family and Social Services until you turn 18. The physical aspects of these facilities may vary: in some facilities you will share your room with other minors, while in other facilities you may have a room to yourself. Your needs are provided for in these facilities, including your food and clothing. In addition, a nurse is present at these facilities and your health problems will be closely followed and attended to. You can be accompanied to hospitals or to other health facilities in cases requiring further medical attention.

As an unaccompanied minor, it is possible to continue your education while under institutional care. You can continue formal or distance education suitable for your age and former education level, with the guidance of your counsellor at the facilities where you are staying. If you are living at a facility, you may receive a modest amount of pocket money (an allowance), which is given on a weekly or monthly basis so that you can cover some of your personal needs. Additionally, language courses, sport activities, picnics, and other social activities are organized by the facilities for the unaccompanied minors residing there.

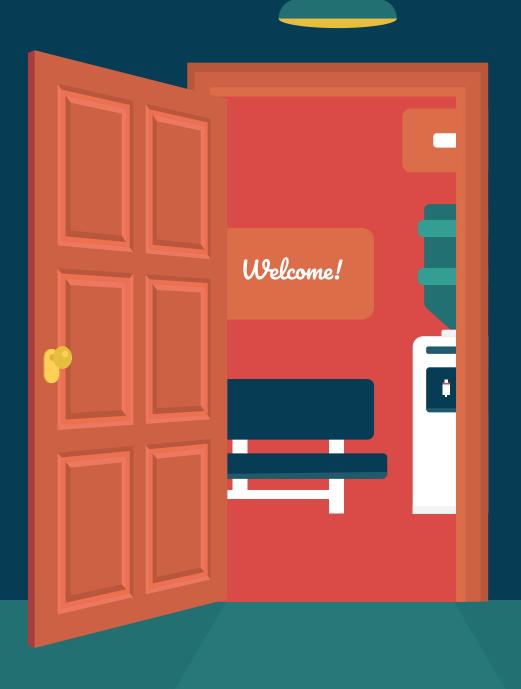
Unaccompanied minors have some other rights as well. As an unaccompanied minor, you can apply for asylum in Turkey if you think you will not be safe in your country of origin and if you fear going back. According to Turkish laws, nobody, including children and adults, can be sent back to a place where their life will be threatened. Please see the rest of the booklet for further information on the right to apply for asylum in Turkey.



Are there certain rules I am expected to follow while staying at the facility?

20 to 40 minors stay together at the facilities where unaccompanied minors are accommodated. There are certain facility rules that aim to make it possible for you to live together in safety and peace, and these rules may vary from facility to facility. These rules may cover regulations on entering and exiting the facility, use of common spaces, meal times, hygiene, and other subjects. A summary of these rules will be provided to you upon entering to the facility. You can also receive further information about what the rules are about specific subjects from your teachers and fellow minors staying at the facility.

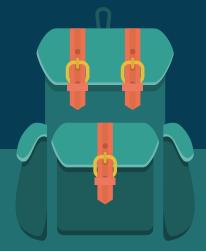
It is important to emphasize that facilities where unaccompanied minors are accommodated are not meant to punish you nor to restrict your mobility; on the contrary, these are places for unaccompanied minors like yourself to live safely and where you can access your fundamental rights such as having accommodation and accessing healthcare and education. These rules are in place to help you and fellow unaccompanied minors to live together and to keep you safe.



I was staying at a facility but I left without permission. Is it possible for me to return?

It is possible to return to the facilities where you were previously staying at and which you left without permission. You should go to the nearest child police station or directly to the facility you used to stay at in order to be reregistered at the facility. If your status of the unaccompanied minor has not changed, meaning if you are still under 18 years old and unaccompanied, it is possible to once again be taken under institutional care after relevant medical tests have been carried out.

