

# TEMPORARY PROTECTION REGULATION

## PART ONE

### Objective, Scope, Basis, and Definitions

#### Objective and scope

**ARTICLE 1** - (1) The objective of this Regulation is to determine the procedures and principles pertaining to temporary protection proceedings that may be provided to foreigners, who were forced to leave their countries and are unable to return to the countries they left and arrived at or crossed our borders in masses to seek urgent and temporary protection and whose international protection requests cannot be taken under individual assessment ; to determine proceedings to be carried out related to their reception to Turkey, their stay in Turkey, their rights and obligations and their exits from Turkey, to regulate the measures to be taken against mass movements, and the provisions related to the cooperation between national and international organizations under Article 91 of the Law No. 6458 on Foreigners and International Protection of 4/4/2013.

#### Basis

**ARTICLE 2** - (1) This Regulation is prepared on the basis of Article 91 of the Law No. 6458 on Foreigners and International Protection of 4/4/2013.

#### Definitions

**ARTICLE 3** - (1) For the purposes of the implementation of this Regulation, the following terms shall be construed as follows:

- a) AFAD: Prime Ministry Disaster & Emergency Management Authority;
- b) Family members: The foreigner's spouse, children who have not attained maturity and dependent children who have attained maturity,
- c) Minister: Minister of Interior;
- ç) Ministry: Ministry of Interior;
- d) Child: A person who has not completed the age of eighteen and has not yet attained maturity,
- e) Temporary accommodation center: Centers that are established for the purpose of providing collective accommodation and meals for foreigners under this Regulation;
- f) Temporary protection: Protection status granted to foreigners , who were forced to leave their countries and are unable to return to the countries they left and arrived at or crossed our borders in masses to seek urgent and temporary protection and whose international protection requests cannot be taken under individual assessment;
- g) Person benefiting from temporary protection: Foreigners who were granted temporary protection;
- ğ) Director General: Director General of Migration Management;
- h) Directorate General: Directorate General of Migration Management;
- i) Residence Address: The location as recorded under the address registration system in Turkey;
- i) Law: Law No. 6458 on Foreigners and International Protection of 4/4/2013;
- j) Mass influx: Situations where a high number of people come from the same country or a geographical region and procedures related to international protection status cannot be individually followed because of the high number of people;

k) Board: Migration Policies Board formed in accordance with article 105 of the Law;  
l) Person with special needs: Among the foreigners who fall within the scope of this Regulation; unaccompanied child, disabled, elderly, pregnant person, a single mother or father with her/his child, or a person who have been subjected to torture, sexual assault or other serious psychological, physical or sexual violence;

m) Unaccompanied child: A child who arrives at 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;

n) Referral center: Places, which is designated for conducting the registration procedures and other proceedings and hosting the foreigners, who arrive in our country in order to receive temporary protection, on a temporary basis until the time of their referral to the temporary accommodation centers or to their residence places if they will reside outside of the temporary accommodation centers;

o) Travel document: Document substituting a passport;

ö) International protection: The status granted for refugee, conditional refugee, and subsidiary protection;

p) Foreigner: A person who does not have a citizenship bond with the Republic of Turkey.

## **PART TWO**

### **General Principles**

#### **Implementation of the right to temporary protection**

**ARTICLE 4 -** (1) The conditions stipulated in Articles 5, 6, and 7 of the Law cannot be interpreted and implemented in a manner obstructing a foreigner's request to be covered under temporary protection.

#### **Non-punishment of illegal entry and stay**

**ARTICLE 5 -** (1) Administrative fines shall not be implemented to foreigners under this Regulation due to their illegal entry into or stay in Turkey provided they are identified by competent units when entering into Turkey or they approach competent units by themselves in a reasonable time period in order to be registered.

(2) An administrative fine shall be implemented for those who fall outside the scope paragraph (1), if they do not have valid reasons.

#### **Non-refoulement**

**ARTICLE 6 -** (1) No one within the scope of this Regulation 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.

(2) The Directorate General may take administrative actions regarding foreigners who cannot be removed from our country pursuant to the paragraph (1) even though they are to be removed from our country pursuant to relevant legislation.

### **PART THREE** **Scope of Temporary Protection**

#### **Foreigners who shall be granted temporary protection**

**ARTICLE 7 -** (1) Temporary protection shall be granted to foreigners who were forced to leave their countries and are unable to return to the countries they left and arrived at or crossed our borders in masses to seek urgent and temporary protection and whose international protection requests cannot be taken under individual assessment.

(2) Temporary protection shall not cover persons who arrived our country from the country or region, where events constituting a basis for the temporary protection announcement take place, prior to the effective date of temporary protection announcement, unless the Council of Ministers decides otherwise.

(3) Persons benefiting from temporary protection shall not be deemed as having been directly acquired one of the international protection statuses as defined in the Law.

