

# Turquie : protection temporaire, permis de résidence et risques de renvoi forcé pour les réfugiés syriens

Recherche rapide de l'analyse-pays de l'OSAR

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# 1 Questions

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes :

1. Y a-t-il des indications selon lesquelles, à l'heure actuelle, les personnes originaires de Syrie qui n'ont pas de permis de séjour régulier en Turquie pourraient être renvoyées en Syrie ? Si oui, lesquelles ?
2. Cela s'applique-t-il également aux conjoints des ressortissants turcs ?
3. Est-il exact qu'un permis de résidence en Turquie requiert nécessairement une entrée légale en Syrie ?
4. Un réfugié syrien qui a obtenu une protection provisoire et qui quitte la Turquie pour demander l'asile dans un pays européen perd-t-il automatiquement cette protection temporaire ? Est-il possible pour cette personne de faire réactiver cette protection temporaire en cas de renvoi en Turquie ?
5. La Turquie est-elle considérée comme un pays tiers sûr pour les réfugiés de Syrie du point de vue d'une interdiction de rapatriement ou de refoulement en chaîne ?

Pour répondre à ces questions, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

## 2 Le régime de protection temporaire pour les réfugiés syriens

**Une protection temporaire de groupe qui s'applique à tous les réfugiés syriens sans évaluation individuelle. La carte de protection temporaire protège en principe contre le refoulement et donne à ses détenteurs un accès aux services de base, comme l'éducation et les soins de santé, et au marché du travail.** Selon le *Global Detention Project* (GDP), un centre de recherche basé à Genève, les réfugié-e-s syrien-ne-s, y compris les réfugié-e-s Palestinien-ne-s de Syrie, accèdent en Turquie à un régime de protection temporaire de groupe. Cette protection temporaire est accordée après vérification des origines syriennes de la personne et ne fait l'objet d'aucune évaluation individuelle. Cette source relève que les réfugié-e-s syrien-ne-s en Turquie ne peuvent pas introduire de demandes de protection internationale. Une fois en possession d'une carte de protection temporaire émise par la Direction générale de la gestion des migrations (DGMM), les réfugié-e-s syrien-ne-s sont en principe protégé-e-s du risque de refoulement et ont accès aux services de base tels que l'éducation et les soins de santé (GDP, octobre 2019). *Human Rights Watch* (HRW) note également que la carte de protection temporaire protège les Syrien-ne-s contre le risque d'arrestation et d'expulsion et qu'elle leur donne en principe accès à l'éducation, aux services de santé, au marché du travail et à l'assistance sociale (HRW, 16 juillet 2018). Selon le *Département britannique du développement international* (DFID), à travers le statut de protection temporaire, la Turquie donne aux réfugié-e-s syrien-ne-s un accès à des opportunités qui ne sont pas disponibles aux réfugiés non-européens, notamment en ce qui concerne la liberté

de mouvement, le permis de travail, l'accès à l'éducation et à la santé et les services sociaux. Cette source relève que les réfugié-e-s syrien-ne-s qui bénéficient de la protection temporaire reçoivent une carte de résidence, appelée « kimlik », qui leur permet d'avoir accès à un certain nombre de services, comme les soins de santé (DFID, 9 août 2018).

## 2.1 Une protection temporaire de plus en plus difficile à obtenir

**Depuis fin 2017, les réfugiés syriens ont de plus en plus de mal à se faire enregistrer et à obtenir la carte de protection temporaire. Sans protection, ils n'ont pas accès aux services de base et ils sont exposés aux arrestations et aux déportations. En 2016 déjà, les réfugiés syriens signalaient d'importants délais dans l'enregistrement.** Selon DFID, la carte de résidence « kimlik » est de plus en plus difficile à obtenir pour les réfugié-e-s syrien-ne-s (DFID, 9 août 2018). Selon le GDP, depuis 2018, plus d'une douzaine de provinces, y compris Istanbul, ont cessé d'enregistrer les réfugié-e-s syrien-ne-s et de leur fournir des documents (GDP, octobre 2019). Selon un rapport de HRW de juillet 2018, les autorités d'Istanbul et de neuf provinces situées à la frontière avec la Syrie ont largement cessé d'enregistrer les demandeur-euse-s d'asile syriens. En conséquence de ces suspensions d'enregistrement, les réfugié-e-s syrien-ne-s fraîchement arrivé-e-s courent le risque d'être expulsé-e-s vers la Syrie et sont privé-e-s d'accès aux services de santé et à l'éducation. Comme les déplacements des réfugié-e-s syrien-ne-s sont fortement limités (même les personnes qui possèdent une carte de protection temporaire ne sont pas autorisées à quitter la province où elles ont été enregistrées), ceux-ci/celles-ci ne peuvent en principe pas aller dans une province où les enregistrements sont toujours ouverts et ils/elles sont forcé-e-s de vivre dans la clandestinité (HRW, 16 juillet 2018). En 2016 déjà, HRW signalait que d'importants retards dans l'enregistrement et une mise en œuvre limitée des politiques de protection temporaire faisaient que de nombreux-euses réfugié-e-s syrien-ne-s étaient laissé-e-s sans protection efficace ou sans accès à des emplois et services dont ils/elles ont désespérément besoin. Des réfugié-e-s interrogé-e-s par HRW à Istanbul et Izmir ont confié qu'ils/elles faisaient face à des délais de plusieurs mois pour se faire enregistrer et recevoir la carte de résidence, indispensable pour envoyer les enfants à l'école, pour avoir accès aux services de soins de santé et pour obtenir un permis de travail. En réponse aux critiques face à ces délais, la DGMM a indiqué que les réfugié-e-s syrien-ne-s pourraient recevoir un « document de pré-enregistrement » valable 30 jours qui leur permettrait de résider légalement en Turquie en attendant que leur demande d'enregistrement soit traitée. Toutefois, comme indiqué par le représentant d'une ONG consulté par HRW, ce document ne permet pas d'accéder aux services de base et ceux qui le possèdent doivent donc dépendre de la charité ou de l'assistance fournie par des organisations d'aide (HRW, 20 juin 2016).

