

# Promoting access to and the provision of protection

## CONTEXT AND PRIORITIES

Turkey, as the country hosting the largest number of refugees worldwide – over 3.6 million Syrian refugees and more than 370,000 asylum-seekers and refugees of other nationalities – has adopted a comprehensive legal framework. This framework, in particular, the Law on Foreigners and International Protection (April 2013) and the Temporary Protection Regulation (October 2014), forms the basis for UNHCR’s strategy to support the refugee response in Turkey.

In line with its priority to promote access to and the provision of protection, UNHCR continues to support the Government of Turkey in the implementation of the national legal framework. UNHCR also continues to advocate for the admission of persons in need of international protection, and their access to national registration and international protection procedures as well as promote standards, safeguards and integrity measures. To pursue this, UNHCR works to reinforce its partnership with the Turkish Coast Guard, Gendarmerie and Land Forces, as well as its cooperation with the Directorate General for Migration Management (DGMM) to support continuous registration and international protection procedures. In addition, efforts to enhance access to legal assistance continue by working with the Ministry of Justice and the Union of Turkish Bar Associations (UTBA).

## SUPPORTING NATIONAL ASYLUM PROCEDURES

Since the entry into force of the Law on Foreigners and International Protection (LFIP) and the establishment of DGMM, UNHCR has pursued and intensified its dialogue and cooperation with DGMM to support the development and implementation of a fair and efficient national asylum system for all persons seeking international protection in Turkey. This support aims at strengthening procedures for registration and international protection status determination. These priorities will be pursued through different initiatives agreed upon with DGMM, including technical, human resources and material support, and by strengthening access to information of asylum-seekers and refugees on the procedures.

### Registration and Documentation

In collaboration with DGMM, the verification and update of the registration records of over 2.7 million Syrians under temporary protection, their biodata and other pertinent information, was completed in February 2019. During the verification, Protection Desks were established at verification centres, which helped to identify some 16 per cent of the verified refugees as persons with specific needs. With the completion of the verification, DGMM was now moved into a process of continuous registration.

UNHCR has worked to support the operational capacity of DGMM’s provincial directorates (PDMMs) to address registration and documentation needs of refugees and asylum-seekers. In order to do so, **36 support missions** were carried out to observe access to the national registration procedures at PDMMs, assess the scope of the needed support and recommend necessary actions to improve the implementation. After jointly observing both staffing issues and a high number of registration applications,

UNHCR provided equipment support and deployed **500 staff**, including interpreters, to **57 PDMMs**. Additionally, **180,000 leaflets**, illustrating the national registration and international protection status determination procedures were printed in seven languages and disseminated to 81 PDMM and partner offices, and posted on information platforms.

Supporting DGMM on their registration activities remains a priority for UNHCR in 2019, specifically in implementing continuous registration and identification of persons with specific needs, including unaccompanied children, lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals, survivors of sexual and gender based violence (SGBV). UNHCR also focuses on providing support to the timely processing of new registrations and establishing a functional referral system for all applicants in Turkey.

## International Protection Determination Procedure

In 2019, UNHCR continues investing **efforts and resources to support DGMM** also through on-the-job trainings, and sharing good practices, expertise and international protection status determination tools, with a focus on:

- [Strengthening the technical and working-level cooperation with DGMM on decision-making with a view to increasing the integrity and quality of national procedures.](#)

In 2019, UNHCR provided material and technical support, including observations and knowledge transfer sessions, to the International Protection Bureaux (Decision Centres) in Ankara and Istanbul which were activated in March 2018 and 2019 respectively in line with DGMM's 2017-2021 Strategic Goals. Mobile decision units were also set up in 2019 to conduct status determination interviews in the provinces.

- [Supporting Quality Assurance in International Protection Determination procedures implemented by DGMM.](#)

A Quality Assurance Board started convening regularly in 2018 in which DGMM and UNHCR meet to review procedural and substantial elements of international protection determination and to develop quality assurance tools for the national procedures in light of integrity standards. In 2019, the Quality Assurance Board reviewed a number of relevant tools such as checklists, forms and guidance materials.

- [Reinforcing the technical capacity of DGMM and PDMMs with a view to increasing the overall quality and efficiency of the decision-making process.](#)

In 2019, some 500 DGMM and PDMM staff and interpreters were engaged through on-the-job visits, thematic workshops, in-depth trainings and study visits to Belgium, Germany, Italy and the United Kingdom.

- [Enhancing Country of Origin Information \(COI\) research and reporting with a view to creating expertise.](#)

The 2019 efforts will also build on the existing cooperation with DGMM's COI Department, which has so far resulted in the development of a roadmap for an effective COI system, as well as guidance materials including the finalisation of over 50 COI documents in Turkish language.