#### **Foreigners who will not be covered under the scope of temporary protection**

**ARTICLE 8 -** A foreigner in situations provided below shall not be granted temporary protection and, if his/her temporary protection status shall be canceled:

a) Those with respect to whom there are serious reasons to consider that they are guilty of actions defined in Article 1 (F) of the Convention Relating to the Status of Refugees dated 28/7/1951 amended by the 1967 Protocol Relating to the Status of Refugees;

b) Those regarding whom there are reasons indicating that he or she has committed cruel acts outside of Turkey for any reason whatsoever;

c) He or she has taken part in the commission of crimes or acts as specified in subparagraphs (a) and (b) of this paragraph or incited others to commit such crimes or acts;

ç) Those who took part in armed conflicts in his or her country and did not permanently ceased such activities;

d) Those who are identified as having committed, planned to commit or participated in acts of terrorism;

e) Those who are considered to be a threat to public due to being convicted of a serious crime and those who are considered to pose danger to national security, public order, or public security;

f) Those who have previously committed a crime or crimes for which imprisonment sentence would have been given if committed in Turkey and have left their country of origin or country of residence in order to avoid punishment for that crime;

g) Those who are convicted of crimes against humanity by international courts;

ğ) Those who have committed one of the crimes laid down in Chapter Seven of Section Four of the Turkish Penal Code No. 5237 of 26/9/2004.

(2) Decisions under paragraph (1) shall be taken by the Directorate General on an individual basis and notified to the concerned foreigner.

(3) Persons under paragraph (1) may also be accommodated in a special section of a current temporary accommodation centers or in a separate temporary accommodation center or in places to be determined by the governorates for humanitarian reasons until their return to their

country without requiring an administrative detention decision as provided under the Law. The family members of these foreigners may also be accommodated in the same place upon their request regardless of the family members' temporary protection situation.

(4) All procedures and proceedings to be implemented until the return of persons who are not covered under temporary protection to their countries shall be determined by the Directorate General.

(5) Temporary accommodation center management may grant permission to those covered by paragraph (1) for leaving the temporary accommodation centers for a short period of time in case of emergencies or upon the request of a public institution and organization. The management of the temporary accommodation center may request the law enforcement officers to accompany these persons who would be leaving the temporary protection center for a short period of time when deemed necessary. The issues related to these foreigners who would leave a temporary protection center for a short period shall be determined within the scope of the regulations on the establishment and management of the temporary accommodation centers.

## **PART FOUR**

### **Provisions on Temporary Protection Decision and Termination of Temporary Protection**

#### **Taking temporary protection decision**

**ARTICLE 9** - (1) Temporary protection decision shall be taken by the Council of Minister upon the Ministry's proposal.

(2) Pursuant to paragraph 3 of Article 105 of Law, procedures and principles regarding the method and implementation of temporary protection shall be determined by the Board and implemented by relevant public institutions and organizations.

#### **Content of the temporary protection decision**

**ARTICLE 10-** (1) The Council of Ministers shall be authorized to determine the following in its temporary protection decision:

- a) Persons who will be covered under temporary protection;
- b) Effective date of temporary protection and its duration if considered necessary;
- c) Conditions for extending and ending of temporary protection;
- ç) Whether or not temporary protection will be implemented country-wide or in a specific region;
- d) Matters in respect to which the Board may take a decision and follow within the scope of Article 105 of the Law;
- e) Matters regarding decisions on limitation or suspension of admission into our country within the scope of temporary protection under Article 15;
- f) Other subjects considered necessary.

(2) Directorate General shall take individual decisions concerning persons benefiting from temporary protection following Council of Ministers' temporary protection decision.

#### **Termination of temporary protection**

**ARTICLE 11** - (1) The Ministry may propose Council of Ministers to terminate the temporary protection. Temporary protection shall be terminated by a Council of Ministers decision.

(2) Along with the termination decision, the Council of Ministers may decide:

a) To fully suspend the temporary protection and to return of persons benefiting from temporary protection to their countries;

b) To collectively grant the status, the conditions of which are satisfied by persons benefiting from temporary protection, or to assess the applications of those who applied for international protection on an individual basis;

c) To allow persons benefiting from temporary protection to stay in Turkey subject to conditions to be determined within the scope of the Law.

### **Individual termination or cancellation of temporary protection**

**ARTICLE 12** – (1) In situations where those benefiting from temporary protection;

a) Leave Turkey on their own will;

b) Avail the protection of a third country;

c) Are admitted to a third country under humanitarian reasons or resettlement or leave for a third country;

d) Are deceased,

temporary protection shall be terminated on an individual basis.

(2) Temporary protection shall be terminated by the Directorate General or governorates in case it is understood afterwards that those who fall within the scope of paragraph (1) of Article 8 should have been excluded from the scope of temporary protection.

### **Re-arrival of persons whose temporary protection was terminated**

**ARTICLE 13** - (1) If those foreigners whose temporary protection was terminated under Article 12 in the course of implementation of temporary protection even though he or she was within the scope of temporary protection arrive at or cross our borders again in order to seek temporary protection, the Directorate General shall decide on an individual basis whether temporary protection measures will be implemented. The Directorate General may delegate this authority partially or fully to governorates.

### **Proceedings to be carried out after the termination of temporary protection**

**ARTICLE 14** - (1) Exits of persons benefiting from temporary protection following the Council of Ministers' decision on the termination of temporary protection shall be essential. The period of time during which persons benefiting from temporary protection shall be determined based on the assessment to be conducted by the Directorate General on the situation in the country of origin of the persons benefiting from temporary protection and in the countries they transited through in order arrive in Turkey.