**Malgré le régime de protection temporaire, la grande majorité des réfugiés syriens vivent en dessous du seuil de pauvreté, notamment en raison des difficultés à trouver un travail.** Selon le GDP, malgré le régime de protection dont ils/elles disposent, les réfugié-e-s syrien-ne-s sont parmi les groupes les plus vulnérables en Turquie. Depuis 2015, ils/elles ont été la cible d'attaques physiques et de politiques de plus en plus restrictives, aussi bien à l'intérieur du pays qu'à ses frontières (GDP, octobre 2019). Selon DFID, les réfugié-e-s syrien-ne-s en Turquie font face à un certain nombre de défis, y compris un accès limité à l'information, la barrière de la langue, des obstacles à l'enregistrement qui limitent leur accès

à l'éducation et aux soins de santé, une pénurie de moyens de subsistance, ainsi que des tensions sociales occasionnelles entre les réfugié-e-s et la population locale. La pauvreté est très répandue parmi les réfugié-e-s syrien-ne-s, notamment en raison d'un accès limité à une source de revenu régulière et au coût élevé de la vie (DFID, 9 août 2018). Selon *Kids Rights*, près de 67 pourcents de réfugié-e-s syrien-ne-s vivent en dessous-du seuil de pauvreté. Cette pauvreté est fortement liée aux difficultés d'obtenir un permis de travail. Le nombre de permis de travail offerts couvre, selon cette source, moins d'un pourcent des réfugié-e-s syrien-ne-s car les employeurs doivent les parrainer et promettre de payer un salaire minimum (*Kids Rights*, 27 mars 2018). Une enquête du Programme alimentaire mondial (PAM) portant sur plus de 1 500 ménages syriens vivant dans le sud-ouest de la Turquie, citée par HRW, a montré que 93 pourcents des ménages interrogés vivaient en dessous du seuil de pauvreté. L'insécurité alimentaire à laquelle faisaient face ces ménages était causée en partie par un accès limité à des emplois stables (HRW, 20 juin 2016).

## 2.2 Rétablissement du statut de protection temporaire

**Il est en théorie possible pour un réfugié d'obtenir le rétablissement du statut de protection temporaire après avoir demandé une protection internationale dans un pays tiers, mais cela reste à la discrétion des autorités turques. Un processus long et compliqué.** Selon HRW, en avril 2016, la Turquie a modifié le règlement de protection temporaire pour offrir la possibilité aux réfugié-e-s syrien-ne-s renvoyé-e-s en Turquie depuis la Grèce de voir leur statut de protection temporaire rétabli (HRW, 20 juin 2016). Selon le HCR, si un réfugié syrien signe une requête de retour volontaire pour retourner en Syrie, alors il perdra son statut de protection temporaire. En cas de retour en Turquie, ce statut ne pourra être rétabli qu'en cas d'évaluation positive délivrée par les autorités nationales. Celle-ci est basée sur un entretien individuel avec la personne concernée (UNHCR, pas de date). Selon le courriel envoyé à l'OSAR le 13 juillet par une *personne de contact syrienne qui travaille comme journaliste à Istanbul*, un réfugié qui quitte la Turquie, et qui perd en conséquence son statut de protection temporaire, ne pourra le récupérer que s'il a obtenu avant son départ la permission des autorités de quitter le pays pendant une période déterminée. Il serait également possible pour un réfugié qui a un parent de premier degré en Turquie de faire rétablir ce statut en cas de retour, même si ce processus peut être long et compliqué. Cette source cite le cas d'une femme syrienne réfugiée qui a quitté la Turquie illégalement pour l'Europe en 2015 et qui est revenue deux ans plus tard, également de manière illégale. A son retour, elle a été brièvement arrêtée puis relâchée car ses parents vivent en Turquie. Après un long processus, elle a pu récupérer son statut de protection temporaire.

**Si un réfugié a quitté légalement le pays, alors il n'a pas la possibilité de récupérer son statut de protection temporaire. En cas de départ illégal, les autorités pourraient mettre un à deux ans avant de constater son départ et de révoquer son statut.** Selon le courriel envoyé à l'OSAR le 5 juillet 2020 par une *personne de contact qui travaille comme avocat en Turquie*, un réfugié syrien au bénéfice d'une protection temporaire perd automatiquement ce statut s'il quitte légalement le pays. Selon cette source, il n'a aucun moyen de récupérer ce statut à partir du moment où il l'a volontairement abandonné lors de son départ. Selon le courriel envoyé à l'OSAR le 10 juillet par une *personne de contact qui travaille comme juriste*, il est presque impossible pour un réfugié syrien qui a perdu son statut de protection temporaire de le faire rétablir à son retour en Turquie. Selon le courriel envoyé à l'OSAR le 3 juillet

2020 par une *personne de contact qui a une longue expérience dans l'assistance légale humanitaire*, un réfugié syrien qui quitte légalement la Turquie perd automatiquement son statut de protection temporaire. En cas de départ illégal, la perte de son statut va dépendre de la vitesse à laquelle les autorités découvrent son départ. En général, le département de migration et les autorités vérifient les adresses des réfugié-e-s une fois par année ou une fois tous les deux ans. En cas d'absence de son adresse, le réfugié va recevoir une notification, suivie par une révocation de son statut.

### 3 Permis de résidence et possibilités d'intégration à long-terme pour les ressortissants syriens

#### 3.1 Un droit de résidence temporaire sans perspective d'intégration juridique à long terme

**La carte de protection temporaire se substitue au permis de résidence et accorde un droit légal de résidence à son titulaire. Toutefois, il n'y a pas de directives claires sur la durée du séjour et la carte peut être révoquée à tout moment par les autorités turques. Aucune perspective d'intégration juridique à long-terme pour les réfugiés syriens.** Selon le *European Council on Refugees & Exiles* (ECRE), les personnes qui bénéficient d'un statut de protection internationale ou d'un statut de protection temporaire et qui en détiennent les documents ne sont pas tenues d'obtenir un permis de résidence, même si ces documents qui certifient leurs statuts de protection ne sont pas légalement considérés comme des permis de résidence. En effet, la Loi sur les étrangers et la protection internationale (LFIP) n'envisage pas d'accorder un permis de résidence à ceux et celles qui bénéficient d'un statut de protection internationale ou de protection temporaire. Le document qui certifie qu'une personne bénéficie d'une protection internationale se substitue au permis de résidence dans le sens qu'il permet à cette personne de résider légalement en Turquie. Selon ECRE, la loi turque n'offre pas de directives claires quant à la durée du séjour légal envisagé pour les titulaires d'un statut de protection internationale, quel que soit le type de protection internationale accordée à la personne concernée. Les documents qui certifient qu'une personne bénéficie d'une protection internationale restent valable jusqu'au moment où ils sont révoqués par la Direction générale de la gestion des migrations (DGMM). C'est donc cette dernière qui peut seule décider de la durée de validité de ces documents et donc de la durée de séjour de son titulaire (ECRE, 29 avril 2020). Selon HRW, le règlement de protection temporaire peut en principe être résilié à n'importe quel moment par le Conseil des ministres, ce qui aurait comme conséquence que les bénéficiaires perdraient le droit de résider de manière légale dans le pays (HRW, 20 juin 2016). Selon ECRE, comme la possession d'un document de protection internationale ne peut pas mener à une résidence à long-terme en Turquie et que le temps passé dans le pays sur la base de ce document n'est pas pris en compte pour la réalisation de la condition de résidence légale ininterrompue de cinq ans, requise pour pouvoir demander une naturalisation, on peut en conclure que le cadre législatif turc n'offre aux titulaires d'un statut de protection internationale aucune perspective d'intégration juridique à long terme (ECRE, 29 avril 2020).

