

## **The Practice of “Satellite Cities” in Turkey**

### **Context**

Being a State Party to the 1951 Convention and 1967 Protocol, Turkey’s obligations are confined to refugees who had left their countries ‘due to the events occurring in Europe’ based on the Article 1B of the Convention allowing the Parties to opt for geographical and/ or time limitation. Retaining the geographical limitation, Turkey’s protection system has a unique character from the perspectives of the asylum procedures and social assistance schemes addressing the persons of concern.

Since Turkey restricts its obligations to ‘European refugees’, asylum-seekers who fled due to the events beyond European borders are granted ‘temporary protection’ in Turkey. This temporary protection is extended pending UNHCR’s efforts to secure a solution for them elsewhere. In order to identify the persons in need of international protection, UNHCR conducts refugee status determination (RSD) under its Mandate for non-European asylum-seekers in parallel to the national procedure for temporary asylum.

Turkey’s temporary asylum regime is regulated by the 1994 Asylum Regulation<sup>1</sup> as amended in January 2006. The Implementation Directive to the 1994 Asylum Regulation was issued in June 2006 in order to introduce a wide range of procedural reforms aiming to align with the EU *acquis* in the process of EU accession. In late 2010, the national authorities completed drafting of first ever Foreigners and International Protection Law of Turkey through a consultative process involving international organisations, civil society actors and academia. Aiming to introduce a legal framework to comply with the international standards, the text also incorporates provisions for advancement of the reception conditions in Turkey while retaining the geographical limitation.

### **“Satellite Cities” as Residence Modality for Persons of Concern in Turkey**

Non-European asylum-seekers entering Turkey legally and those crossing the border in an irregular manner have access to the national procedure for temporary asylum provided that they affirmatively approach the relevant authorities and register themselves as regulated under Article 4 of the 1994 Regulation. Upon the completion of registration of the applications, asylum-seekers are assigned to reside in certain cities (so called “satellite cities”) by the Ministry of Interior pending decisions on their applications and search for durable solutions.

Historical and legal roots of this implementation can be traced back to 1950s when the Turkish authorities had regulated the residence and travel of foreigners in a law. Article 17 of Law on Residence and Travel of Foreigners<sup>2</sup> reveals that ‘foreigners who seek asylum for political reasons shall reside at places assigned by the Ministry of Interior.’ Relevant provisions of the 1994 Regulation and the Implementation Directive authorising the relevant national institution to make dispersal to satellite cities find the legal justification in the mentioned law.

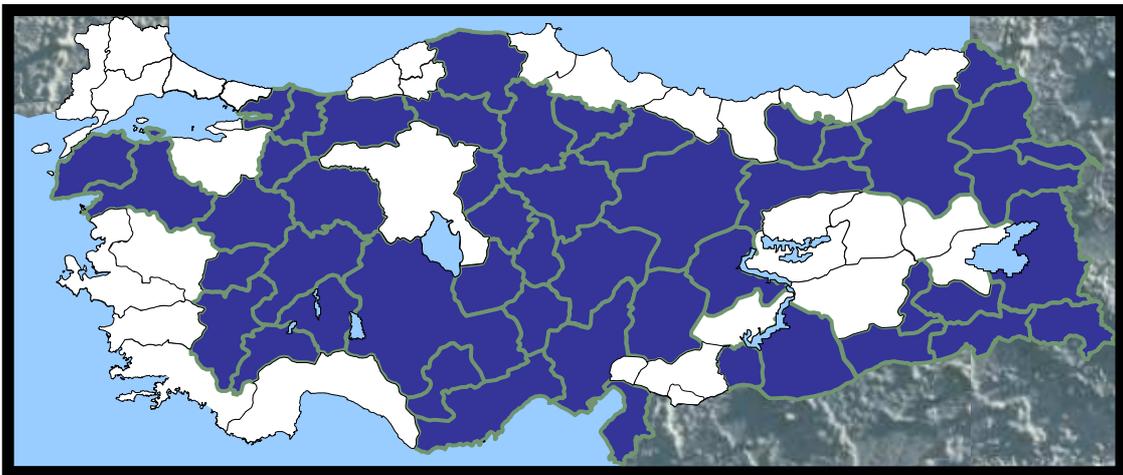
There are currently 51 satellite cities as identified by the Ministry of Interior. Having first degree relatives, medical needs, presence of NGOs which provide assistance, reception capacity of city,

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<sup>1</sup> Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to seek Asylum from Another Country.

<sup>2</sup> Law no 5683 on Residence and Travel of Foreigners, dated July 1950.

and special circumstances of the individuals are the factors in determination of the cities where the applicants are referred. In consideration of these, Foreigners, Asylum and Borders Department under the General Directorate for Security refers asylum-seekers to these cities in coordination with the field offices. Majority of the satellite cities are located in the central part of Anatolia. Border cities also serve as satellite cities since Article 4 of 1994 Regulation obliges applicants, who enter Turkey irregularly, to apply to the Governorates of the border cities they have realised entry. Metropolitan cities like Istanbul, Ankara, Izmir are not considered as satellite cities and applicants stay in these cities “temporarily” pending their referral to a satellite city. The Ministry of Interior has the authority to increase the number of satellite cities in case the size of refugee population overwhelms the total capacity of the satellite cities. A decision with this respect was taken and enforced by the end of 2010 when the number of cities was increased from 31 to 51.