It is risky to leave the facility you are living at without permission. You may encounter ill-intentioned people or may be forced to live in harsh conditions. Similarly, after leaving a facility without permission, it is not possible to continue benefitting from your rights such as education, access to healthcare, access to accommodation, food, pocket money etc. Leaving a facility without permission is therefore both dangerous and difficult. If you would like to receive further information and assistance about returning to your previous shelter, you can contact Refugee Rights Turkey's dedicated line for unaccompanied minors and ex-minors at +90 549 510 52 06.





Am I allowed to work while staying at the facility?

Unaccompanied minors' employment is subject to certain rules regarding both the employment of foreigners and the employment of children in Turkey.

First, with very few exceptions, it is prohibited for minors under the age of 15 to work as per relevant Turkish laws. Also, all foreigners are expected to acquire a work permit in order to be able to work legally in Turkey. It is very risky to work without a work permit in Turkey because if you face any problems or abuses while working without a permit, you may have difficulties in applying and receiving support and protection from the police or other government agencies. In addition, if you work without a work permit you may face various sanctions, including having to pay a fine.

Under current Turkish law, it is the employer who submits an application for a foreign employee's work permit. A work permit is then granted or denied by the Ministry of Labor and Social Security after assessment of the information and documents provided by the employer. If you would like to work you should first discuss this with your counsellor at the facility, because your potential employer can only submit a work permit application for you if they are permitted by the administration of the facility where you are staying. Please see additional content on Access to the Labor Market on our Information Portal for Refugees at https://refugeerights.info for further information on employment in Turkey.

It is not very common for unaccompanied minors under institutional care to obtain a work permit and work somewhere. Difficulties in acquiring a work permit aside, unaccompanied minors are primarily encouraged to continue their education and to access the labor market only after completing their vocational or academic education. If you have questions about accessing your right to education in Turkey, you may consult the other questions on education here, or visit the Education section of our Information Portal for Refugees in Turkey at https://refugeerights.info.

If you are enrolled at a vocational high school and a mandatory internship is part of your school curriculum, it is possible to complete your internship with coordination between your school and your shelter facility's administration.

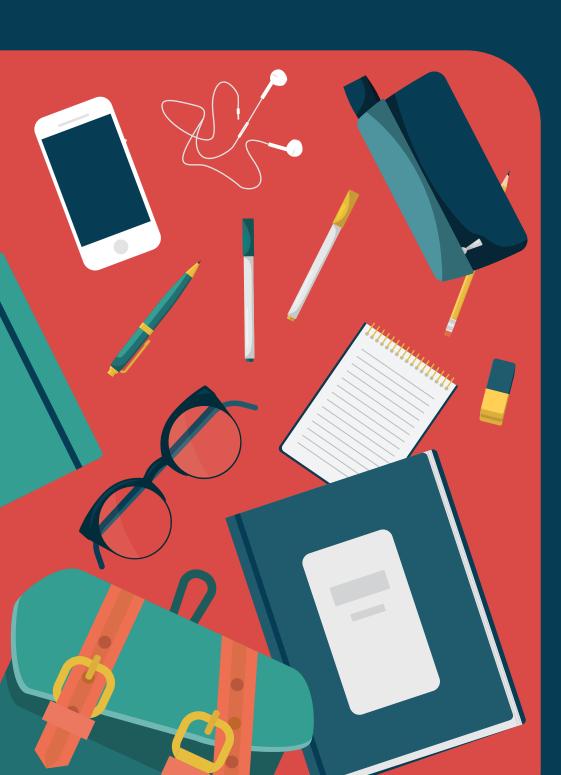


I want to submit a family reunification application to be reunited with my family members living elsewhere. What do I need to do?

Family reunification is the process of coming back together with your family members who have ended up living in different countries to live together in the same place. For family reunification to happen, the authorities of the country where your family members want to live together must give their permission and issue travel visas for those family members who are currently living outside of this country. The conditions under which family members are allowed to reunite and what documents are needed to apply for family reunification vary from country to country.