**L'obtention d'un permis de résidence renouvelable requiert une entrée légale sur le territoire turc. Des permis de résidence familiaux peuvent être obtenus pour les conjoints de ressortissants turcs, à condition d'avoir des documents en règle.** Selon HRW, certains ressortissant-e-s syrien-ne-s en Turquie sont détenteurs-trices d'un permis de résidence renouvelable. Ce permis requiert d'avoir un timbre d'entrée valide ainsi que de payer une redevance de 1000 liras turques, l'équivalent de 140 francs suisses<sup>1</sup>, pour la première année, puis des taxes additionnelles par la suite (HRW, 20 juin 2016). Selon le courriel envoyé à l'OSAR le 3 juillet 2020 par une *personne de contact qui a une longue expérience dans l'assistance légale humanitaire en Turquie*, tous les étrangers-ères qui souhaitent obtenir un permis de résidence doivent avoir un passeport valide et être entré-e-s légalement sur le territoire turc. Selon cette source, un ressortissant syrien marié à une femme turque, et qui possède un passeport valable ainsi qu'une preuve d'entrée légale sur le territoire turc, peut obtenir un permis de résidence, appelé « Family Residence Permit ». Selon le courriel envoyé à l'OSAR le 13 juillet par une *personne de contact syrienne qui travaille comme journaliste à Istanbul*, un réfugié syrien sous protection temporaire et qui est marié à une femme turque peut effectivement obtenir un permis de résidence familiale. Toutefois, si ce réfugié ne possède pas de carte de protection temporaire, alors il ne pourra pas faire enregistrer son mariage par le tribunal de la famille.

### 3.2 Accès très limité à la citoyenneté turque pour les réfugiés syriens

**Des opportunités d'obtention de la citoyenneté turque très limitées pour les réfugiés syriens. Les réfugiés syriens sous protection temporaire exclus de la procédure normale de demande de citoyenneté.** Selon ECRE, qui se réfère à la loi No 5901 sur la citoyenneté turque, il existe trois procédures pour les étrangers-ères qui souhaitent obtenir la citoyenneté turque :

1. La procédure normale : une personne doit avoir résidé légalement en Turquie pendant cinq ans. Pendant cette période, cette personne ne peut quitter le pays que pendant une période maximale de 180 jours. Selon la procédure, un comité de citoyenneté va examiner le statut économique et la cohésion sociale de cette personne. Cet examen est suivi de contrôles de sécurité effectués par la police et la National Intelligence Organisation. Les informations collectées sont envoyées au *General Directorate of Citizenship* du Ministère de l'intérieur. Celui-ci propose ensuite d'attribuer la citoyenneté après approbation du Ministère de l'intérieur.
2. Mariage avec un ou une citoyenne turque : si le mariage de la personne candidate a duré trois ans et a été effectif, alors celle-ci peut obtenir la citoyenneté turque. Toutefois, cette personne doit au préalable avoir été « blanchie » par une enquête de sécurité.
3. Circonstances exceptionnelles : cette citoyenneté est principalement accordée aux étrangers-ères qui apportent des compétences industrielles ou contribuent au progrès scientifique, économique, culturel, social et sportif de la Turquie. Cette procédure est dénuée de conditions de résidence ou de durée et elle offre la possibilité d'octroyer rapidement la citoyenneté turque aux personnes qualifiées.

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<sup>1</sup> Selon le taux de change du 15 juillet 2020.



Selon ECRE, même si certains réfugié-e-s syrien-ne-s sous protection temporaire ont pu accéder à la citoyenneté grâce à la procédure des circonstances exceptionnelles, dans la pratique les ressortissant-e-s syrien-ne-s n'ont pas accès à la citoyenneté turque (ECRE, 29 avril 2020). Le *Middle East Monitor* (MEMO) note également qu'un Syrien qui détient le statut de protection temporaire ne peut pas se porter candidat pour obtenir la citoyenneté turque, même si cet individu remplit les critères requis, comme par exemple avoir résidé en Turquie sans interruption pendant une période de cinq ans (MEMO, 13 octobre 2018). Une *personne de contact turque qui travaille comme juriste* a confirmé à l'OSAR par courriel le 10 juillet qu'un réfugié syrien au bénéfice d'une protection temporaire ne peut pas obtenir la citoyenneté turque par la voie normale.

**La majorité des Syriens ont obtenu la citoyenneté turque à travers le mariage à une personne turque, les liens familiaux, et dans une moindre mesure à travers une procédure exceptionnelle.** Selon le courriel envoyé à l'OSAR le 10 juillet par une *personne de contact turque qui travaille comme juriste*, un réfugié syrien marié à une ressortissante turque, peut demander la citoyenneté turque par le biais de son mariage. D'après le *Middle East Monitor* (MEMO), la plupart des Syrien-ne-s qui ont obtenu la citoyenneté turque – 50 000 en tout selon cette source - avaient soit des parents turcs, soit un-e conjoint-e turc/que, ce qui leur a permis d'acquérir légalement cette citoyenneté. Seul un petit nombre d'entre eux/elles ont acquis la citoyenneté turque à travers la procédure exceptionnelle. Pour celle-ci, les réfugié-e-s syrien-ne-s ne peuvent pas se porter candidat-e. C'est le Ministère de l'intérieur qui identifie et choisit les candidat-e-s qui peuvent être interviewé-e-s pour obtenir la citoyenneté (MEMO, 13 octobre 2018). Pour *Ayhan Kaya*, de la Istanbul Bilgi University, en date du 2 août 2019, ce sont près de 92 000 Syrien-ne-s qui ont obtenu la citoyenneté turque. Ceux et celles qui en ont bénéficié sont essentiellement des personnes jeunes, éduquées, qualifiées, avec un emploi, multilingues, turcophones et issues d'une classe moyenne inférieure ou supérieure. Il est aussi courant d'obtenir la citoyenneté turque via un mariage avec un-e citoyen-ne turc/que.

