

RESPONSES OF TURKIYE TO THE QUESTIONNAIRE

Question 1: Please provide information on any recently adopted domestic legislation amending border entry, asylum and other international protection procedures for non-nationals since May 2021. Grateful if you could kindly submit the original text of the relevant provisions of the legislation or policy(ies), accompanied by an English translation if it is in a language other than English, French or Spanish.

There has been no change in the legislation on international protection since the specified date.

Question 2: Please provide information on recent or current border management legislation/policies/measures, (including those temporary measures as part of a state of emergency), with the view to control, reduce or prevent migrant arrivals in your country.

In order to improve border security especially within the scope of counter-terrorism, anti-trafficking and smuggling, projects and works are carried out for installing physical barrier systems like security walls, patrol roads, high security fencing panels, etc. as well as technological security systems including cameras, radars, watchtowers, electro-optic towers, etc.

In this context, the anticipated 837-kilometer-long security wall and patrol road on the 911-kilometer long Turkish-Syrian border have been completed.

So far, 191 kilometers of security wall and patrol road works have been completed on the part of the Turkish-Iranian border, covering the cities of Ağrı (81 km.), Hakkari (17 km.), Iğdır (54 km.) and Van (39 km.). It is aimed that the security wall and patrol road on the Hakkari (26 km.) and Van (24 km.) border line will soon be completed. A security wall is also planned for the remaining part of the Van border. Project designing and tender works are ongoing.

Project designing is ongoing for the construction of stone-fortified embankment and high-security fencing panel in an area of 33 kilometers, starting from the easternmost point of the Turkish-Syrian border and continue along the Habur and Hezil Streams, which form the Turkish-Iraqi border.

In addition, works on 575 kilometers of lighting, 78 kilometers of power transmission lines and 93 kilometers of wire-fence/fencing panel systems have been completed. Within the scope of border security, importance is also attached to the introduction of security systems that support physical barrier systems and include technology components.

To this end, surveillance possibilities and capabilities of our border units have been increased through installation of camera and thermal sensor systems into the 153-kilometer long lighting on the Ağrı, Ardahan, Hatay, Iğdır and Şanlıurfa border lines.

Within the scope of the project supported with the European Union funds, 139 armored reconnaissance surveillance vehicles were procured and delivered to the relevant border units (82 for eastern borders and 57 for Western borders).

Installation works of electro-optic tower systems on the Turkey-Iran border line will soon be completed. With the active use of 141 watchtowers and 109 communication towers on the eastern borders as well as 70 watchtowers and 21 communication towers on the western borders, uninterrupted and efficient surveillance on 740 kilometers of eastern border (in total

1.182 kilometers) and 350 kilometers of western border (in total 472 kilometers) will prevent illegal crossings and cross border crimes like smuggling.

In addition, thanks to the thermal camera systems (284 units) to be procured within another project, the surveillance capacity of our border units at the Turkish-Syrian border will be increased.

Question 3: Please provide information on how the “safe third country” concept is applied and if there is any “safe third country” list in your country with the view to expedite border immigration and asylum procedures, as well as on any bilateral and multilateral agreement on collective/automatic re-admission of migrants of specific nationalities.

There is no safe third country list in our country regarding the international protection procedure.

In Article 77 of the Regulation on the Implementation of the Law on Foreigners and International Protection published in the Official Gazette No: 29653, dated 17.03.2016, the safe third country is defined as follows;

ARTICLE 77 – (1) The below conditions shall be sought for a country to be qualified as a safe third country for the applicant:

- a) Meeting the conditions mentioned under the second paragraph of Article 74 of the Law,
- b) The existence of a link between the person and the third country, as mentioned under the third paragraph of Article 74 of the Law.

(2) Realization of one of the below conditions shall be sought for an assessment on the existence of a reasonable link, as mentioned under Article 74 of the Law:

- a) The applicant to have resident family members in the safe third country,
- b) Long period of previous stay of the applicant in the safe third country for the purposes including work, education, settlement,
- c) The applicant to have solid cultural links with the safe third country, such as having a basic knowledge of the language of this country,
- ç) The applicant to have entered the safe third country with the purpose of settlement, not just for transit.

(3) A separate assessment shall be made for each applicant regarding whether a country is a safe third country for the applicant.

(4) In case it is accepted that the applicant has arrived from a safe third country, the application shall be considered inadmissible and proceedings for his/her return to the safe third country shall be initiated. In case they cannot be sent to the safe third country, proceedings regarding their international protection application shall continue.

Article 74 of the Law No 6458 on Foreigners and International Protection, titled "Applicants arriving from a safe third country", it is stated that:

(1) In cases where it is established that applicant has arrived from a safe third country in which he/she has lodged an [international protection] application or in which it would have been possible to lodge an international protection claim that could have resulted in the granting of appropriate protection in compliance with the Convention, the application shall be considered inadmissible and the actions for their removal to the safe third country shall be initiated. However, the applicant shall be allowed to stay in Turkey until the date when the removal takes place. This situation shall be notified to the applicant. In case the applicant is not admitted by the safe third country, the actions regarding the application shall be resumed.

(2) Countries meeting the below stated criteria shall be considered as a safe third country:

- a) the lives or freedoms of persons are not under threat on account of their race, religion, nationality, membership of a particular social group or, political opinion;
- b) implement the principle of non-refoulement with regard to countries where persons may be subjected to torture, inhuman or degrading punishment or treatment;
- c) provide the opportunity to apply for refugee status, and when the person is granted refugee status, the possibility to provide appropriate protection in compliance with the Convention;
- ç) ensure that there is no risk of being subject to serious harm

(3) The assessment of whether or not a country is a safe third country for the applicant shall be made on case by case basis for each applicant, including the assessment of connections between the person and the country according to which it would be reasonable to return the applicant to the third country concerned.

In addition, there is no bilateral or multilateral agreement to which our country is a party for the collective/automatic readmission of migrants from certain nationalities.

However, Greece unilaterally declared Türkiye as a safe third country for asylum-seekers originating from Afghanistan, Bangladesh, Pakistan, Somalia and Syria. The designation of a safe third country needs to be based on a mutual agreement between the two countries. It has been communicated to the Greek side that Türkiye does not recognize such a unilateral decision.

Question 4: Please provide information on any progress made in developing independent border monitoring mechanism(s) at the national level.

There is no independent border monitoring mechanism in Türkiye.