



# **COUNTRY OPERATIONS PLAN**

**Country: Turkey**

**Planning Year: 2004**

# TURKEY

## Executive Summary

### (a) Context and Beneficiary Population

#### Context

Political and humanitarian affairs in Turkey have been impacted by the conflict in Iraq and the failure of UN efforts to facilitate a settlement of the Cyprus dispute in 2003. Turkey has had grave concerns about the potential impact of mass refugee influx on the security and development of South Eastern Turkey or any radical change in the political status of Northern Iraq.

Global migration continues to affect Turkey given its geographic position between Asia and Europe and as a major transit country for those seeking to reach other European countries. But Turkey is also a country of destination for economic migrants. According to Government statistics, close to 100,000 undocumented foreigners are arrested each year for their illegal entry or presence in Turkey. Turkey has intensified efforts with its European partners aimed at controlling illegal migration, human trafficking and smuggling and fighting terrorism.

The Justice and Development (AK) party took power after the 2002 general elections with a strong parliamentary majority, ending a long period of political continuity in Turkey through coalition governments. The Turkish economy is giving mixed signals, mainly due to the Iraq crisis, with unemployment remaining a major challenge. The IMF has expressed satisfaction with the economic measures adopted previously and pursued by the new Government.

The Government is also pursuing EU accession and the adoption of legislative and institutional reforms within the timeframe (2004) set by the Copenhagen Summit in late 2002. Despite delays due to the Iraq crisis and residual tension over the Cyprus issue, the Government is working on the implementation of commitments contained in the National Programme for the Adoption of the EU *Acquis* (NPAA). Among the measures still in draft stage of development at the time of writing is a new asylum law that would bring national practice into greater harmony with EU standards.

#### Security Situation

While the general security of asylum-seekers and refugees in Turkey is good, tension and war in Iraq has led to particularly stringent control measures in the immediate border area. The procedures for registering individual asylum seekers, however, have not changed during the time of conflict, and the Turkish authorities act as necessary to protect the security of refugees in the country.

Because of UNHCR's influence over refugee status determination (RSD) and resettlement, staff members in Turkey have been increasingly exposed to acts of frustration by rejected asylum-seekers and refugees. This has led UNHCR to implement supplementary protective measures in both Ankara and Van. Discussion with the authorities continue on how to reduce staff exposure, make the Government's involvement in individual case decisions more visible to asylum-seekers and discourage attempts by rejected cases to threaten or coerce UNHCR.

#### Protection Issues

Turkey exercised the option to limit its 1951 Convention obligations to persons who became refugees as a result of events occurring in Europe. Notwithstanding this geographic limitation, a functioning system of temporary protection exists for non-European refugees under the 1994 Asylum Regulation. Turkey applies the principle of *non-refoulement* to

persons on its territory who would qualify for refugee status under the 1951 Convention, irrespective of their geographic origin. The procedure is open both to those who arrive in the country legally and those who enter illegally. To meet EU and international standards, Turkey will need to upgrade reception and registration capacities significantly which will require a significant investment of human and material resources.

Dialogue with and within the Government has focused on the legislative and institutional changes required to review the geographic limitation and bring national practice in line with the EU *Acquis*. Given its long and sensitive land and sea borders, Turkey remains concerned about a fair distribution of the burden of migration and asylum management in an expanding Europe. UNHCR and bilateral partners must take this into account when considering strategies to the development of Turkey's national asylum system.

Access to the Government's asylum system is limited by a number of procedural rules that exclude a significant minority of cases. The principal obstacle is the requirement that asylum-seekers must lodge an asylum application within 10 days after entering Turkey. They are also required to provide some form of official identification within a further 15 days. Up to 18% were unable to register for these reasons in 2002. Asylum-seekers who remain outside the procedure and without valid documents risk deportation, although this can usually be avoided if UNHCR learns of the cases in time to intervene with the authorities.