**L'origine kurde d'un Syrien pourrait être un obstacle pour obtenir la citoyenneté turque, notamment en raison de considérations sécuritaires.** Selon *Ayhan Kaya*, les Syrien-ne-s d'origine kurde, âgé-e-s, sans-emploi, issu-e-s de la classe ouvrière et sans aucune qualification sont nettement moins susceptibles d'obtenir la citoyenneté turque (*Ayhan Kaya*, février 2020). Selon la *personne de contact turque qui travaille comme juriste*, si un réfugié syrien est d'origine kurde, il n'est pas exclu que sa candidature soit rejetée sur la base de considérations sécuritaires. Les autorités procèdent systématiquement à des contrôles de sécurité des candidat-e-s à la citoyenneté et se réservent le droit de rejeter une demande si elles considèrent que cette personne représente un risque pour la sécurité publique. Les critères utilisés pour faire cette évaluation sont vagues et ne sont pas divulgués au public.

## 4 Renvoi forcé des réfugiés syriens en Syrie

### 4.1 Des renvois forcés vers la Syrie en forte augmentation depuis 2018

**Depuis 2016, les autorités turques ont augmenté le nombre de déportations de réfugiés vers des pays à risque, y compris la Syrie. Un changement de discours des autorités**

**depuis 2018 dans un contexte de crise économique et de d'agitation politique. L'accent est désormais mis sur le retour des réfugiés syriens.** Selon le GDP, en octobre 2016, les autorités turques ont adopté un décret urgent qui énumérait les conditions dans lesquelles il était permis d'ignorer les obligations de non-refoulement. Bon nombre de celles-ci ont ensuite été transformées en lois. Cette source indique que depuis ce décret, le gouvernement a augmenté le nombre de déportation de réfugié-e-s vers des pays à risque, tels que l'Afghanistan, la Syrie et l'Irak (GDP, octobre 2019). Selon une étude de *Ayhan Kaya*, de la Istanbul Bilgi University, il y a eu récemment un changement radical dans le discours politique adopté par l'AKP, le parti au pouvoir, et par les acteurs étatiques au sujet des réfugié-e-s syrien-ne-s. L'accent est maintenant mis sur le retour de ces réfugié-e-s en Syrie. Ce changement a commencé à s'opérer et à se développer en 2018 dans un contexte de crise économique et d'agitation politique. Il s'est encore accentué en juin 2019, après que l'AKP ait perdu les villes d'Istanbul, Ankara, Izmir et Antalya lors des élections municipales (*Ayhan Kaya*, février 2020). Selon HRW, le 24 septembre 2019, le président Erdogan a annoncé à l'Assemblée générale des Nations-unies que la Turquie allait établir une zone sûre dans les territoires alors contrôlés par les Kurdes dans le nord-est de la Syrie. Cette zone pourrait accueillir entre un et trois millions de réfugié-e-s syrien-ne-s (HRW, 24 octobre 2019).

**Près de 100 000 réfugiés syriens ont quitté Istanbul en 2019, suite aux pressions, contrôles et arrestations effectués par les autorités. Alors que les réfugiés non-enregistrés risquent la déportation vers la Syrie, ceux qui sont enregistrés dans une autre province doivent y retourner.** Selon la *Deutsche Welle* (DW), sur les 3.6 millions de réfugié-e-s syrien-ne-s enregistré-e-s en Turquie, plus d'un demi-million le sont à Istanbul. Depuis mi-juillet 2019, en réponse à une pression de la population et à des problèmes économiques, les autorités ont commencé à expulser des réfugié-e-s syrien-ne-s non-enregistré-e-s d'Istanbul. Selon des chiffres annoncés par le gouverneur de la capitale, près de 100 000 réfugié-e-s syrien-ne-s ont quitté Istanbul en 2019. Le plan de réinstallation des réfugié-e-s syrien-ne-s vise celles et ceux qui ont été enregistrés dans d'autres provinces et qui doivent y retourner. Selon DW, cela pourrait concerner jusqu'à 300 000 Syrien-ne-s vivant à Istanbul. Selon des organisations de défense des droits humains, certain-e-s de ces Syrien-ne-s ont été renvoyé-e-s dans des zones de conflit en Syrie (DW, 4 janvier 2020). Selon *Ayhan Kaya*, suite aux élections municipales de juin 2019, le gouverneur d'Istanbul a annoncé que les Syrien-ne-s avec protection temporaire qui résidaient à Istanbul sans documents attestant que la capitale est leur ville d'enregistrement seraient déporté-e-s vers les villes où ils/elle ont été initialement enregistré-e-s, ou vers la Syrie (*Ayhan Kaya*, février 2020). Selon le GDP, en juillet 2019, les autorités d'Istanbul ont annoncé des raids, des contrôles et des arrestations de réfugié-e-s syrien-ne-s enregistré-e-s dans d'autres villes. Ces raids, qui ont également visé des Syrien-ne-s qui travaillaient informellement, ont été suivis de déportations sommaires vers le nord de la Syrie. Selon le GDP, même des Syrien-ne-s qui possédaient des documents leur permettant de résider légalement à Istanbul ont été déporté-e-s (GDP, octobre 2019).

**Les réfugiés syriens d'origine kurde sont plus à risque d'être considérés comme un risque sécuritaire et de se faire déporter. Etre marié à une citoyenne turque ne protège pas contre les déportations.** Selon une étude de *Ayhan Kaya*, de la Istanbul Bilgi University, les Syrien-ne-s d'origine kurde sont particulièrement visé-e-s par les tentatives du gouvernement d'encourager les retours en Syrie (*Ayhan Kaya*, février 2020). Selon le courriel envoyé à l'OSAR le 13 juillet par une *personne de contact syrienne qui travaille comme journaliste à Istanbul*, un réfugié syrien d'origine kurde aura plus de chance de se faire accuser de liens avec une organisation considérée par le gouvernement comme terroriste, tel que le *Parti de*

*l'union démocratique (PYD)*, et d'être renvoyé en Syrie. Toutefois, cette source précise que si ce réfugié est marié à une femme turque, alors le risque de déportation serait moins élevé. Selon le courriel envoyé à l'OSAR le 10 juillet par une *personne de contact qui travaille comme juriste*, l'argument de la sécurité a été très souvent utilisé par les autorités turques à l'égard des étrangers-ères pour justifier des décisions concernant les expulsions ou les interdictions d'entrée sur le territoire turc. Selon cette source, il y a toujours une chance qu'un réfugié syrien d'origine kurde puisse être considéré comme une menace pour la sécurité publique en raison de son origine ethnique et de sa nationalité. Si une décision de déportation est prononcée à l'encontre d'un réfugié syrien au bénéfice d'un permis de résidence familial, alors il y a de fortes chances qu'il perdra ce permis, car un ordre de déportation est un des motifs d'annulation de ce permis. Selon cette source, rien dans la loi turque ne s'oppose à la déportation du conjoint d'une citoyenne turque. Il existe bien des articles de lois qui obligent l'administration à respecter des principes de proportionnalité et de protection de l'unité de la famille, mais ils ne pèsent souvent pas lourds face à des considérations sécuritaires.

