



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Turkey

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR TURKEY

Part 1: OVERVIEW

1. Protection and socio-economic operating environment

Turkey's decision to retain the optional "geographic limitation" to its obligations under the 1951 Convention and 1967 Protocol is the principal factor shaping UNHCR's role and operations in the country. Under the relevant Government regulations, persons of European origin may apply for refugee status, while non-Europeans who meet the Convention refugee criteria are only eligible to be "temporary asylum-seekers," pending UNHCR's efforts to resettle them elsewhere. In practice, few Europeans receive Convention refugee status, although most nevertheless enjoy effective protection in Turkey, with the exception of several hundred Russian nationals of Chechen ethnicity living in Istanbul.

UNHCR encourages the Government to uphold its obligations toward Europeans, acting in the supervisory capacity foreseen in Article 35 of the Convention. Due to the "geographic limitation," however, UNHCR is directly operational in relation to non-Europeans. UNHCR intervenes with the Turkish authorities to ensure that non-European asylum-seekers can reach safety, are not detained or subjected to *refoulement* and have access to the national procedure for temporary asylum. UNHCR conducts Mandate refugee status determination (RSD) for all non-Europeans, in order to advise the Government regarding their need for protection and to identify those requiring resettlement.

UNHCR is the primary source of assistance and provides most basic services for non-European refugees and asylum-seekers during their temporary stay in Turkey. The demands on UNHCR have grown in recent years, with the arrival of increasing numbers of asylum-seekers from African countries. Africans do not have access to the informal support networks available to asylum-seekers coming from Iran and Iraq. They are often destitute and in poor health when they reach Turkey, which makes them both more dependent on support from UNHCR and more vulnerable to trafficking and other forms of exploitation.

Turkey's aspirations for European Union (EU) membership are the second key factor influencing the operating environment for UNHCR. The European Council has decided to begin open-ended talks with Turkey on accession, beginning in October 2005. Although UNHCR's collaboration with the Government on efforts to strengthen the national asylum system actually predate Turkey's candidacy for membership, the EU accession process has now become the driving force behind asylum reform efforts, introducing a clear agenda and a general timeframe, as well as new partners and resources. Prior to accession, Turkey must implement the extensive EU *acquis* on asylum and in related areas, such as migration, border management, human rights and administrative and judicial reform. Most critically, Turkey must lift the "geographic limitation" to its Convention obligations.

Turkey has made a commitment to lifting the "geographic limitation" during the accession process, once the necessary legislation, infrastructure and staffing are in place to assume these new responsibilities. The Government is planning intensively for these requirements, with UNHCR's main operational counterpart, the Ministry of the Interior General Directorate of Security – the national police organisation – taking the lead. The General Directorate of Security has prepared a "National Action Plan for the Adoption of the EU Acquis in the Field of Migration and Asylum," with support from the Danish and UK governments under an EC-funded "twinning" project. The Plan provides a roadmap for the development of a comprehensive national asylum system, including a specialised agency for RSD, a regional network of reception centres and other measures for meeting the protection, care and solutions needs of refugees.

The Turkish government's agreement to lift the "geographic limitation" is also conditioned upon "sensitivity" by its European partners on the issue of burden-sharing. Turkey is situated in a volatile neighbourhood and, following accession, its southern and eastern borders would be the furthest and likely final borders of the expanded EU. Turkish officials are understandably concerned that their country would become a "buffer zone" for absorbing refugees, asylum-seekers and other migrants, not least through operation of the readmission protocol that the EU is demanding from Turkey now and under the Dublin II arrangements that would bind Turkey as a Member State. The National Action Plan, in its penultimate paragraph, sets 2012 as the target for eliminating the "geographic limitation."

Turkey lies along major migration routes leading from Africa, South and Southwest Asia and the Middle East toward Europe. Although the numbers have fallen steadily over the past two years, the Turkish authorities still interdicts tens of thousands of irregular undocumented migrants each year as they attempt to transit the country, usually with the assistance of human smugglers or in the hands of traffickers. Turkey has made important achievements recently in the area of counter-trafficking. More broadly, however, Turkey currently lacks the legal framework, institutional structures and other capacities needed to ensure humane reception, screen and identify people who need protection and return home those who do not in a safe and dignified manner. These challenges have impacts beyond Turkey's borders and call for regional cooperation and coordination, with UNHCR support and facilitation.