(2) Upon the termination of temporary protection, in case it is decided by the Council of Ministers in accordance with Article 11 that a group-based decision on the status of the persons benefited from temporary protection will be taken, or that the applications of those who applied for international protection will be assessed individually, or that these foreigners will be allowed to stay in Turkey based on conditions to be determined within the scope of the Law, the necessary procedures will be carried out pursuant to relevant provisions.

(3) Foreigners who took part in armed conflicts in their country, as referred under subparagraph (ç) of paragraph (1) of Article 8, shall be granted access to individual status determination procedures provided that it is verified that they permanently renounced armed activities.

### **Restriction or suspension of admission into our country under temporary protection**

**ARTICLE 15** - (1) The Council of Ministers may decide to restrict or to temporarily or indefinitely suspend temporary protection measures in implementation, in case conditions amounting to a threat to national security, public order, public security, or public health arise.

(2) The decision under paragraph (1) shall also determine the provisions applicable to persons who were previously granted temporary protection and other measures applicable to persons who wish to arrive in our country to seek temporary protection in a mass influx or individually following the date of entry into force of this decision.

(3) In situations provided under paragraph (1), the Ministry of Foreign Affairs may also call for support through relevant international organizations in relation to measures targeting mass influx situations, which may be implemented throughout and beyond the borders of our country, upon receiving the opinions of the Ministry and relevant public institutions and organizations.

### **International protection applications**

**ARTICLE 16** - (1) Individual international protection applications filed by foreigners under this regulation shall not be processed in order to ensure the effective implementation of temporary protection measures during the period of the implementation of temporary protection.

## **PART FIVE**

### **Primary proceedings to be conducted under Temporary Protection**

#### **Admission to the country**

**ARTICLE 17** - (1) The Ministry shall determine border gates and border crossing places through which the foreigners who arrive at Turkish land borders or territorial waters in order to seek urgent and temporary protection upon receiving the opinion of the relevant public institutions and organizations. In emergency situations, the Ministry shall directly decide on the determination of these places and notify relevant institutions.

(2) Governorates may permit the entry of foreigners, who arrive at the border gates or border crossing places without documentation or with invalid documentation with the purpose of temporary protection.

(3) Security checks shall be conducted on bodies, belongings and vehicles of foreigners, who arrive at or cross our borders to seek temporary protection, by the Border Units of the Land Forces Command at the borders, competent law enforcement units at the border gates and the Coast Guard Command at the maritime zones of jurisdiction.

(4) Foreigner and his or her family members, if any, shall be delivered by the relevant units to the competent law enforcement units, at the earliest time possible, to be taken to the closest referral center with a written record, which shall include information on their identification, date and place of entry into the country along with other information deemed necessary.

(5) Foreigners who wish to enter into our country driving their private vehicles shall enter in line with the procedures and principles to be determined by the Ministry of Customs and Trade.

(6) Relevant units shall take necessary measures and inform the closest customs administration regarding the situation by taking into consideration the fact that goods which may be brought by the foreigners, who enter the country not through the border gates, may be subjects of smuggling.

(7) Those who are in the country and eligible for temporary protection shall be referred to the nearest referral, if they personally approach to governorates. If these persons are detected by competent authorities, they shall be taken to the nearest referral center by law enforcement officers.

#### **Disarmament and separation from civilians**

**ARTICLE 18** - (1) Civilian armed elements and foreigners who were members of the country's military forces and have unilaterally terminated their military service, who arrived at our borders as part of a mass influx or had somehow entered our country, to seek urgent and temporary protection and do not fall under Article 8 shall be disarmed by the Border Units of the Land Forces Command at the borders, the Coast Guard Command at the zones of maritime jurisdiction and respective law enforcement units at the border gates and inside the country and shall be delivered to competent law enforcement units in the earliest possible time so that their referral and accommodation procedures can be carried out.

(2) Disarmament procedures shall always be carried out in secure sites separated from civilians. These foreigners shall be referred in the earliest possible time to be accommodated in places designated for foreigners in this situation with a written record, which shall include information on their identification, date and place of entry into the country along with other information deemed necessary.

(3) Family members of the foreigners under this Article may be accommodated in the same place or, unless assessed negatively, in a separate temporary accommodation center, where persons benefiting from temporary protection are accommodated or in a province determined by the Directorate General or in a place determined by the governorate.

#### **Primary procedures to be conducted at referral centers**

**ARTICLE 19** - (1) Directorate General shall conduct the identification and registration procedures for the foreigners who arrive in our country to seek temporary protection. Governorate may assign additional personnel for a temporary period within the framework of the relevant legislation, when needed.

(2) Proceedings relating to these foreigners may be carried out in places to be determined by the governorates when the capacity of the referral centers is insufficient.

(3) During the registration, foreigners shall be obligated to provide correct identification information; to submit the documents verifying their identification, if available, to the competent authorities and to cooperate with officials.

(4) Copies of information and documents under paragraph (3), which are deemed necessary, shall be kept in the concerned person's file in line with confidentiality and the originals shall be returned to the concerned person.

(5) Foreigners under this Regulation shall be informed on the process related to temporary protection, their rights and obligations and other issues in a language they can understand. Leaflets and documents may be drawn up for dissemination of information when necessary.

#### **Health checks**

**ARTICLE 20** – (1) Emergency health services shall be provided as a priority to foreigners, who arrived at the referral centres and are determined to have emergency health needs.