A registered non-European asylum-seeker receives a temporary residence permit until his or her status is determined. The Government gives substantial weight to UNHCR's findings on refugee status when deciding whether to grant temporary asylum, normally extending the residence permits of those recognised by UNHCR for the duration of resettlement process. The economic and social circumstances of non-European asylum-seekers and refugees during the status determination process and the wait for resettlement are generally difficult, and it is therefore important to reduce processing time. Refugees are not able to obtain work permits and the tolerance of local authorities for unofficial labour is limited, as the labour market is weak.

UNHCR does not engage in status determination for European refugees who are covered by the 1951 Convention in Turkey and are not normally in need of resettlement. Turkey has been generous in offering protection to many European asylum-seekers, including from the Balkans and Eastern Europe, although processes do not follow a consistent form and the protection is granted without reference to refugees status on the 1951 Convention. If the authorities decide not to renew the residence permits initially granted they cannot seek refugee registration, because the 10-day time limit for asylum applications will have expired.

During 2004, UNHCR will monitor the protection of asylum seekers and refugees and support the Government's efforts to design a comprehensive and accessible national framework for refugee protection in Turkey. UNHCR will focus particular attention on efforts to improve border management and reception capacity, in both the East and West of the country. The office will further develop its strategic partnerships in support of bilateral and EU initiatives aimed at capacity building and the provision of material support that will serve as a catalyst for more thoroughgoing reform efforts. Together with the Government and Turkish non-governmental organisations (NGOs), UNHCR will seek to address the social problems of refugees and asylum-seekers. UNHCR will also monitor closely the integration of European refugees and will promote the implementation of Convention rights, such as the issuance of Convention Travel Documents, access to work permits and education for children.

### **UNHCR's role**

In Turkey, UNHCR:

- monitors the implementation of the 1951 Convention on the Status of Refugees and access of asylum seekers to the Turkish asylum procedure;

- supports Government efforts to strengthen and develop its legislative and institutional arrangements for the protection of refugees, in conformity with international standards;
- cooperates with the Government in joint training programmes, designed to enhance the knowledge and capacities of officials responsible for asylum and refugee matters;
- advises the Government on the eligibility of individual asylum-seekers from non-European countries and ensures speedy and fair refugee status determination (RSD);
- promotes durable solutions for refugees, mainly through resettlement to third countries, but also through voluntary repatriation and local integration, where feasible;
- cooperates with local authorities and NGOs in meeting the needs of asylum-seekers for material, medical, social and psychological support during their stay in Turkey, with a special emphasis on the protection of refugee women and children; and
- raises public awareness about the problems of asylum-seekers and refugees and building support for Turkey's efforts to protect them and enhance their integration prospects.

### **Overview of major themes and beneficiary populations**

#### **Theme – Ensured Quality of Asylum in Turkey**

While the Turkish authorities are working to upgrade the national asylum system, current asylum practice continues to be shaped by the geographic limitation to Turkey's 1951 Convention obligations. For this reason, UNHCR combines advisory and monitoring functions with extensive RSD and resettlement case work. With irregular migration increasing, the Government has an interest in receiving – and UNHCR can offer—information on best practices and lessons learned in the management of the asylum migration nexus and the prevention of *refoulement*.

The Government's commitment to reforming the national asylum system is reflected in the NPAA, as well as in the 3-year Co-operation Framework agreement concluded with UNHCR in 2001. Under that agreement, UNHCR supports Turkey's efforts to develop an asylum system in accordance with international standards, including, *inter alia*, a central body for the handling of asylum claims, staffed with specialised personnel and interpreters, a permanent training programme on refugee and asylum matters, and databases for both applications and country-of-origin information.

For 2004 and beyond, UNHCR will promote and develop with the Government a successor programme that takes into account achievements, new challenges and changes in the environment. These may include enactment of a new asylum law, clarification of the timetable for Turkey's EU accession and the lifting of the geographic limitation. The Agenda for Protection and new possibilities that may arise from the Convention Plus initiative will guide these efforts, as UNHCR supports Turkey to develop transitional measures leading to an asylum system without the geographic limitation. This longer-term plan will necessarily include the study of strengthened reception and integration capacity and burden sharing mechanisms, including maintenance of some form of resettlement, as well as planning for the progressive Turkey's assumption of full responsibility for RSD and a realistic phasing out of direct UNHCR involvement.