The continuing conflict and instability in Iraq is another important regional dimension to UNHCR's work in Turkey. Progress toward solutions for the 1,547 Iraqi refugees and asylum-seekers in Turkey and the 1,170 Iranian refugees who entered Turkey after having found protection in Iraq (the "Iranian refugees ex-Iraq") is currently held hostage to developments in the latter country. With no possibility for safe return to Iraq, little prospect for resettlement and only temporary asylum in Turkey, the Iraqi refugees and asylum-seekers and Iranian refugees ex-Iraq are effectively stranded. They are growing increasingly frustrated and ever more dependent on UNHCR. Protection, solutions and assistance policies toward Iraqis and Iranian refugees must be coordinated and consistent across the region, in order to ensure fairness, minimise frustration and discourage secondary movements.

Progress on voluntary repatriation for some 13,000 Turkish refugees in Iraq also depends upon security conditions in Iraq, but perhaps more fundamentally upon the improvement of socio-economic conditions in the areas of potential return in Turkey and sustainable implementation of reforms enacted over the past few years in connection with the EU accession process. In practical terms, however, UNHCR's plans for repatriation are contingent upon improved security and greater stability in Iraq. The rapid changes in governmental structures in Iraq during 2004 and 2005 have seriously hindered efforts to finalise a tripartite agreement on voluntary repatriation with the Turkish and Iraqi governments. Even if the agreement were in place, however, UNHCR still cannot operate with basic security in Iraq, which has prevented efforts to establish a dialogue with the refugees on repatriation, assess their intentions and initiate confidence-building activities.

2. Operational goals and potential for durable solutions

Consistent with UNHCR's Global Strategic Objectives and the Agenda for Protection, and building upon the Regional Bureau for Europe's Strategic Framework, UNHCR in 2006 will seek to strengthen asylum in Turkey and promote stability and solutions both for refugees and Turkish returnees. UNHCR Turkey's efforts to secure political and financial support will focus primarily upon mobilising the additional resources needed for asylum system development activities in Turkey that receive no funding from the Annual Budget, due to competing priorities both globally and in the country programme. UNHCR's strategy in Turkey is also linked to the UN system's five-year Development Assistance Framework (UNDAF) and planning to achieve the Millennium Development Goals.

Asylum System Development. UNHCR is pursuing an “end state” in Turkey where: (1) asylum-seekers can reliably access safety, are received humanely and have access to fair and efficient Government RSD; (2) refugees enjoy basic rights in accordance with international and EU standards and have meaningful opportunities to achieve a durable solution, including through local integration; and (3) UNHCR assumes the non-operational supervisory role foreseen in Article 35 of the 1951 Convention.

The current state of asylum in Turkey does not yet approach this ideal. Access can be problematic, particularly for asylum-seekers trying to cross Turkey’s remote land borders or those seeking to enter through international airports. Reception centres do not yet exist, and decision-making within the Government procedure for temporary asylum remains fairly rudimentary. The rights and protections of the 1951 Convention are available to European refugees only, but very few of them receive formal Convention status in practice. Moreover, Turkish law, with very narrow exceptions, does not provide for their permanent legal integration. For these reasons, UNHCR remains directly operational in meeting the protection, solutions and assistance needs of refugees and asylum-seekers in Turkey.

The impact of UNHCR’s work in Turkey over the past several years is perhaps less evident in the current state of asylum than in the Government’s plans for the future. The new National Action Plan is ambitious and protection-oriented, exceeding even EU minimum standards in some respects. The Plan provides a clear roadmap for the legislative and institutional developments needed to build Turkey’s new national asylum system between now and 2012, when the Government proposes to lift the “geographic limitation.”

