**CONTRIBUTION OF THE REPUBLIC OF TURKEY TO THE REPORT ON THE PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS: STRENGHTHENING THE PROMOTION AND PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS INCLUDING LARGE IN LARGE MOVEMENTS**

Before presenting Turkish laws, regulations and practice for all migrants, the fact that Turkey hosts 3 million refugees, including more than 2.7 million Syrians, should be reminded. In this framework, Turkey hosts the largest refugee population in the world. Turkey continues to pursue an “open door” policy towards Syrians without any discrimination and complies precisely with the principle of non-refoulement.

Syrians are granted “temporary protection” status and provided with accommodation, food items, as well as medical, educational and psycho-social services. With a view to providing shelter and food for Syrians, Turkey set up 24 temporary protection centers in 10 cities close to the Syrian border. Almost 260 thousand Syrians live in these centers. 7 of these centers are built by containers while 17 of them consist of tents. Food, health, education, security, social and psycho-social services are provided, and other humanitarian needs are met in the temporary protection centers.

Of the Syrians who are under temporary protection in Turkey, the ones who request aid could apply to governorships, Foundations of Social Help and Solidarity, municipalities or non-governmental organizations in order to benefit from the social aid after completing their registry process in the province where they reside in and just after obtaining Temporary Protection Identity Document.

There are approximately 835,000 school-age Syrian children in Turkey and 508,000 of them can attend school.

Syrians were granted the right to work in Turkey as of January 2016. This was a timely step taken forward for improving the living conditions of Syrians. Furthermore, vocational courses are provided for Syrians to facilitate their access to work.

For all these efforts, Turkey has spent close to 25 billion US Dollars (including NGOs), whereas the total contribution Turkey received from the international community remains far from meeting expectations (512 million USD).

In addition to Syrians, Turkey displays a decisive and progressive approach for protection of the human rights of all migrants.

The “Law on Foreigners and International Protection” (LFIP) No:6458 has entered into force on 11 April 2013 with a view to protecting human rights of migrants on the basis of national and international legislation and ensuring effective migration management. Within the framework of this law, the Directorate General of Migration Management (DGMM) was established in order to meet all needs of foreigners, make migration management more efficient and form a migration policy. Provincial organization of the Directorate General in all provinces of Turkey was completed as well.

The LFIP provides a number of rights and opportunities for foreigners. Besides, access to health, education, accommodation, communication, lawyer and right of petition are provided for foreigners in Turkey.

Article 91 of the Law on Foreigners and International Protection which entered into force with all provisions on 11 April 2014 regulates international protection in Turkey. Pursuant to this law, the principles and procedures governing the actions regarding foreigners seeking immediate asylum or temporary protection in Turkey in masses, who were forced to leave their home countries or cannot return to their home countries, must be stipulated in a special regulation to be approved by the Council of Ministers.

Temporary Protection Regulation also covering Syrians was published and entered into force in the Official Gazette No 29153 of 22 October 2014; and fundamental rights and obligations of foreigners are set out.

The principle of non-refoulement***,*** placed in the international conventions, also takes part in Turkish national legislation. Article 4th of the LFIP regulates that “*No one within the scope of this of this Law shall be returned to a place where he or she may be subject­ed to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, na­tionality, membership of a particular social group or political opinion*”.

According to the Article 55 of the LFIP, removal decision shall not be issued in respect of those foreigners considered within the “vulnerable groups” regardless of whether they are within the scope of  Article 54 of the LFIP on the persons subject to a removal decision.

Assessment and decision for removal shall be made on case-by-case basis according to both national and international legislation.

On the other hand, of the foreigners who are irregular and placed in a removal center to be deported, the ones who do not apply for international protection and are not under the scope of Article 4 of the LFIP which regulates the principle of non-refoulement, are deported to their own country. Irregular migrants are notified of their rights and obligations as well as the decisions taken on them in any language they can understand in accordance with the respective articles of the Law.