Usually, countries only allow spouses (husbands and wives) to reunite with one another, and for unaccompanied minors to reunite with their parent or parents. In some countries, it may be possible for unaccompanied minors to be reunited with their unaccompanied siblings or adult siblings, or first-degree relatives (uncles, aunts, grandmothers and grandfathers). In addition to the degree of relationship, the income and legal status of your family member or members in the destination country are also taken into consideration.

Information on family reunification can be obtained from the consulates of the destination countries, or from NGOs or lawyers informed about these procedures. You can also contact Refugee Rights Turkey to obtain information about family reunification for unaccompanied minors at **+90 549 510 52 06**.



Can I continue my education while staying at a facility?

Education is a fundamental right in Turkey, and anyone who wishes to continue their education may do so at any age. As an unaccompanied minor staying at a shelter facility, you can also continue your education. If you would like to continue your education, you should share this desire with your counsellor at the facility.

There are two ways to access education in Turkey: the first way is called **"formal learning"** and refers to joining courses in a classroom at a school with other students; and the second one is called **"distance learning"**, where you follow the courses yourself via an online platform and take relevant exams afterwards.

If you are ages 6-14, you should complete your elementary and secondary school education at school. If you're 15 or older, you can only complete your elementary and secondary school education via the distance education model. If you are a teenager and have completed elementary school and secondary school and are between the ages of 14-18, you can complete your high school education either formally or via the distance learning model.

The first step to continue your schooling in Turkey is to determine what grade you are in. It is helpful to provide documents that demonstrate any education that you have previously completed, especially any school records from the grade you most recently completed, to the officers working at the facility you're staying at. The Ministry of Education also carries out an examination to determine your grade level in case you cannot document your previously completed education.

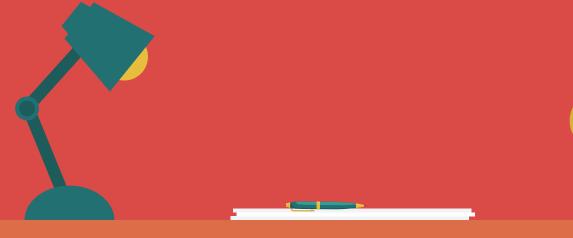
In Turkey, the language of education is Turkish. If you are not yet proficient in Turkish you may be referred to special classes called "harmonization classes", where you will first focus on learning the Turkish language, and can then continue to the appropriate grade after one or two semesters of Turkish language orientation.



Can I study at a university in Turkey?

The first precondition for receiving a university education in Turkey is to graduate from a high school. If you have completed high school and meet other conditions for university entrance, then you can receive a university education in Turkey. One of the entrance conditions is to take the **Foreigner Student Exam (Yabancı Öğrenci Sınavı – YÖS)** and obtain a score that meets the requirements of the university you would like to attend.

For more information on accessing university education in Turkey, please see the Education section of the Information Portal for Refugees in Turkey.







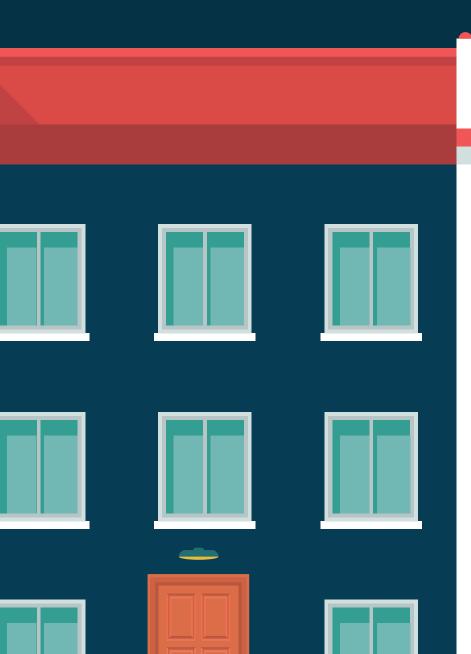
I fear going back to my country of origin. Is it possible for me to seek asylum in Turkey?