In the meantime, and considering the difficult social conditions of many asylum-seekers in Turkey, UNHCR also aims at rendering its own RSD system more expeditiously while maintaining procedural safeguards and other high standards. The targets for 2004 will be to achieve an average wait of 3 months from registration to first decision with an additional 6-month wait in the appeal instance, while maintaining the same level of quality in decisions and safeguards for asylum seekers.

## **Beneficiary Populations – Non-European and European Refugees in Turkey**

**Non-Europeans.** As of 28 February 2003, 5076 non-Europeans were registered with UNHCR in Turkey, including 2764 recognised refugees and 2312 asylum-seekers pending assessment. Iranians accounted for 72 per cent of the overall caseload, Iraqis for 19 per cent, and Afghans and Palestinians for most of the rest. During their stay in Turkey, refugees are largely dependent on UNHCR assistance, which is provided in the form of monthly subsistence allowances, medical assistance, emergency shelter and education assistance for primary school children. Local authorities, within their means, often provide supplemental assistance. Social and economic problems are especially acute in Van and the other border cities, where one-third of the refugee population is located and where the presence of large numbers of internal migrants creates additional pressures.

**Europeans.** The number of Bosnian and Kosovar refugees in contact with UNHCR and its implementing partners in Turkey fell below 800 persons by the end of 2002, including 39 persons at the Gazi Osman Pasa Refugee (“GOP”) Guesthouse in Kırklareli province. The Government plans to close the GOP facility in 2003, and the remaining population will be assisted to either repatriate or integrate locally. In the future, UNHCR and its implementing partners will work in close co-operation with the Turkish government and NGO partners to develop local integration as an option for European refugees.

**Turkish returnees.** Since 1995, UNHCR has facilitated the return of 2,211 Turkish citizens from Iraq to Turkey. During 2002, the administrative procedures associated with the return process in Iraq and Turkey were particularly time-consuming and, despite continuous efforts, no one returned last year. While carefully monitoring the potential changes in environment following the Iraq crisis, UNHCR will continue to facilitate the voluntary repatriation of Turkish refugees in 2004. The Turkish government's intensive efforts to meet the criteria for EU membership should also improve the prospects for the voluntary repatriation of Turkish refugees in Iraq. The constitutional and legislative reforms have included new guarantees for the linguistic and cultural rights for the ethnic Kurdish minority. In August 2003, Turkey also enacted amnesty legislation that may contribute toward creating the conditions for return.

## **Policy Issues**

The geographic limitation to the 1951 Convention (see above) has meant that UNHCR carries out mandate RSD for all non-European asylum-seekers and resettles all non-European refugees. With the enactment of a new asylum law expected in 2003 and Turkey's medium-term commitment to lifting the geographic limitation, the legal and institutional framework for a comprehensive asylum system in Turkey will be in place. This will enable UNHCR and the Government to develop a vision for progressively reducing UNHCR's role in individual casework. UNHCR will promote a new multiyear Cooperation Framework agreement to succeed the current three-year agreement and guide these efforts.

As the EU accession negotiations gather pace, UNHCR expects to work in an environment with many new partners and new opportunities for synergy, complementarity and the strategic combination of forces. UNHCR expects to collaborate in joint training programmes, bilateral “twinning” initiatives, catalytic work to obtain donor support for reception infrastructure and other capacity-building activities that are crucial to maintaining and improving of the asylum system in Turkey. These efforts will generate both budgetary and extra-budgetary resources in the coming years and should help overcome the reality of current funding constraints.

Over the past several years, governments, including those of Australia, Canada, Japan, the Netherlands, Norway and Sweden, the United Kingdom and the United States, as well as the European Commission, have supplemented UNHCR's budget in Turkey with generous contributions and earmarking in support of protection training and programmes for policy priorities. The activities benefiting from – and depending on – additional resources are core functions that support and further the strategic directions of UNHCR in Europe and globally.