(2) Foreigners under this Regulation, who are considered to potentially pose a threat to public health, shall undergo health checks in accordance with procedures and principles to be determined by the Ministry of Health and necessary measures shall be taken when considered necessary.

### **Registration**

**ARTICLE 21** - (1) Registration of foreigners under this Regulation shall be conducted by the Directorate-General personnel trained on the registration procedures and requirements, and in a separate place sufficiently equipped and where registration can be completed without disruption.

(2) Registration proceedings shall be conducted in line with the following provisions:

a) Confidentiality is the primary principle in registration procedures and necessary measures shall be taken for that purpose.

b) A registration form, the format and content of which are to be determined by the Directorate General shall be filled.

c) The statement of the foreigners, who cannot submit documents on their identity, shall be based on until otherwise proven.

ç) Photographs, fingerprints or other biometric data suitable for determination of identification shall be collected and recorded in the central registration database and matched with available biometric data.

d) Information on the registered foreigners shall be immediately submitted to the Directorate General.

e) Information of the foreigners shall be filed and also electronically stored in accordance with relevant legislation.

(3) Registration proceedings of the children of persons benefiting from temporary protection, who were born in Turkey, shall also be conducted in the shortest time possible.

(4) Registration information of the foreigners shall be updated in such cases as birth, death, marriage, divorce and voluntary repatriation.

(5) Foreigners under this Regulation shall be registered in the Address Registration System. However, registration in the Address Registration System of those falling under the scope of paragraph (1) of Article 8 shall be decided by the Directorate General.

### **Temporary protection identification document**

**ARTICLE 22** - (1) Governorates shall issue temporary protection identification document to those whose registration proceedings are completed. Temporary protection identification document shall not be issued to those falling under the scope of paragraph (1) of Article 8 and the temporary protection identification document already issued to them shall be invalidated.

(2) Foreigner identification number shall also be issued to those, who are issued temporary protection identification document, pursuant to the Law No. 5490 on Population Services of 25/4/2006.

(3) The format and content of the temporary protection identification document shall be determined by the Directorate General; this document shall be issued free of charge for a certain validity period or indefinitely.

(4) In case of wear or loss of the temporary protection identification document, an explanation which shall be requested from the concerned person and it shall be recorded. Worn-



out identification documents shall be invalidated. A new document shall be issued to replace the worn-out or lost document.

(5) In case of termination of temporary protection, validity of the Temporary Protection Identification Document ceases and it shall be retrieved from the foreigner.

#### **Proceedings for referral to temporary accommodation centers**

**ARTICLE 23** – (1) Foreigner under this Regulation shall be referred, in the earliest possible time, to temporary accommodation centers, which are deemed appropriate by the Directorate General, in coordination with the governorates either directly from the referral centres or after having been referred to cities, considering the capacity information received from AFAD. The governorate shall decide if the foreigner shall be accompanied by law enforcement officers.

(2) The foreigner's request, family status and his or her special needs shall be taken into consideration while transferring to temporary accommodation centers determined by the Directorate General.

(3) Persons with special needs, who are identified by the Directorate General or by the governorates, shall be prioritized for accommodation in the temporary accommodation centers.

(4) Principally, unaccompanied children shall be accommodated in coordination with the Ministry of Family and Social Policies. However, when appropriate conditions are met, unaccompanied children may be accommodated in cooperation with AFAD in separate areas of the temporary accommodation centres under the control and responsibility of the Ministry of Family and Social Policies.

#### **Granting the right to stay in provinces to persons benefiting from temporary protection**

**ARTICLE 24** - (1) Persons benefiting from temporary protection, for whom there are no negative considerations with respect to public order or public security or public health may be allowed to reside in provinces determined by the Directorate General. Relevant procedures and principles shall be determined by the Directorate General.

(2) Persons benefiting from temporary protection, who reside outside the temporary accommodation centers and are in need may also be accommodated in places to be determined by the governorate to the extent possible in places to be determined by the governorates.

#### **Right to stay in the country**

**ARTICLE 25** - (1) Temporary protection identification document shall grant the right to stay in Turkey. However, this document shall not be deemed to be equivalent to a residence permit or documents, which substitute residence permits, as regulated by the Law, shall not grant the right for transition to long term residence permit, its duration shall not be taken into consideration when calculating the total term of residence permit durations and shall not entitle its holder to apply for Turkish citizenship.

### **PART SIX**

#### **Services to be provided to persons benefiting from temporary protection**

##### **Services**

**ARTICLE 26** - (1) Foreigners under this Regulation may be provided with health, education, access to labor market, social assistance, interpretation and similar services. The

Board shall determine the procedures and principles regarding services to be provided for foreigners under paragraph (1) of Article 8.

(2) Other services, which are not covered by the paragraph (1), may be separately provided by public institutions and organizations depending on their capacity.

(3) Foreigners under this Regulation may conclude subscription agreements for other services including electronic communication services by virtue of their temporary protection identification document.

(4) Provision of services by the relevant ministries and public institutions and organisations under this Regulation shall be carried out in coordination with AFAD.