According to 3rd paragraph of the Article 53 of the LFIP, a foreigner, legal representative or lawyer may appeal against the removal decision to the administrative court within fifteen days as of the date of notification. Such appeals shall be decided upon within fifteen days.

Regarding the Turkey-EU Agreement, returns of irregular migrants crossing from Turkey into the Greek islands are carried out within the framework of the EU and Turkey legislations, in accordance with the international human rights standards, pursuant to the decisions of the EU-Turkey Summit of 18 March. All human rights obligations have been observed in these return processes.

According to the LFIP, with respect to the foreigners for whom removal and administrative detention are considered, the duration of assessment and decision**-**making shall not exceed forty**-**eight hours with a view not to limiting their freedoms. The duration of administrative detention in removal centers shall not exceed six months. However, in cases where the removal cannot be completed due to the foreigner’s failure of cooperation or providing correct information or documents about their country [of origin], this period may be extended for a maximum of six additional months. Furthermore, all acts done for foreigners have to be notified to foreigners via a language they can understand.

In the Article 54 of the LFIP, persons subject to a removal decision and in the Article 56summons to leave Turkey were regulated. When a removal decision has been issued, foreigners shall be granted a period no less than fifteen days and up to thirty days to leave Turkey, provided that this period is stated in the removal decision. This period shall be granted to foreigners who do not bear the risk of absconding or disappearing; have not breached the terms and conditions of legal entry and exit; did not use false documents; did not attempt to obtain a residence permit with false documents; do not pose a threat to public order, public security, public health.

The need to continue the administrative detention shall be regularly reviewed monthly by the governorates, and whenever it is deemed as necessary. For those foreigners where administrative detention is no longer considered necessary, the administrative detention shall immediately be ended. These foreigners may be required to comply with administrative obligations such as to reside at a given address and report to the authorities in form and periods to be determined.

The person placed under administrative detention or his/her legal representative or lawyer may appeal against the detention decision to the Judge of the Criminal Court of Peace. Such an appeal shall not suspend the administrative detention. In cases where the petition is handed to the administration, it shall immediately be conveyed to the competent Judge of the Criminal Court of Peace. The Judge of the Criminal Court of Peace shall finalize the assessment within five days.

Total capacity of the available removal centers in Turkey is 6,780, as of 25th November 2016. It is planned to be increased to 17,100 at the end of 2017. Foreigners kept under administrative detention are sheltered in separate divisions arranged for women, men, children, families and disabled. There are sufficient female personnel in centers to supervise foreign women, who are kept under administrative detention for deportation, if needed. They accompany women when they visit the hospital and the security of the section reserved for women, corridors, entry points, body search of women are conducted by female personnel.

Family rooms are being established in centers to keep the families together. Also, in newly built centers those rooms are included in the projects of the centers. In case the rooms within the centers are not occupied, families are not separated and union of family is ensured. If it is impossible to keep families together due to the possibilities of the centers, family meeting hours must be arranged in addition to the time spent outdoors and in meals. Manager of the center is responsible for those hours and their arrangement according to the occupancy rate of the center.

Fundamental harmonization policies of Turkey are regulated by the Article 96 of the LFIP. One of the remarkable points in this article is the mutual harmonization of foreigners with the society. In this regard, prevention of xenophobia, racism and religious intolerance is of vital importance.

Furthermore, there are training projects developed for especially youth and children to make them conscious on the issue of migration effects.

With the term “unaccompanied children”, defined in Article 3 of LFIP, it is meant “*a child who arrives in Turkey without the attendance of an adult who by law or custom is responsible for him/ her or, is left unaccompanied after entry into Turkey, unless he/she is not taken under the active care of a person responsible for him/her*”. It is essential to pay attention to the best interests of the minor in any proceeding related to unaccompanied children having international protection application. As soon as the application is received, provisions of the Law on the Protection of Children are applied, and families and unaccompanied children are accommodated in separate places. Additionally, applications of unaccompanied children cannot be evaluated in an expedited process.