### **Linkages to other country operations**

The year 2004 will be crucial for the development of Turkey's new asylum system and for the strengthening of supportive links with EU countries and the European Commission. UNHCR Turkey will further intensify its work with UNHCR Brussels on issues related to Turkey's candidacy for European Union (EU) membership and its efforts to adopt the EU *Acquis* on asylum. The Office has a request pending with the European Commission for continued financing of an ongoing project aimed at strengthening asylum in Turkey, which is funded under the auspices of the High Level Working Group on Migration and Asylum (HLWG).

UNHCR Turkey's collaboration with UNHCR Bosnia and Herzegovina as well as UNHCR Kosovo in support of solutions for Bosnian and Kosovar refugees will decrease markedly following the expected closure of the Kırklareli Guesthouse in 2003, although some individual repatriation movements may still occur. Cooperation with UNHCR Baghdad will increase both with respect to the voluntary repatriation of Turkish refugees from Iraq and the development and implementation of a regional plan for the voluntary return of Iraqi refugees, once the security situation stabilises and the minimum conditions for return are established. This will also include coordination with UNHCR offices in the other neighbouring countries, the broader Middle Eastern region and possibly Europe.

### **Capacity and presence of implementing partners**

UNHCR Turkey collaborates closely with three international NGOs – International Catholic Migration Commission (ICMC) , Caritas and the Inter-Parish Migration Program – and national NGOs – the Human Resources Development Foundation (HRDF) – as well as the Turkish Red Crescent Society for social and psychological counselling services and health care.

### **Presence and role of UN agencies and international organisations**

The UN agencies and international organisations represented in Turkey include UNDP, UNICEF, UNFPA, FAO, ILO, WHO, UNIDO and IOM. In response to the Iraq crisis, WFP has re-established its presence in Turkey. The UNDP Resident Representative also serves as the UN Resident Coordinator, the Resident Representative of UNDCP and the UNIC Director. IOM is the only other international agency operationally involved with refugees in Turkey. In close co-operation with UNHCR, IOM organises the departure of refugees for resettlement, family reunification and voluntary repatriation.

UNICEF, WFP, IOM and other UN partner agencies participated in UNHCR-led contingency planing and emergency preparedness activities for the Iraq crisis during 2002 and 2003.

(b) Selected Programme Goals and Objectives

<b>Name of Theme: Ensured Quality of Asylum in Turkey</b>	
<b>Main Goals:</b>	
<ol style="list-style-type: none"> <li>1. Asylum-seekers have access to protection in Turkey.</li> <li>2. Turkey strengthens its asylum system in conformity with international standards, and UNHCR performs mandate RSD fairly and efficiently.</li> <li>3. Refugees in Turkey are afforded high standards of protection, and effective durable solutions are found for them.</li> <li>4. Public opinion is receptive to the needs of refugees and civil society is mobilised as a full partner in providing protection, care and solutions for them.</li> </ol>	
<b>Principal Objectives to Goal 1</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Asylum-seekers are identified, referred to the appropriate authorities and admitted to the temporary asylum procedure.</li> <li>• Asylum-seekers who need protection receive it through continued good cooperation with Turkish authorities on implementation of the 1994 Asylum Regulation.</li> <li>• Asylum-seekers receive adequate reception conditions and necessary counselling.</li> </ul>	<ul style="list-style-type: none"> <li>• Expanded refugee protection training programmes for Turkish officials;</li> <li>• Increased protection monitoring and liaison in Eastern and Western border provinces;</li> <li>• Joint missions with counterparts to assist local officials with RSD and protection issues; and</li> <li>• Long-term strategies developed for strengthening reception and registration capacities.</li> </ul>
<b>Principal Objectives to Goal 2</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Refugees and asylum-seekers benefit from the progressive development of the national legal and institutional framework for asylum in Turkey.</li> </ul>	<ul style="list-style-type: none"> <li>• Cooperation Framework agreement with Ministry of Interior (MOI) updated and renewed for a multiyear period;</li> <li>• All MOI officials handling asylum applications receive introductory and advanced RSD training;</li> <li>• Research commissioned on asylum issues and key documentation translated and disseminated.</li> <li>• Study tours organised for Turkish officials to see potential models and “best practices”, and</li> <li>• Development of EDP systems for registration and country-of-origin information supported.</li> </ul>
<ul style="list-style-type: none"> <li>• Asylum-seekers have access to UNHCR’s protection through an effectively managed, efficient mandate RSD operation.</li> </ul>	<ul style="list-style-type: none"> <li>• Some 3,000 new asylum applications received and a similar number decided</li> <li>• Backlog of pending claims and waiting periods for decisions decrease further; and</li> <li>• Continuous training to ensure and improve the quality of RSD decision-making.</li> </ul>
<b>Principal Objectives to Goal 3</b>	<b>Related Outputs</b>
<b>NOTE:</b> The objectives, outputs and indicators related to this goal are elaborated under “Beneficiary Populations: Non-European and European Refugees in Turkey”	
<b>Principal Objectives to Goal 4</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Refugees and asylum-seekers benefit from public support for efforts to meet their protection and solutions needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular background briefings for journalists, interviews and dissemination of information leading to positive stories on refugee issues;</li> <li>• Public awareness events build new</li> </ul>