### **Health services**

**ARTICLE 27** - (1) The following health services shall be provided or have provided inside and outside of the temporary accommodation centers under the control and responsibility of the Ministry of Health.

a) Health centers, which would continuously be active to provide health services, may be established. Sufficient number of ambulances and health personnel shall be kept available, if there are already existing health centers.

b) Patient contribution fee shall not be collected for primary and emergency health services and the respective treatment and medication.

c) The cost of health services, including second and third step health services, shall not exceed the costs in the Health Budget Law [SUT] determined by the Presidency of Social Security Institution for beneficiaries of general health insurance.

ç) The cost of health services provided, not exceeding the cost in the Health Budget Law [SUT] determined by the Presidency of Social Security Institution for beneficiaries of general health insurance, under the control of the Ministry of Health.

d) Persons benefiting from temporary protection cannot directly approach private health institutions, unless emergency imperative conditions occur.

e) All measures shall be taken and necessary vaccinations and scanning activities shall be conducted against the risk of infectious diseases.

f) Competent personnel shall provide information and conduct support activities about reproductive health.

g) Sanitary conditions of personal and collective areas of use shall be controlled and necessary measures shall be taken to amend identified defects and to render the environmental conditions of the temporary accommodation centre appropriate in line with health considerations.

ğ) Necessary measures, including transfer to a health institution, shall be taken, if drug addiction or psychological problems are detected among foreigners benefiting from temporary protection.

h) All measures with respect to conduct of necessary vaccination for children shall be taken.

1) The necessary and appropriate physical equipment shall be installed during the construction of accommodation centers and they shall be referred to the Ministry of Health.

(2) Provision of assistances to persons benefiting from temporary protection in relation to health services shall be carried out under the coordination of the Ministry of Health.

(3) Persons benefiting from temporary protection shall be identified and changes in their addresses shall be informed to the Ministry of Health without delay in order to ensure prompt and continuous provision of vaccination and protective health services.

(4) Foreigners under this Regulation, whose registration proceedings are not completed, shall be provided with health services, based on their identification information, in emergency situations and when they are crossing the border for the first time.

(5) Psycho-social services to be provided for persons benefiting from temporary protection shall be carried out [in cooperation] with support-solution partners, which are also specified in the Disaster Intervention Plan of Turkey published by the Ministry of Family and Social Policies in the Official Gazette No. 28871 of 3/1/2014.

(6) If it is mandatory that the health service providers are paid a fee in return of the primary and emergency health services provided under this Article, pricing shall not be implemented in a way exceeding the unit prices or including lower discounts than it is determined by the Presidency of Social Security Institution for beneficiaries of general health insurance. Persons under this Article cannot be provided health services within the scope of health services costs of which are not covered by the Social Security Institution.

### **Education services**

**ARTICLE 28** - (1) Education activities for foreigners under this Regulation shall be conducted inside and outside temporary accommodation centers under the control and responsibility of the Ministry of National Education. In that regard:

a) Pre-school education services may be provided to children who are 36-66 months old, where the children who are 54-66 months old are prioritized.

b) Education activities for those at the age of primary and secondary education shall be carried out in line with the relevant legislation of the Ministry of National Education.

c) Language education, vocational courses, skills trainings and hobby courses addressing all age groups may be organized depending on the demand.

(2) Procedures and principles related to associate, undergraduate, masters and doctorate degrees shall be determined by the Presidency of Council of Higher Education.

(3) A document indicating the content and duration of the education shall be issued for foreigners receiving education in our country within the scope of this Regulation. If the foreigner has received education under a different curriculum, which was documented, these documents shall be evaluated by relevant units of the Ministry of National Education or Presidency of Council of Higher Education and equivalence proceedings shall be conducted for the grades deemed appropriate.

(4) Other relevant procedures and principles regarding the education activities for foreigners under this Regulation shall be regulated by the Ministry of National Education.

### **Access to labour market services**

**ARTICLE 29** – (1) Principles and procedures regarding the employment of persons benefiting from temporary protection shall be determined by the Council of Ministers upon the proposal of Ministry of Labour and Social Security after receiving the opinion of the Ministry.

(2) Persons, who hold a Temporary Protection Identification Document, may apply to the Ministry of Labour and Social Security for receiving work permits to work in the sectors, professions and geographical areas (provinces, districts or villages) to be determined by the Council of Ministers.

(3) Provisions under this Article are without prejudice to the provisions stipulated in other legislation regarding the jobs and professions in which foreigners may not be employed.

(4) Validity period of the work permits given to the persons benefiting from temporary protection shall not be longer than the duration of the temporary protection. The validity of the work permits issued within this scope shall end upon the end of temporary protection.

(5) The work permits issued to persons benefiting from temporary protection shall not substitute residence permits regulated in the Law.

#### **Social assistance and services**

**ARTICLE 30** - (1) Those among the foreigners under this Regulation, who are in need may be allowed access to social assistances within the scope of the Law No. 3294 on Encouraging Social Assistance and Solidarity of 29/5/1986 in accordance with procedures and principles to be determined by the Board of Encouraging Social Assistance and Solidarity Funding as indicated in Article 3 of the aforementioned Law.

(2) Access to social services by foreigners under this Regulation, who are in need, shall be granted pursuant to the procedures and principles determined by the Ministry and the Ministry of Family and Social Policies.

#### **Interpretation services**

**ARTICLE 31** – (1) Free of charge translation services shall be provided in case communication with the foreigner cannot be had at the desired level in the absence of an interpreter.