**Les retours forcés en Syrie présentés comme des « retours volontaires » par le gouvernement. Des réfugiés syriens déportés forcés de signer des documents sous la menace.** Selon le GDP, les autorités turques se sont défendues des critiques de déportations forcées en avançant que plus de 315 000 personnes étaient retournées volontairement en Syrie ces dernières années. Toutefois, des observateurs comme *Amnesty International (AI)* ont indiqué que bon nombre de ces départs étaient loin d'être volontaires. Des Syriens interrogés par AI ont affirmé avoir été battus et menacés de violence pour les forcer à signer des documents de « retours volontaires » (GDP, octobre 2019). Selon HRW, entre janvier et septembre 2019, les autorités d'Istanbul et de Antakya ont mis en détention et déporté des douzaines de Syriens vers le nord de la Syrie, en dépit des combats qui s'y tenaient. Les Syriens déportés ont confié que les autorités turques les ont forcés à signer des documents qu'ils n'ont pas été autorisés à lire, parfois après les avoir battus et menacés, et qu'ils ont été ensuite déportés vers la Syrie. Selon cette source, sur les quinze personnes interrogées, parmi lesquelles certaines ont passé six semaines en détention, aucune n'a été accusée d'un délit quelconque ou n'a été autorisée à contester sa détention auprès de fonctionnaires ou devant un juge (HRW, 24 octobre 2019).

**Une frontière avec la Syrie qui reste fermée. Les réfugiés syriens qui tentent de passer et qui sont interceptés sont mis en détention et déportés sommairement.** Selon GDP, la frontière entre la Turquie et la Syrie est fermée et le gouvernement turc n'accepte plus de nouveaux demandeurs-euses d'asile fuyant la Syrie. Le seul moyen d'entrer en Turquie est de se tourner vers des passeurs. Ceux et celles qui tentent de traverser la frontière s'exposent à la force létale, à être mis en détention et à subir des violences de la part des militaires et gardes-frontières turcs. Selon HRW, cité par le GDP, en 2018 le gouvernement a intercepté des milliers de Syrien-ne-s à la frontière et les a déporté-e-s sommairement (GDP, octobre 2019).

## **4.2 Une protection limitée et un risque de renvoi forcé qui ne sont pas compatibles avec un statut de pays tiers sûr**

**Selon AI et HRW, la Turquie ne peut être considérée comme un pays tiers sûr en raison de retours forcés de demandeurs d'asile et de réfugiés vers des pays à risque, de l'absence d'une protection efficace fournie aux réfugiés et de l'absence d'une offre d'intégration locale à long-terme.** Selon *Amnesty International* (AI), dès 2015, la Turquie a montré qu'elle ne pouvait pas être considérée comme un pays sûr car elle a renvoyé des demandeurs-euses d'asile et des réfugié-e-s vers des pays à risque comme l'Afghanistan, l'Irak et la Syrie. De plus, la Turquie n'offre pas de protection efficace aux demandeurs-euses d'asile et aux réfugié-e-s qui y sont renvoyé-e-s. Selon cette source, les demandeurs-euses d'asile en Turquie n'ont pas accès à des procédures équitables et efficaces pour la détermination de leur statut de réfugié, notamment en raison du grand nombre de demandes. Par ailleurs, les demandeurs-euses d'asile et les réfugié-e-s ne se voient pas proposer de « solutions durables » par la Turquie. Les trois options de solutions durables identifiées par l'Agence des Nations-unions pour les réfugiés (HCR) sont : le retour dans le pays d'origine (lorsque cela est possible du point de vue de la sécurité), l'intégration dans le pays d'accueil et la réinstallation dans un pays tiers. La protection limitée offerte aux réfugié-e-s syrien-ne-s ne leur permet pas d'envisager une intégration à long-terme en Turquie. La réinstallation dans un pays tiers n'est pas accessible à la grande majorité des réfugié-e-s syrien-ne-s en raison du peu d'efforts consentis par la communauté internationale pour les accueillir. Finalement, AI considère que les demandeurs-euses d'asile et les réfugié-e-s en Turquie n'ont pas accès à des moyens de subsistance suffisants pour maintenir un niveau de vie adéquat et qu'ainsi ils/elles ne peuvent pas vivre dans la dignité (AI, 3 juin 2016). Selon HRW, la Turquie ne remplit pas les critères pour être considérée comme un pays tiers sûr vers lequel un-e demandeur-euse d'asile peut être renvoyé-e. Ces critères comprennent notamment le respect du principe de non-refoulement. En effet, selon cette source, depuis juillet 2019, des centaines de réfugié-e-s syrien-ne-s ont été déporté-e-s vers la Syrie depuis les villes. Les demandeurs-euses d'asile renvoyé-e-s depuis la Grèce courent donc le risque d'être ensuite déporté-e-s vers la Syrie. Depuis 2016, les gardes-frontières turcs ont tué et blessé des demandeurs-euses d'asile syrien-ne-s et les ont renvoyé-e-s en masse vers la Syrie. La plupart ont été déportés dans la province d'Idlib où le gouvernement syrien et les forces russes conduisent des opérations militaires qui ont forcé des millions de Syrien-ne-s à fuir leurs maisons (HRW, 17 mars 2020).

**Un accord entre la Turquie et l'Union européenne (UE) permet le renvoi vers la Turquie de demandeurs d'asile sans évaluation de leurs demandes de protection au motif que la Turquie est considérée par l'UE comme un pays tiers sûr. Toutefois, en août 2019, un tribunal allemand a suspendu le renvoi d'un demandeur d'asile en contestant le statut de « pays sûr » de la Turquie.** Selon le GDP, un accord de réadmission de 2013 entre la Turquie et l'UE oblige la Turquie à réadmettre ses propres citoyen-ne-s, mais également des ressortissant-e-s de pays tiers qui sont entré-e-s dans l'UE directement depuis la Turquie (GDP, octobre 2019). Selon HRW, l'accord entre la Turquie et l'UE, entré en vigueur en mars 2016, stipule que de nombreux-euses réfugié-e-s syrien-ne-s en Grèce peuvent être renvoyé-e-s en Turquie sans évaluation par l'UE de leurs demandes de protection liées à la situation dans leur pays d'origine, notamment parce que la Turquie est considérée comme « un pays tiers sûr » ou un « premier pays d'asile » pour eux/elles. (HRW, 20 juin 2016). Selon *Ahval news*, qui cite la radio *Deutsche Welle* (DW), en août 2019, un tribunal régional allemand a suspendu le transfert d'un demandeur d'asile syrien vers la Grèce au motif que celui-ci courrait un risque élevé d'être ensuite renvoyé vers la Turquie. Le tribunal a considéré que la Turquie ne remplissait pas les critères d'un pays tiers sûr pour les réfugié-e-s, en particulier

car il n'offrirait pas une protection à tous les demandeurs-euses d'asile et uniquement une « protection temporaire » aux ressortissant-e-s syrien-ne-s (Ahval news, 17 août 2019).