## PARTNERSHIP WITH BORDER AUTHORITIES TO SUPPORT SAFE ACCESS TO TERRITORY AND TO PROTECTION

Turkey's borders with Syria and Iraq continue to be strictly managed, with admission only on medical grounds, for humanitarian cases and for family reunification for Syrian nationals. Onward movements to Europe from Turkey have witnessed significant decreases following the European Union-Turkey Statement. Safe access to territory is a pre-requisite to ensure that persons in need of international

protection are able to seek and access protection. Maintaining and strengthening access is essential to ensure that all those seeking protection are provided the opportunity.

## Supporting safe access to the territory

UNHCR will continue to strengthen its cooperation with DGMM, the Gendarmerie General Command, Turkish Coast Guards, Turkish National Police and Turkish Land Forces. This cooperation extends to the central and local levels to monitor trends, promote protection-sensitive border management and promote referrals to the relevant procedures and assistance for persons in need of international protection.

With the support of national stakeholders, partners and its field presence, UNHCR is operational along the western land borders and in the western and southern coastal areas (Edirne, Balıkesir, Çanakkale, İzmir, Muğla, Aydın, Antalya and Mersin). There refugees and asylum-seekers are provided with **humanitarian assistance; interpretation support; information and counselling** on relevant procedures for persons with protection needs. Persons with specific needs are **identified and referred** to relevant services.

UNHCR works closely with the Gendarmerie to strengthen the technical know-how and skills in responding to mixed migration movements. This is done by increasing the awareness and responsiveness towards persons with different protection needs, in line with international principles and the national legal framework. In 2018 and 2019, this cooperation resulted in the following:

- Six **joint field visits** in seven provinces at borders, such as Şanlıurfa, Gaziantep, Erzurum, Edirne and Van were conducted in 2018. Five more joint visits were conducted in 2019 covering six provinces including Hatay and Kars. The joint visits aimed to identify trends, needs, and challenges at the field level, as well as observe migration movements and legislative implementation in the field.
- **Trainings** on international protection and mixed migration were provided for over 150 Gendarmerie in 2018 and 73 in 2019 to strengthen their capacity, with the participation of the Turkish Coast Guard Command, the Turkish Land Forces and the General Directorate of Security. Trainings on Turkey's national legislation on asylum was also provided to the Gendarmerie personnel assigned at removal centres. A total of 51 and 32 personnel at removal centres were trained in 2018 and 2019 respectively. Furthermore, 17 Gendarmerie staff benefitted from a training of trainers in 2019 aimed at strengthening in-house capacity of the Gendarmerie General Command.
- A **study visit** to the United Kingdom was organised in 2018 benefitting seven gendarmerie personnel at central and local levels. Furthermore a **roundtable meeting** with the judiciary was organised in 2019 in order to reinforce coordination between Gendarmerie and judiciary personnel assigned and central and local levels. Participants at the roundtable included 35 Gendarmerie officials and 10 public prosecutors.
- **Documents and tools** were developed to promote the consistent implementation of standards, including the Turkish version of UNHCR's Protection Training Manual for European Border and Entry Officials, and the Handbook on Irregular Migration and International Protection.
- **Information leaflets** were produced in Turkish, English, Arabic, Farsi and French for apprehended refugees and migrants on national legislation procedures and access to rights and services in Turkey.



Training of trainers of Gendarmerie officials. © UNHCR/ Burak Can Burul

# STRENGTHENING LEGAL PROTECTION AND ACCESS TO JUSTICE

In terms of legal protection, the Law on Foreigners and International Protection and the Temporary Protection Regulation remain the main national legal references on the status and rights of all international protection applicants, refugees, beneficiaries of temporary protection and stateless persons. The relevant national legislations defining the protection of children, women at risk and other groups with special needs are also applicable to refugees and asylum-seekers. This applies also to access to legal aid in court procedures, including appeals, judicial review by the Administrative Court and the Criminal Court of Peace, and individual applications to the Constitutional Court.

**Legal assistance** refers to the provision of legal advice and counselling by a lawyer to a beneficiary concerning the specific legal circumstances and follow-up of legal procedures with official authorities. Professional responsibility of lawyers is regulated by the Attorneyship Law No.1136.

**Access to legal assistance and legal aid by refugees** continues to vary in different provinces depending on the approach of the local bar associations, drawn by budgetary considerations or prioritisation. To support the national institutions at all levels, UNHCR has further increased its cooperation with bar associations at the provincial level and with the Union of Turkish Bar Associations at the national level. The cooperation with the Ombudsman Office and National Institution on Human Rights and Equality was also strengthened to improve access by refugees to complaint mechanisms and other remedies.

## Strengthening access to justice, legal aid and legal assistance

Access to justice is an essential element in a broad spectrum of protection activities through which the rights of refugees are secured. While an enabling legal framework exists, refugees and asylum-seekers face challenges to access justice with national resources being stretched beyond capacity to provide legal aid to all refugees in need, and refugees lacking information on the availability of legal aid. The key components of UNHCR's strategy are to work with relevant national counterparts to broaden access of asylum-seekers and refugees to legal aid and assistance.