#### **Customs procedures**

**ARTICLE 32** - (1) Principles regarding the procedures to be conducted in relation to the goods and vehicles brought into our country by foreigners and their family members, if any, who arrive in our country to seek temporary protection, as well as the goods, which may be sent to these persons in various ways during their stay in our country, shall be determined by the Ministry of Customs and Trade upon receiving the opinions of relevant public institutions and organizations.

## **PART SEVEN**

### **Obligations**

#### **General obligations**

**ARTICLE 33** - (1) Foreigners who arrived our country to seek temporary protection shall be obligated to comply with laws and administrative requirements; necessary criminal proceedings and administrative sanctions shall be carried out in line with the general provisions for those who fail to comply.

(2) Foreigners under this Regulation shall be obligated to:

a) Reside in a province, temporary accommodation center or a certain place determined by the Directorate General;

b) Comply with their reporting duty in form and intervals determined by the governorate;

c) Notify updated information on their employment status in thirty days;

ç) Notify their income, movable and immovable properties in thirty days;

d) Notify the changes in their identity information such as address, marital status and birth and death in the family in twenty business days;

e) Present other personal data to the competent authorities;

f) Reimburse the costs, if it is determined that they have been benefiting from service, assistance and other resources wrongfully;

g) Comply with other obligations requested from them by the Directorate General or the governorate.

#### **Obligation to comply with the invitation**

**ARTICLE 34** - (1) Foreigners may be invited to the relevant unit in relation to the implementation of this Regulation.

(2) In cases of non-compliance with the invitation or when there is a serious doubt of non-compliance, foreigners under this Regulation may be brought to the concerned unit by law enforcement officials without invitation in line with the relevant legislation.

#### **Restrictions on implementation of rights**

**ARTICLE 35** - (1) Those who do not comply with their obligations fully or partially or within the time limits shall be warned by the relevant units regarding their duty to comply, and judicial and administrative procedures shall be initiated for those who do not comply.

(2) Excluding education and emergency health services, access to other rights by those, who do not comply with their obligations despite having received the warning, may be restricted.

(3) Stay outside the temporary accommodation centres of foreigners may be temporarily or indefinitely restricted for those who stay outside the centres and fall within the scope of paragraph (2).

### **PART EIGHT**

#### **Establishment, Management and Operation of Referral Centers and Temporary Accommodation Centers and Services to be provided in Temporary Accommodation Centers**

##### **Establishment and management of referral centers**

**ARTICLE 36** – (1) Establishment, management of the referral centers and provision of services in these centers shall be ensured by the governorates.

##### **Establishment, management and operation of temporary accommodation centers**

**ARTICLE 37** - (1) AFAD shall decide the establishment or ceasing the functioning or closure of the temporary accommodation centers in coordination with the governorates upon receiving the opinions of the Ministry and other relevant public institutions and organizations.

(2) Temporary accommodation centers shall be operated or have operated by governorates.

(3) Procedures and principles related to the management and operation of temporary accommodation centers, maintaining the security of the centers and other provisions applicable to persons accommodating in temporary accommodation centers shall be jointly determined by the Directorate General and AFAD upon receiving the opinion of the relevant public institutions and organizations.

##### **Services to be provided in temporary accommodation centers**

**ARTICLE 38** - (1) Food, accommodation, health, social assistance, education and similar services shall be provided for those staying in the temporary accommodation centers within resources.

(2) Persons benefiting from temporary protection who stay outside of temporary accommodation centers may be benefited from these services within resources.

(3) Necessary arrangements shall be made for allocating places for families and persons with special needs in temporary accommodation centers.

#### **Visiting temporary accommodation centers**

**ARTICLE 39** - (1) Procedures and principles related to camp visits by the delegations of foreign countries, representatives of international organizations and civil society organizations, members of press, scientific researchers and the representatives of other institutions and organizations shall be jointly determined by the Ministry of Foreign Affairs, Ministry and AFAD upon receiving the opinions of relevant public institutions and organizations and implemented by governorates.

#### **Security of referral centers and temporary accommodation centers**

**ARTICLE 40** - (1) Internal and external security of referral centers and temporary accommodation centers shall be maintained by the respective general law enforcement unit depending on the area of responsibility. In this respect, the relevant general law enforcement unit shall take every measure to maintain external security and order of the referral centers.

(2) Maintenance of internal and external security of the referral centres and temporary accommodation centres may be delegated to private security enterprises, pursuant to the provisions of Law No.5188 on Private Security Services dated 10/06/2004, if the governorate deems appropriate.

#### **Referral center and temporary accommodation center personnel**

**ARTICLE 41** - (1) Personnel from relevant public institutions and organizations may be assigned pursuant to Article 9 of the Law No.5442 on Provincial Administration dated 10/06/1949 in order to carry out the proceedings and procedures as well as other services to be provided under this Regulation in provinces where referral centres and temporary accommodation centres are present. In case enough personnel to be assigned in conducting services cannot be found in the province, the governorate may request assignment of personnel from outside the province.

(2) The working conditions of personnel to be assigned in referral centers and temporary accommodation centers shall be separately regulated by the personnel's affiliated public institutions or organizations.