## 5 Sources

Ahval news, 17 août 2019:

*« **A regional court in Germany ruled to suspend the transfer of a Syrian national to Greece due to the risk being he would be returned to Turkey, which it said did not meet the safe third country requirements set for asylum seekers, Deutsche Welle Turkish reported on Friday.***

*The German authorities apprehended the applicant following a border police check on June 13 and placed him detention. Proceedings were then launched to return the Syrian, who had previously applied for asylum on the Greek island of Kos in 2018. His application was declined as Turkey was considered the first country of asylum.*

***The Bavarian court which examined the man's appeal against his transfer to Greece said the Syrian might be returned to Turkey which did not meet the requirements of a safe country described in an EU directive on asylum seekers.***

***The court said Turkey did not sufficiently implement the Geneva Convention, the main international instrument of refugee law. It said Turkey did not grant protection status to all asylum seekers and that it granted Syrian nationals "temporary protection" instead. [...].*** » Source: Ahval news, German court rules Turkey is not a safe third country for return of Syrian refugee, 17 août 2019: <https://ahvalnews.com/syrian-refugees/german-court-rules-turkey-not-safe-third-country-return-syrian-refugee>.

AI, 3 juin 2016:

*« The justification for the EU-Turkey Deal is the assumption that Turkey is a safe place to which asylum-seekers and refugees can be returned. **One obvious way in which a country might not be "safe" is if it violates the principle of non-refoulement: the prohibition on the transfer of individuals to countries where they face a risk of serious human rights violations. Previous Amnesty International research has already shown that in late 2015 and early 2016, asylum-seekers and refugees in Turkey were sent back to precisely such a risk in Afghanistan, Iraq and Syria. The "safety" of a country for the purposes of lawfully returning asylum-seekers and refugees is not just to be reckoned in these terms however, but also in the ability of returnees to receive effective protection – i.e. the full enjoyment of their rights as asylum-seekers and refugees in the country to which they are due to be returned.***

*This briefing focuses on people's treatment within Turkey, and shows that – **contrary to what is required under EU and international law – Turkey does not provide effective protection to the asylum-seekers and refugees on its territory. First, asylum-seekers do not have access to fair and efficient procedures for the determination of their status. Turkey's***

*two-year old asylum system is still in the process of being established, and is not capable of coping with individual applications made by hundreds of thousands of asylum-seekers. Second, asylum-seekers and refugees do not have timely access to what are known as “durable solutions.” The UN Refugee Agency – UNHCR – has identified three such solutions for addressing refugee crises: repatriation (when safe to do so) to countries of origin, integration in host countries, and resettlement to third countries. Because Turkey denies full refugee status to non-Europeans, and because the international community is failing to take a fair share of the world’s displaced people, asylum-seekers and refugees in Turkey do not have adequate access to either of the two relevant durable solutions. Third, asylum-seekers and refugees in Turkey are denied access to means of subsistence sufficient to maintain an adequate standard of living. With state authorities not meeting people’s basic needs – in particular shelter – combined with the significant barriers that people experience in achieving self-reliance, Turkey is not providing an environment where asylum-seekers and refugees can live in dignity. »*  
Source: Amnesty International (AI), No safe refuge : Asylum-seekers and refugees denied effective protection in Turkey, 3 juin 2016, p.5 : [www.ecoi.net/en/file/local/1012755/1226\\_1465190706\\_eur4438252016english.pdf](http://www.ecoi.net/en/file/local/1012755/1226_1465190706_eur4438252016english.pdf).

Ayhan Kaya, février 2020:

« [...] However, recently **a radical shift in the political discourse adopted by the AKP government and the state actors can be observed**. Rather than emphasizing guesthood and the Ansar rhetoric, **emphasis is now on the return of the Syrians either to their home cities or to the safe zone, which is in the process of being constructed by the international forces at the TurkishSyrian border**. [...]

*Article 13 of the Municipalities Law (No. 5393) clearly states that everyone living in the municipal territory needs to be granted the same rights and services irrespective of their being Turkish citizen or not. The principle of “fellowship” framed by Article 13 is a very comprehensive principle, which is based on the idea of treating all the residents including foreigners equally. However, the data show that this principle is not very well embraced by most of the municipalities when reaching out to the Syrians under temporary protection.*  
[...]

**Turkey first introduced the Temporary Protection Directive for the refugees in 2014, based on Articles 61 to 95 of the Law on Foreigners and International Protection, which came into force in April 2014. The directive grants almost all of the social and civil rights that refugees enjoy in western countries that are signatories of the Geneva Convention. Accordingly, Turkey has provided Syrians with temporary protection which consists of three elements: an open-door policy for all Syrians; no forced returns to Syria (non-refoulement); and unlimited duration of stay in Turkey.** [...]

*However, it is still not clear what the Turkish state actors mean by granting citizenship. Anecdotal evidence indicates that those Syrians with economic and cultural capital are more likely to be granted citizenship than those precarious ones, who seem to be instrumentalized by the ongoing neoliberal forms of governance for the establishment of a model of precarious work for non-citizen workers (Canefe, 2016; and Baban et al, 2016). **As of 8 March 2019, the total number of Syrians who have been granted Turkish citizenship was 79,894 persons. This number rose to 92,280 on 2 August 2019. The field research findings indicate that Turkish citizenship is mostly granted to those who are young, educated, skilled, employed, multi-***

*lingual, Turkish-speaking, and with a lower or upper middle-class background. It is also a common practice to be granted Turkish citizenship through marriage with a Turkish citizen. However, those of Kurdish origin, old age, unemployed, working-class background and no qualifications are much less likely to be granted citizenship. [...]*

*Our experiences in the field show that there is a group of Syrians with a particular ethnic profile that is expected to return to Syrian, i.e. Kurds. [...]*