**Legal aid** in the Turkish legal system refers to representation in court but not to legal assistance (advice and counselling). Legal aid encompasses the assignment of a lawyer, free of charge, by the bar associations and the exemption from court fees and expenses. This includes the expenses for the issuance of a power of attorney for individuals who do not have sufficient financial means to cover the related costs.

In collaboration with Turkish authorities, UNHCR has developed and will continue to carry out activities aimed at reducing barriers to legal aid, improving access to legal remedies, and developing positive jurisprudence to more effectively address the needs of asylum-seekers and refugees. For instance:

- DGMM, UTBA and UNHCR developed **informative leaflets and posters** to promote access to legal aid for asylum-seekers and refugees, and for foreigners under administrative detention at removal centres. Information leaflets and posters in seven languages (Arabic, Farsi, Pashtu, Russian, French, English and Turkish) were distributed as of January 2018.

- UNHCR and the Ministry of Justice established a **working group** in 2018 composed of court experts and clerks working at the Ministry and courthouses to develop information materials for refugees and court staff to facilitate judicial procedures. A series of trainings and thematic roundtables were organised in 2018 and 2019 targeting social workers, registry clerks, judges, prosecutors, and representatives of bar associations, DGMM and international agencies. The trainings covered an array of topics including refugee law, the national legal framework on international protection, and civil administrative procedures. The roundtable discussions focused on child, early and forced marriages (in 2018) and child labour (in 2019).
- Since early 2018, UTBA and UNHCR are working together specifically in **18 bar associations** (İstanbul, Gaziantep, Çanakkale, Trabzon, Kayseri, Erzurum, Edirne, Aydın, Ankara, Bursa, Denizli, Mersin, Adana, Kilis, Hatay, Şanlıurfa, Van and İzmir) to increase their capacity to provide legal aid to refugees and asylum-seekers. To ease some of the pressure on the legal aid budgets of these bar associations, UNHCR is covering for cases of priority, attorney fees, litigation, notary, translation and transportation expenses. From November 2018 to July 2019, over 1,800 cases have been supported.
- Eighteen **workshops** with the participation of over 3,300 lawyers were organized in these pilot bar associations throughout 2018 covering a wide range of topics. The topics included practical tips and case studies on international protection, the national legal framework on administrative detention and deportation, challenges in appeal procedures and provision of legal assistance, interviewing techniques and communication with refugee clients. UNHCR continues to provide capacity development activities targeting individual bar associations. From 2018 to July 2019 UNHCR organised and supported seven trainings with five different bar associations reaching 480 lawyers.

The **legal clinic established in Şanlıurfa** provides legal assistance to asylum-seekers and refugees on a broad range of subjects, including international and temporary protection procedures, administrative detention, access to rights and civil law matters. The clinic also continued to support NGOs and lawyers through information sessions and case-specific legal counselling. Şanlıurfa Legal Clinic organized awareness-raising activities targeting refugee communities residing in the province to ensure increased access to rights and legal remedies. Between April 2018 and June 2019, some **840 refugees** benefitted from the legal clinic's assistance services and the awareness-raising activities reached many more beneficiaries. Continued support to the Şanlıurfa Legal Clinic and replication of such exemplary practice in Gaziantep and Hatay are among UNHCR's 2019 priorities.

In addition, in line with the Memorandum of Understanding that was signed with the UTBA, UNHCR has established a pool of Arabic and Farsi interpreters equipped to receive calls from across the country whenever interpretation is needed to facilitate access to legal assistance, and to support lawyers with their needs related to their work with refugees.

## Capacity development for judges, lawyers and courthouse staff

UNHCR established partnerships with the Ministry of Justice and UTBA to enhance the technical knowledge of all staff working at the courthouses throughout Turkey, including lawyers enrolled with bar associations, administrative, civil, criminal and constitutional court judges, and auxiliary staff. To enhance the technical knowledge in refugee law of the judiciary staff and lawyers across the country, these partnerships will be further consolidated through a range of initiatives including knowledge transfer, sharing good practices and strengthening the curriculum developed for bar associations with updated modules in response to newly emerging challenges. For instance, in November 2018, the Ministry of Justice and UNHCR organized a roundtable meeting on child and early marriages with the participation of judges, prosecutors, staff of DGMM, Ministry of Family, Labour and Social Services, NGOs and the

Ankara Bar Association to discuss gaps and challenges observed in judicial and administrative procedures related to child marriages, and ways to strengthen cooperation among the relevant actors.

UNHCR also continues to share relevant national, European and international jurisprudence, guidelines and reports with the judges and prosecutors.

Jointly with the Ministry of Justice, a curriculum was developed, based on the identified needs of experts and auxiliary staff working at the courthouses. In addition, a series of trainings on international protection, working with refugees, and access by refugees to quality judicial services were provided to some 160 social workers, psychologists, pedagogues and court clerks.



A workshop on International Protection was co-hosted by the Police Academy and UNHCR in Ankara on 2 May 2019. © UNHCR/Cansin Argun

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### LINKS

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