UNHCR Turkey has developed a comprehensive asylum transition support strategy, with the aim of facilitating implementation of the National Action Plan and UNHCR’s eventual withdrawal from Mandate RSD and other operational protection, solutions and assistance activities. Under the strategy, UNHCR will focus on the following areas in 2006 and beyond:

- **Legislative & Institutional Planning & Development.** UNHCR will assist the Government in developing legislation and institutional structures for asylum that reflect international “good practices” and meet or surpass EU minimum standards for reception, RSD procedures, qualification for refugee status or complementary protection and temporary protection, and, eventually, long-term residence and integration.
- **Training Strategy & Coordination.** UNHCR will continue to deliver training, but will increasingly shift emphasis toward building a capacity for training on asylum issues in Government institutions and universities, providing support for curriculum development, the preparation of teaching materials and creative strategies, such as distance learning.
- **RSD Knowledge Transfer & Handover.** UNHCR will work toward the progressive handover of responsibility for RSD to the Government through a phased plan involving two-way staff exchanges, traineeships for Turkish officials, joint RSD support missions to field locations and, eventually, joint and supervised RSD decision-making.
- **Reception, Integration & Social Support.** UNHCR will encourage a comprehensive approach to the social dimension of asylum, based upon partnerships between Government and civil society and international “good practices” and promoted through pilot projects to develop models for reception, screening and the return of rejected claimants

UNHCR will encourage support for high protection standards and the creation of a modern national asylum system in Turkey through coordinated advocacy with civil society partners targeting influential leaders and key policy-makers. These efforts will be coupled with activities aimed at building positive attitudes toward refugees among the broader public, with a view toward preventing the emergence of anti-refugee xenophobia and promoting receptivity and support for refugee integration at the community level.

UNHCR Protection, Solutions and Assistance. With Turkey's decision to lift the "geographic limitation" and the establishment of a national asylum system still years away, UNHCR must maintain the integrity, quality and efficiency of the Mandate RSD, resettlement and assistance operations and enhance its protection and solutions work in key areas.

- **Access to Territory.** UNHCR will promote access to safety and prevent *refoulement* through increased monitoring along Turkey's land borders and sea coast, through training for border guards and by building stronger partnerships and networks among Government officials and civil society at the provincial level.
- **Mandate RSD.** UNHCR will provide advanced "on-the-job" RSD training to Government officials, while also working to improve the quality and efficiency of its own Mandate procedure, which have taken on added importance with the Government looking increasingly to UNHCR as a model and source for "good practices" in RSD.
- **Resettlement.** UNHCR will pursue resettlement opportunities for non-European refugees as a protection and burden-sharing tool, focusing in particular on maintaining current processing speeds and high acceptance rates and encouraging resettlement countries to adopt more flexible selection criteria in terms of nationalities and case profiles.
- **Assistance and Social Support.** UNHCR will meet the basic subsistence needs of non-European refugees and asylum-seekers and their requirements for medical, educational and travel assistance, while also working to increase the engagement of Government institutions and civil society in providing social support and essential services.
- **Voluntary Repatriation.** UNHCR will facilitate the voluntary repatriation of Iraqi refugees from Turkey and Turkish refugees in Iraq and other countries, when conditions permit, while also supporting to collaborative UN efforts to address the related problem internal displacement and improve socio-economic conditions in southeastern Turkey.
- **Statelessness.** UNHCR will encourage Turkey's accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, while also focusing attention among Government officials, civil society, academia and the media on statelessness issues in Turkey.

Gender & Age. UNHCR Turkey will ensure responsiveness to the issues of gender and age through the Gender and Children Team (GCT), a policy oversight and advisory body made up of key staff from UNHCR, Government institutions, NGO partners and sister UN agencies. The GCT work plan for 2005 and 2006 is organised around the themes of reception, registration, the RSD process and durable solutions, including integration. The GCT's planning is linked both to UNHCR's ongoing operations and the transition and asylum system development process. UNHCR will also strengthen prevention and response to Sexual and Gender-Based Violence (SGBV) and support for vulnerable individuals through continued training for UNHCR staff and partners, including Government officials, and developing effective referral networks for SGBV survivors, separated children and other persons with special protection needs.

Resources. Keeping pace with the Government's growing demands for expert advice and support from asylum system development and capacity-building, while also maintaining current protection and assistance programmes, will demand careful management, strict prioritisation and the mobilisation of resources beyond the indicative country envelope for Turkey. UNHCR Turkey will aggressively pursue opportunities to mobilise the resources needed to implement the foregoing activities, seeking funding for UNHCR and also playing a catalytic role in assisting Government and civil society partners to secure support for asylum-related projects.