*The discourse of return has become more widespread in 2018 and afterwards as the hostility against the Syrians escalated in Turkey due to the increasing socio-economic and political unrest. This discursive shift also became visible in the speeches of the Minister of Interior, Süleyman Soylu, who started to give detailed account of Syrian returnees in his monthly organized press conferences in 2018 and 2019. The discursive shift of the government became even sharper in the aftermath of the local elections held on 23 June 2019 when the ruling party lost metropolitan cities such as Istanbul, Ankara, Izmir, and Antalya. For instance, following the loss of elections in Istanbul, the governor of Istanbul announced that Syrians under temporary protection residing in Istanbul without proof of document showing Istanbul as their city of registration would be deported to the cities where they were originally registered, or to Syria. These changes in policy practices show that what is happening to the Syrians is not only a discursive shift, but also an actual transformation of policies from guesthood to return (Şahin-Mencütek, 2019; Gökalp-Aras and Şahin-Mencütek, 2019). [...]*

*Healthcare: Article 89-3 of the LFIP states that applicants who do not have any health insurance coverage and do not have the financial means to pay for healthcare services, are to be covered by the General Health Insurance scheme under Turkey's public social security scheme. The General Health Insurance premiums of such beneficiaries are paid for by the DGMM. However, the DGMM may require applicants to refund all or part of the premiums at a later time in consideration of the applicant's financial means. Coverage under Turkey's General Health Insurance scheme provides substantial level of free healthcare services and medication, however the LFIP is yet to establish administrative guidelines as to how the financial means of applicants will be determined. Beneficiaries need to be assigned a Foreigners ID Number as a prerequisite for coverage by the General Health Insurance scheme, applicants processed under the accelerated procedure cannot have access to this benefit since they are not issued the International Protection Applicant Identification Document in accordance with Article 76 of the LFPI. Applicants who are not processed under the regular procedure only have resort to urgent and basic healthcare services, as defined by Turkish healthcare legislation. [...]*

*The Law on Foreigners and International Protection also includes articles addressing the special needs of vulnerable groups. According to Article 3 of LFIP, the "persons with special needs" category includes unaccompanied minors, handicapped persons, elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence. The LFIP has a number of special provisions regarding the reception services to be extended to such vulnerable groups. However, the additional reception measures prescribed by the existing legislative and administrative framework is far from sufficient. This is also what we have come across in the field research while having conducted interviews with the members of the bureaucracy, NGOs, and refugees with special needs. Article 66 of LFIP stipulates that the principle*

of “best interests of the child” shall be observed in all decisions concerning unaccompanied minor applicants. While applicants below the age of 16 shall be placed in children’s shelters or other premises under the authority of the Ministry for Family and Social Services, applicants who are above 16 years of age may also be accommodated in dedicated quarters within Reception and Accommodation Centres. Furthermore, **Article 67 of LFIP requires “priority” to be given to “persons with special needs” in all procedures, rights and benefits extended to international protection applicants. [...]**

**According to the September 2018 data of the DGMM, there were 1,047,536 Syrian children of school age. A total of 518,105 students (465,171 Syrians and 52,934 Iraqis) under temporary protection were then enrolled in the formal education system in October 2018. In 224 temporary education centres in 19 provinces, 106,845 students, all of whom are Syrians, received intensive Turkish language education. In total, 641,630 (316,045 female, 325,585 male) immigrants were being provided access to education. [...]**

Since the beginning of the mass migration, one of the biggest difficulties experienced by the Syrians are the problems they encounter in having their degrees, or formal educational levels, recognized by the Turkish state (Çelik and İçduygu, 2018). [...]

**Healthcare services: Syrian refugees are impacted significantly by difficulties in registration, thereby impacting access to healthcare services, among others. Many interlocutors during the field research reported the lack of healthcare facilities providing Arabic speaking staff and doctors. They attributed this as a major concern and barrier for access of Syrians to basic services. Due to the size of big cities such as Istanbul and Izmir, local transportation is also reported to be another major barrier in terms of access services. Since the very beginning of the mass migration, it has not been easy for Syrian refugees to travel in the country from one city to another. Domestic travel was subject to permission to be granted by the local authorities.**

**All the Syrians under temporary protection in Turkey are eligible to receive the same health care as Turkish citizens, being covered by the national health insurance scheme. According to the Temporary Protection Regulation, their access to health care services is only possible in the province where they are registered. Emergency medical services are also provided to non-registered persons. Syrians have the right to access free of charge health care services provided by public health institutions, for both primary and secondary care. A subsidy of 80 per cent applies to medication costs, which used to be previously covered by AFAD, and now by DGMM since March 2018. Other than primary health care services and public hospitals, Syrians can also approach one of the many Migrant Health Centres, located in the provinces with high refugee population density. These centres are staffed by both Syrian doctors and nurses, as well as bilingual (Turkish-Arabic) Turkish medical staff. As of May 2018, 1.515 medical staff (75 per cent being Syrian refugees, 16 per cent Turkish citizen Syrians) are delivering primary health care services in 169 Migrant health centres supported by the project. Syrians under temporary protection can also benefit from mental health services provided by public health care institutions. In most health care facilities interpreters are not available, rendering communication with health care providers very difficult since the beginning of the mass migration (Batalla and Tolay, 2018). Some NGOs, including the Turkish Red Crescent (KIZILAY) and ASAM are trying to bridge this gap. [...]**



*Istanbul is a metropolitan city with its own innate problems. This is a complaint that we have heard from other interlocutors, too. These are the kinds of complains that we did not come across during the field research we conducted in Şanlıurfa. A 25-year-old man married with two children from Aleppo living in Avcılar confirmed what the previous interlocutors said with regard to the access to health services:*

*My son is sick, I went to the Kanuni Sultan Suleyman public hospital [in Halkali nearby], but they keep transferring us without giving us medication, no treatment and they don't even do any proper examination. I went to Bakirkoy public hospital they gave him medication and said that he is cured and that there is nothing wrong with him anymore, so I went to a private hospital since he didn't improve. There is no attention for us. I understand Turkish but they don't help us at hospitals they say we should call 189 and take an appointment after 1 month and a half and it is all useless (Interview, 18 August 2018, Avcılar, Istanbul, 20\_Bilgi).*

*This interlocutor apparently went through the same things that the locals of the city go through. Apparently, **he did not appreciate the way he was treated by the public hospitals. This is a common problem that every citizen in the city might come across. This is why, recently many migrants under temporary protection prefer to go to Migrant Health Centres (Göçmen Sağlığı Merkezleri) where translation facilities are better and there are Syrian doctors and nurses serving. [...]***