If you cannot go back to your country of origin due to war or for fear of persecution, you can share with Turkish authorities that you do not wish to go back home. This process is known as submitting an **asylum application** in Turkey. Asylum applications are submitted to the Provincial Directorate for Migration Management (in Turkish: İlçe Göc İdaresi Müdürlüğü).

The Turkish government grants "temporary protection" (in Turkish: Geçici Koruma) to Syrians arriving to Turkey due to the conflict that has been going on in Syria for the last decade. For this reason, Syrian nationals apply for temporary protection when applying for asylum in Turkey. If you are a Syrian unaccompanied minor, it is helpful to present your ID documents from Syria when applying for temporary protection.

Asylum applications submitted by persons arriving in Turkey from countries other than Syria are called applications for "international protection" (in Turkish: Uluslararası Koruma). While submitting an international protection application, you are expected to explain in detail the reasons why you cannot go back to your country of origin. If you have any, it will be helpful to share with the migration authorities any ID documents you brought with you, and to explain why you fear going back to your country of origin.

If you would like to receive information about registration procedures for temporary protection or international protection; or about procedures following registration, please contact Refugee Rights Turkey at **+90 549 510 52 06**.



What rights do protection seekers have in Turkey?

Seeking asylum in Turkey, as explained above, means registering for temporary protection if you are a Syrian national, and registering for international protection if you are from a country other than Syria. After submitting an application for temporary protection or international protection in Turkey, you have the right to not be forcibly sent back to your country of origin (to not be deported) while your application is being reviewed and until it has been finally rejected. Therefore, it is very important if you fear going back home due to war or persecution to immediately begin asylum procedures in Turkey.

Similarly, if you register under temporary protection or international protection you have the right to stay in Turkey legally with either a temporary protection identification document or an international protection applicant document. While these documents are still valid, you can continue to stay in Turkey legally.

In addition, temporary protection and international protection status provides you with access to various other rights:

Syrians who have completed their temporary protection registration can benefit from basic rights, such as accessing education and healthcare, for free. They can also benefit from available social assistance opportunities, in accordance with existing the opportunities and priorities.

International protection applicants and status holders can benefit from healthcare for free for a period of one year, starting from the date of their registration, if they don't have the means to pay for their own healthcare. Individuals are expected to cover their own healthcare expenses after this one-year period has ended, with few exceptions. Similarly, individuals can benefit from free healthcare and from social assistance, in accordance with existing opportunities and priorities. Conditional refugee and subsidiary refugee status holders may also have access to additional rights and opportunities based on their status.

The majority of these rights (in addition to some others) are given to unaccompanied minors due to their age, rather than any other legal status. For this reason, if you are an unaccompanied minor you can benefit from many rights and services whether listed or not listed here, even if you have not registered under a protection regime.



What happens if I submit my asylum application after I turn 18?

It is possible to complete temporary protection or international protection registration procedures after you have left institutional care. In fact, in some situations, Provincial Directorates for Migration Management may request that your registration procedures and status determination interview be completed after you turn 18, considering that as a child, you may find it difficult to express your fear of return to your country of origin.

If you are an ex-minor (if you recently turned 18) and cannot go back your country of origin due to fear of war and persecution and, as a result, would like to apply for temporary protection or international protection, it is very important that you do so as soon as possible. This is because the process of applying for protection in Turkey legalizes your stay in Turkey. In other words, any time spent in Turkey after leaving the facility and before completing your registration puts you at risk of being considered to be staying in Turkey irregularly.

If you are an unaccompanied minor and are about to turn 18 and leave a facility, you should be informed about the procedures that you need to be aware of upon turning 18; specifically, regarding your life after leaving institutional care and the rights and obligations you have as an ex-minor. You may find more information about life after leaving institutional care further in this booklet.