	<p>constituencies in Turkish society for refugees; and</p> <ul style="list-style-type: none"> <li>• Advocacy and outreach to parliamentarians creates an important base of support for refugees.</li> </ul>
<ul style="list-style-type: none"> <li>• Refugees receive better protection, care and access to solutions through the active involvement of Turkish civil society</li> </ul>	<ul style="list-style-type: none"> <li>• A network of civil society actors mobilised for to advocate for refugees and provide better services</li> </ul>

<b>Name of Beneficiary Population: Non-European and European Refugees in Turkey</b>	
<b>Main Goal(s):</b>	
<ol style="list-style-type: none"> <li>1. Ensure the basic rights and well being of refugees, with a particular focus on refugee women and children.</li> <li>2. Secure durable solutions as speedily as possible.</li> </ol>	
<b>Principal Objectives to Goal 1</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Refugees are able to meet their basic needs for food, shelter, health care and education pending a durable solution.</li> <li>• Refugees and asylum-seekers have access to social and psychological counselling services, with a special focus on refugee women and children.</li> <li>• National NGOs are encouraged to collaborate with UNHCR to meet the special needs of women and children.</li> <li>• Refugee children receive primary education in Turkey</li> <li>• Integration and rights in asylum of European refugees are monitored and enhanced.</li> </ul>	<ul style="list-style-type: none"> <li>• Some 1500 refugees and 350 asylum-seekers granted financial assistance each month.</li> <li>• 1500 to 1600 refugees receive medical care and sanitary supplies monthly.</li> <li>• Refugee parents encouraged to send children to school; 500 students receive education assistance</li> <li>• Collaboration with the Government and capacity building with national NGOs enhanced.</li> <li>• Trustees are systematically appointed for separated children through a reliable system; and</li> <li>• European refugees receive work permits, travel documents and are fully integrated.</li> </ul>
<b>Principal Objectives to Goal 2</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Most non-European refugees in Turkey continue to benefit from rapid resettlement.</li> <li>• Resettlement opportunities are available for refugees with a difficult profile..</li> </ul>	<ul style="list-style-type: none"> <li>• 3000 refugees resettled in 2004;</li> <li>• Average 8-month waiting period from recognition as a refugee to departure; and</li> <li>• 80 percent acceptance rate for resettlement on first submission.</li> </ul>
<ul style="list-style-type: none"> <li>• The few remaining European refugees in Turkey achieve durable solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling for European refugees and individualised solutions plans; and</li> <li>• Collaboration between UNHCR, Government and civil society to meet the special needs of vulnerable individuals.</li> </ul>
<ul style="list-style-type: none"> <li>• Turkish refugees who wish to voluntarily repatriate are able to do so without long delays.</li> </ul>	<ul style="list-style-type: none"> <li>• Well-coordinated and streamlined processing of voluntary repatriation requests,</li> </ul>
<ul style="list-style-type: none"> <li>• Iraqi refugees and asylum-seekers make well-informed decisions on repatriation and are supported in their choices.</li> </ul>	<ul style="list-style-type: none"> <li>• Registration and counselling of potential returnees and dissemination of country of origin information; and</li> <li>• Voluntary return promoted or facilitated, when conditions permit safe and dignified return.</li> </ul>