(3) Identification information as well as biometric data, if deemed necessary, of the personnel, who are assigned to work in referral centers and temporary accommodation centers and are not civil servants, shall be collected by the law enforcement units.

### **PART NINE**

#### **Voluntary Repatriation and Departure to a Third Country**

##### **Voluntary repatriation**

**ARTICLE 42** - (1) Necessary facilitation shall be provided to foreigners under this Regulation, who will voluntarily repatriate to their country and support may be provided to them within resources.

(2) The Directorate General may plan voluntary repatriation efforts and develop and implement projects and programmes in cooperation with the authorities of the concerned countries, public institutions and organizations, international organizations and civil society organizations.

(3) Directorate General may cooperate with international organizations and civil society organizations for the purpose of conducting voluntary repatriation proceedings.

(4) Procedures and principles regarding voluntary repatriation proceedings and assistances which may be provided to persons voluntarily repatriation shall be determined by the Directorate General and implemented by governorates.

### **Travel document**

**ARTICLE 43** - (1) Requests by foreigners under this Regulation, who do not hold a valid travel document or cannot obtain a travel document, regarding travel documents shall be assessed by the Directorate General within the framework of the Passport Law No.5682dated 15/7/1950.

### **Departure and resettlement to a third country**

**ARTICLE 44** - (1) Temporary or permanent departure of the foreigners under this Regulation to a third country shall be subject to the permission of the Directorate General.

(2) Directorate General may cooperate with international organizations, civil society organizations and other countries to develop and implement projects and programs for temporary or permanent resettlement of foreigners under this Regulation to a third country.

### **Ban to enter Turkey**

**ARTICLE 45** - (1) Foreigners under this Regulation who exited or will exit our country shall be subject to general provisions on entry ban.

## **PART TEN Cooperation and Assistance**

### **Cooperation**

**ARTICLE 46** - (1) Ministry may cooperate with national and international institutions and organizations, other countries and civil society organizations regarding the issues laid down in this Regulation and other issues related to temporary protection.

(2) The Ministry, upon receiving the opinion of the Ministry of Foreign Affairs, has the authority to conclude protocols, which do not have the effect of an international agreement, regarding the issues laid down by the Law and by this Regulation, with international organizations, within the framework of Law No.1173 on Performance and Coordination of International Relations dated 05.05.1969.

(3) After receiving the opinion of the relevant public institutions and organizations, Ministry shall determine procedures and principles regarding the cooperation between public institutions and organizations, which have responsibilities and authority regarding temporary protection and national and international organizations and civil society organizations in their own fields of responsibility, in order to ensure the realization or monitoring of rights and duties and the provision of services which are envisaged for the foreigners under this Regulation.

### **Call for support and provision of assistance**

**ARTICLE 47** - (1) The Ministry of Foreign Affairs may call, upon receiving the opinion of relevant public institutions and organisations, other States and international organisations and civil society organizations for support within the framework of international burden sharing in order to ensure provision of services to the foreigners under this Regulation.

(2) Assistance and use of in-kind and cash assistance in which will be provided under paragraph (1) shall be coordinated by AFAD upon receiving the opinions of the Ministry of Foreign Affairs and the Ministry.

(3) AFAD may directly cooperate with public institutions and organizations and governorates, particularly the Ministry of Family and Social Policies, Turkish Red Crescent Association and social assistance and solidarity foundations regarding the use of these in-kind and in cash assistances.

## **PART ELEVEN**

### **Miscellaneous and Final Provisions**

#### **Persons with special needs**

**ARTICLE 48** - (1) Health services, psycho-social support, rehabilitation and all other assistance and support to be provided to those with special needs among the foreigners under this Regulation shall be prioritized and provided free of charge within the capacity.

(2) The best interest of the child shall be observed in all proceedings related to children and provisions of the relevant legislation shall be implemented.

(3) Preventive and protective measures shall be immediately taken for foreigners who are identified to be victims of violence pursuant to Law No. 6284 on Protection of the Family and Prevention of Violence Against Women dated 8/3/2012.

(4) For those among the foreigners within the scope of this Regulation, who are assessed to possibly be victims of human trafficking, necessary measures shall be taken immediately in line with the relevant legislation.

#### **Family reunification**

**ARTICLE 49** - (1) Foreigners under this Regulation may apply for family reunification in Turkey to reunify with his or her spouse, children who have not attained maturity and dependent children who have attained maturity, who are in another country. These applications shall be evaluated by the Directorate General and necessary actions may be carried out in cooperation with relevant public institutions and organizations, international organizations, and civil society organizations.

(2) Family reunification procedures for children who are identified to be unaccompanied shall be immediately initiated without waiting for the request of the child.

#### **Personal data**

**ARTICLE 50** - (1) Personal data of the foreigners who arrived our country in order to seek temporary protection shall be collected, protected, stored and processed by the Directorate General or a governorate in accordance with procedures and principles to be determined by the



Directorate General as well as in line with the respective legislation and international agreements that Turkey is party to.

(2) Within the scope of the conduct of procedures and proceedings provided by this Regulation, personal information, which are deemed appropriate by the Directorate General, may be shared with the relevant public institutions and organisations and with third countries and United Nations High Commissioner for Refugees within the framework of resettlement.