I am about to turn 18. What should I expect about post-18 life?

It is very critical to be informed about life after turning 18, especially in the lead up to your 18th birthday, at which time you will be expected to leave the facility. You can receive more information on this subject primarily by speaking with your counsellor at the facility where you are staying. You can also consult our hotline for unaccompanied minors, available at +90 549 510 52 06.

One of the most urgent and important issues concerning life after turning 18 is the question of your accommodation or housing. In Turkey, adult asylum seekers and migrants are expected to take care of their own accommodation needs. As an ex-minor leaving institutional care, you are expected to rent a house or apartment in the city where you are already registered or where you will be able to register for temporary protection or international protection. If you haven't yet registered for temporary protection or international protection, you can receive information on where you can go to complete your registration from your counsellor at the facility where you are staying, and from the Provincial Directorate of Migration Management in your city. As mentioned above, completing temporary protection or international protection registration is a precondition for your legal stay and for access to your rights and services in Turkey.

It is very costly to rent a house, buy furniture and cover various household expenses after leaving a facility. For this reason, ex-minors who will leave a facility around the same time often choose to rent a house together and share their expenses. There are some cash assistance opportunities for ex-minors leaving facilities, especially for those who are continuing their education in Turkey. Please contact Refugee Rights Turkey for more information on current opportunities.

As an ex-minor, you will be expected to assume responsibility for all official procedures affecting you, as well as for your personal life after leaving the facility. Accordingly, you should follow up on all of your administrative obligations yourself, including completing your registration with the Provincial Directorate for Migration Management, living in your city of registration, and reporting regularly for signature duty if you are asked to. You should follow up on your access to education and healthcare. You can always contact Refugee Rights Turkey for information and advice on migration and asylum procedures, as well as access to other rights in Turkey.

Is it possible for me to register with the United Nations Refugee Agency (UNHCR)? Should I get registered with them?

The United Nations High Commissioner for Refugees (UNHCR) ended registration and status determination procedures of persons seeking asylum in Turkey as of September 10th, 2018. If you are a Syrian national and would like to register under temporary protection, or if you are from another country and would like to apply for international protection in Turkey, you should approach the Provincial Directorate for Migration Management in the province where you are living to apply for protection.

What does RRT do? What kind of assistance can I get from Refugee Rights Turkey as an unaccompanied minor?

Refugee Rights Turkey (RRT) is a non-governmental organization headquartered in Istanbul. RRT is independent from governmental and UN agencies. RRT provides free-of-charge information, advice and support for foreigners, regardless of age and nationality, on asylum procedures in Turkey. Accordingly, RRT provides information, advice, and support about registration and the subsequent procedures for temporary protection and international protection, as well as on deportation, administrative detention and access to other rights.

Refugee Rights Turkey treats all information and documents shared by its beneficiaries as strictly confidential. Information and documents shared by beneficiaries are not shared with third persons or other institutions without the open consent and acknowledgement of the beneficiaries themselves.

Refugee Rights Turkey offers additional services for minors and ex-minors. If you are an unaccompanied minor or ex-minor, you can contact RRT's dedicated hotline, which is accessible at +90 549 510 52 06, between 10 am and 5 pm. It is possible to access the line in Turkish, English, French and Arabic.

RRT assists unaccompanied minors with regards to their identification as unaccompanied minors and placement at suitable facilities, including accompanying them throughout these procedures. RRT additionally supports unaccompanied minors on their family reunification requests where their family member or members are living in third countries. If you are an unaccompanied minors or ex-minor, you can contact RRT regarding your registration procedures, as well as with questions about accessing your rights in Turkey.

Refugee Rights Turkey

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refugeerights.info

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https://www.mhd.org.tr

Or via our Information Portal for Refugees in Turkey:

https://multecihaklari.info https://refugeerights.info