Map 1: Satellite Cities in Turkey

Asylum-seekers, once referred to a satellite city, have the obligation of presenting themselves to the local Foreigners Department under the Governorates. Local branches of the Foreigners Departments are obliged to issue an ‘asylum-seeker ID Card’ for each applicant not later than three days following their registration. Asylum-seekers are also notified about their rights and obligations in a language they understand on the same day of registration. Amid these obligations, asylum-seekers are informed about their reporting duties.

Annex 1 of the Implementation Directive establishes signature duty for asylum-seekers (and refugees) until their departure from Turkey. Frequency of the signature duty varies from everyday to once a week depending on the conditions in the city as well as the individual circumstances of the applicant<sup>3</sup>. Transfer from one city to another is possible only after the approval of the General Directorate for Security having assessed the reasons of transfer request raised by the applicant.

Should the asylum seeker wishes to leave the city for any reason, s/he has to receive permission from the local branch of the Foreigners Department. Applicants who fail to comply with the reporting duty, or who abandon the residence place without permission, are entered into database as “escapees”. Nevertheless their file is not closed and, if and whenever they show up, the procedure is resumed.

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<sup>3</sup> Medical condition of the applicant, employment, proximity to the police station, weather conditions etc. can play a role in required frequency of signature duty.

## **Modality of ‘Satellite City’ as Alternative to Detention**

In line with Article 31 of the 1951 Convention, asylum-seekers are not subject to penal sanctions for their irregular entry in Turkey. On the other hand, judicial proceedings are initiated for foreigners apprehended due to irregular presence or exit on the basis of violation of relevant provisions of the Passport Law<sup>4</sup>. These foreigners are taken under ‘administrative detention’ and accommodated in the removal centres pending their deportation from Turkey. Due to the mixed nature of movements observed in Turkey, individuals who may have protection needs but aiming to reach to Europe may resort to the same methods with irregular migrants, and may be subjected to the same administrative and judicial sanctions.

In the context of administrative detention, Turkish authorities refer to Article 23 of the Law on Residence and Travel of Foreigners, and Article 4 of the Passport Law, as the legitimate basis for this implementation. Article 23 regulates that “foreigners who have been issued an expulsion decision but cannot be immediately expelled, shall reside in a location assigned to them by the Ministry of the Interior.” Very recently, European Court of Human Rights has questioned the lawfulness of this practice and ruled that the mentioned provisions do not refer to deprivation of liberty in the context of deportation proceedings. Furthermore, the Court concluded that the national system failed to protect the applicants from arbitrary detention in the absence of clear legal provisions establishing the national procedure for ordering and extending detention with a view to deportation and the failure to set time-limits for such detention<sup>5</sup>.

This precedent-setting case had a significant impact on the national asylum system since the application to the Court was lodged by two Iranian nationals attempting to claim asylum from detention in Turkey. In principle, there exist no legal obstacles for this category of persons to have access to the asylum procedure. Implementation Directive regulates that applications lodged by persons kept at the removal centres shall be taken and examined in an accelerated procedure<sup>6</sup>. Following this judgment, Ministry of Interior issued a circular instructing the Foreigners Departments to register, and report, asylum applications of persons accommodated in the removal centres without exception and without delay.

In the current system, individual under administrative detention is required to hand over his/her asylum application addressing the Turkish authorities in writing to the staff of removal centre. Staff of removal centre shall report the application to the General Directorate for Security Headquarters and shall wait for an instruction prior to any action. RSD interview is conducted upon the receipt of the instruction. The interview notes are sent to the Headquarters for analysis of the main elements of the claim. If it is decided that further assessment of the claim on merits is needed, the applicant is released and referred to a satellite city where s/he will reside pending RSD decision. In order to prevent absconding of the applicant, s/he is required to approach the local branches of the Foreigners Departments in the satellite cities to register themselves and fulfill the signature duty.

In December 2010, the Ministry of Interior has introduced some amendments to the particular provisions of the Implementation Directive. Accordingly, among others, those who apply for asylum after their apprehension due to their illegal presence or attempted exit, shall be reported to the General Directorate for Security Headquarters on the same day of the application. The

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<sup>4</sup> Passport Law, Law no 5682, dated July 1950

<sup>5</sup> Abdolkhani and Karimnia v. Turkey, Application no. 30471/08, 22 September 2009, para 135

<sup>6</sup> Implementation Directive, para 13

Ministry of Interior shall then send instruction subsequent to an assessment of asylum requests which may take up to ten days. If the assessment stage prolongs more than ten days, the concerned applicants as well as their lawyers, or legal representatives, shall be duly informed.

UNHCR Turkey closely liaises with the Ministry of Interior and is regularly informed about the designated cities where the referrals are carried out. UNHCR Turkey also maintains regular contact with the local branches of Foreigners Department, and the local authorities in these cities, in order to support the national efforts to improve the reception conditions. Enhancement of cooperation between UNHCR Turkey and the national authorities has promoted legislative developments setting up an asylum system in compliance with the international standards and principles.