### **Principle of confidentiality and access to personal file**

**ARTICLE 51** - (1) Within the scope of the conduct of procedures and proceedings under this Regulation, confidentiality shall be the primary principle for all information and documents of the foreigners without prejudice to paragraph (1) of Article 45 of the Law No. 5490 and provisions provided by paragraph (2) of Article 50 of this Regulation and documents cannot be shared with third persons without consent of the concerned individual.

(2) Documents in the personal files of foreigners under this Regulation can be examined by the individual or his or her legal representative or lawyer and one copy of each document can be obtained. Documents regarding the protection of national security, public order and public security as well as documents on prevention of crimes and intelligence information cannot be examined or handed over.

(3) Public officials and other officials responsible for the implementation of this Regulation cannot disclose any kind of information and documentation with a confidential status along with personal secrets, which they have obtained during their assignments, to unauthorized people nor can they use them in their own interest or for the benefit of third parties.

### **Statistics**

**ARTICLE 52** - (1) Statistical data of foreigners under this Regulation shall be kept by the Directorate General or by governorates in accordance with procedures and principles to be determined by the Directorate General in cooperation with the Turkish Statistical Institute.

(2) Statistical data may be shared by the Directorate General with relevant public institutions and organizations as well as international organizations and civil society organizations and other respective units with which cooperation has been had for the implementation of this Regulation.

### **Legal services**

**ARTICLE 53** - Persons benefiting from temporary protection may be represented by a lawyer in the administrative proceedings provided that they cover the relevant costs. This is without prejudice to the provisions on legal aid of the Attorneyship Law No.1136 dated 19/03/1969.

### **Denouncements and complaints**

**ARTICLE 54** - (1) Denouncement and complaints regarding procedures and proceedings conducted within the scope of this Regulation shall be immediately processed by the governorates. Judicial matters shall be notified to judicial authorities without delay.

### **Notification**

**ARTICLE 55** - (1) Notifications within the scope of this Regulation shall be served in accordance with the Law No. 7201 on Notifications of 11/2/1959. Directorate General may regulate additional procedures and principles in this regard.

### **Competency**

**ARTICLE 56** - (1) The governor shall be competent and responsible to take all measures and to make necessary arrangements, which he or she deems necessary for the effective implementation of temporary protection.

### **Supervision**

**ARTICLE 57** - (1) The procedures and proceedings conducted under this Regulation shall be regularly supervised, within the administrative borders of the province, by the governor or by the public officials assigned by the governor.

(2) The relevant public institutions and organisations shall regularly inspect the proper conduct duties carried out under this Regulation and the inspection reports shall be submitted to the Directorate General and AFAD for the improvement of legislation and administrative procedures.

### **Arrangements regarding implementation**

**ARTICLE 58** - (1) Supplementary arrangements regarding the implementation of this Regulation shall be put into force by relevant public institutions and organizations upon receiving the opinion of the Ministry within three months.

### **Authorization for requests**

**ARTICLE 59** - (1) Requests of the Undersecretary of National Intelligence Organisation, made in the context of the country's security and the State intelligence services, from related Ministries, public institutions and organizations regarding the proceedings and procedures of this Regulation, shall be met without delay.

(2) Relevant public institutions and organizations shall respond to all requests for information and documents by the Directorate General without delay.

### **Fiscal provisions**

**ARTICLE 60** - (1) Allocation of funds for procedures and proceedings carried out under this Regulation by the relevant public institutions and organisations as well as municipalities, which cannot be covered in their own budget capacities, shall be covered under the Disaster and Emergency Spending Regulation published in the Official Gazette No.27866 dated 6/3/2011.

### **Legislation repealed**

**ARTICLE 61** - (1) Regulation on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permit in order to Seek Asylum From Another Country enforced by the Council of Ministers decision No. 94/6169 dated 14/9/1994 is repealed .

### **Interim provisions**

**PROVISIONAL ARTICLE 1** - (1) The citizens of the Syrian Arab Republic, stateless persons and refugees who have arrived at or crossed our borders coming from Syrian Arab Republic as part of a mass influx or individually for temporary protection purposes due to the

events that have taken place in Syrian Arab Republic since 28 April 2011 shall be covered under temporary protection, even if they have filed an application for international protection. Individual applications for international protection shall not be processed during the implementation of temporary protection.

(2) Those among the foreigners covered under paragraph (1), who filed international protection application prior to 28 April 2011, shall be covered under temporary protection upon their request.

(3) Those who have obtained residence permits after 28 April 2011 but whose residence permits were not extended or were cancelled and those who have requested protection at the end of the duration of their visas or visa exemption period shall be covered under temporary protection without prejudice to provisions under Article 8. General provisions shall apply to those among these [foreigners] who do not request protection.

(4) Identification documents issued prior to the entry into force date of this Regulation shall substitute temporary protection identification documents until the issuance of the temporary protection identification documents laid down in Article 22. Foreigner identification number may be issued to the holders of this document under the Law No. 5490.

(5) Proceedings for entry into our country from Syria or exit from our country to Syria by third country nationals, excluding the foreigners covered under paragraph (1), shall be conducted at the border gates and in the framework of general provisions.

#### **Enforcement**

**ARTICLE 62** - (1) This Regulation shall enter into force on the date of its publication.

#### **Execution**

**ARTICLE 63** - (1) The provisions of this Regulation shall be executed by the Council of Ministers.