*Health care services have been provided for free to all the migrants under temporary protection since the beginning of their reception. However, the language problem has always been the greatest issue raised by the Syrians under temporary protection. » Source: RESPOND, Reception Policies, Practices and Responses; Turkey Country Report, février 2020, p.11-13, 18, 34, 38-41, 44, 48-49, 53-55, 64-65: <http://uu.diva-portal.org/smash/get/diva2:1392942/FULLTEXT01.pdf>.*

DFID, 9 août 2018:

*« [...] Syrian refugees have 'temporary protection' which gives Syrian refugees in Turkey access to opportunities not awarded to other (non-European) refugees (freedom of movement, work permits, refugee protection, access to education and healthcare and social services). A residency card or kimlik provides Syrian refugees with access to a set of services such as health care and temporary protection, although they have become harder to obtain. According to Article 3 of the Temporary Protection Regulation, "unaccompanied minors, persons with disability, elderly, pregnant women, single parents with accompanying children, victims of torture, sexual assault or other forms of psychological, physical or sexual violence" are to be categorised as "persons with special needs". 'Being identified and registered as a "person with special needs" entitles beneficiaries to additional safeguards and prioritised access to rights and services' and the responsibility for them lies with the Ministry of Family and Social Policies. However, Kivilcim notes that the 'law fails to create structures that will adequately mitigate or prevent abuses' against such groups.*

*Refugees in Turkey face a number of challenges including, 'lack of access to information; language barriers; obstacles to registration, which in turn hinder their access to health and education; a dearth of livelihoods opportunities; and occasional social ten-*

**sion between refugees and host communities'. Poverty is prevalent among Syrian refugees living in Turkey, due to a lack of access to a regular income, and the high cost of living.** Assessments in 2017 found that nearly 67% of Syrian refugees live below the poverty line and many are in shelters with insufficient water, sanitation and hygiene facilities and inadequate protection against poor weather. 18.4% of them were living below the extreme poverty line and couldn't afford to meet their most basic food needs. Many families have resorted to negative coping mechanisms, such as reducing the quality and quantity of food consumption, living in substandard housing, and reducing expenditure on health and education, which have an especially detrimental impact on the well-being of children, people with disabilities, the elderly and women. Other negative coping mechanisms by Syrian refugees include child labour, early marriage and informal employment. [...]

**Syrian refugees in Turkey are entitled to the same health services as Turkish citizens, although this is not uniformly applied.** [...]

**There are more than 1.1 million registered Syrian refugees of school-age (5 to 17 years old) in Turkey. Figures from March 2018 find that there are 299,326 girls and 304,603 boys enrolled in formal education.** In primary schools, the rate of schooling was similar for Syrian boys and girls, but in secondary school, less girls are attending. Research by Coşkun et al suggests that the reluctance of parents to send their daughters to secondary school is due to cultural reasons as they do not find the environmental conditions safe enough to allow their daughters outside. Coşkun et al observed that Turkish speaking levels of male students were higher than those of female students, which may be related to the fact that compared to female students, male students have more interactions outside the school

**In June 2017, with the support of international donors, the national Conditional Cash Transfer for Education (CCTE) was extended to refugees, with the aim of promoting attendance, reducing drop-out, and encouraging enrolment, although there are reports that the payments have been difficult to access and not enough to encourage parents to reintegrate their children into schools.** In March 2018, 165,975 refugee girls and 164,650 refugee boys were benefiting from the conditional cash transfer for education. The benefits paid are slightly higher for girls than for boys to encourage their school attendance [...]

**About 40% of Syrian school-aged children and adolescents are out of school. One of the main barriers to education identified by education experts is poverty, with nearly 67% of Syrian refugees living below the poverty line.** Syrian refugee children are often unable to afford transportation to schools and they often drop out of school to supplement their family's income by working, with boys over 12 at particular risk of engaging in child labour, although girls are engaged in it too. For example, a study by WFP Turkey looking at the ESSN found that in crises one household coping strategy was withdrawing children from school, while in more serious emergencies household coping strategies included sending children to work. The ESSN has seen a reduction in the use of these coping strategies, although they still occur.[...]

**'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'. There is no reliable data on refugees with disabilities in Turkey and there is no standard way to record to disabilities, although global estimates suggest that 15% of the population are people with disabilities and a 2014 survey of Syrian refugees living in camps in Jordan and Lebanon found**

that 22% had an impairment. The recent survey by the WASH and Shelter sector found that 12.4% of refugee households had a household member with a disability, while 31% had a household member living with chronic illness. 13% of households involved in DRC's e-voucher programme reported a member with chronic illness or disability. Between 2013 and 2016, International Medical Corps registered more than 4000 people with disabilities, including persons with injuries caused by war that led to disabilities. In 2014, Nizip 2 camp had 123 registered refugees with disabilities, which would equate to a disability prevalence of 1.29%, although conditions like schizophrenia and epilepsy were being counted separately. Many disabilities were due to conflict related injuries.

**Not much detailed evidence is available about the experiences of Syrian refugees with disabilities in Turkey. Some research looking at the experiences of refugees with disabilities in Turkey found that they faced challenges against virtually every human rights indicator. Bellamy et al's research also found that refugees who were struggling the most included refugees with disabilities. Refugees with disabilities have also been found to be more likely to become victims of abuse.**

#### Education

**The education of Syrian children with disabilities is a major issue and many children with disabilities are out of school. Children with physical disabilities have more opportunities to be integrated into the Turkish special education system, but there are less opportunities for children with intellectual disabilities and visual impairments.** Some education for Syrian children with disabilities exists in certain camps, where children with various different disabilities are taught together, although Coşkun observed that not all needs were being met and teachers lacked the relevant skills. [...]

**Life outside camps was more challenging for refugees with disabilities. People with disabilities were found to be more invisible in urban communities, and leaders sometimes denied their existence despite the research team visiting people with disabilities.** Cheaper housing is often located on higher levels of buildings or other less accessible locations, making it harder for people with physical disabilities to remain mobile.

**Transport is often inaccessible and refugees with disabilities face discrimination when trying to take it. Despite some medical centres providing physiotherapy, many refugees with disabilities are unable to benefit from their services because transportation costs are prohibitive or there is no one who can help them travel to the centres.** One organisation which was offering transportation to treatment centres did not conduct outreach in Arabic, which meant Syrians with disabilities were unaware of it [...]

**Refugees with disabilities can access individual-based protection assistance through the Special Needs Fund, with cases identified through the Turkish Red Crescent Community Centers providing protection and case management services. A total of 346 people have benefitted. IOM's support for vulnerable households and individuals through Emergency Case Management has provided refugees with disabilities with assistive devices.** The target group is individuals or families with specific, emergency, and complex needs that are not met by other organisations. [...]

**People with intellectual disabilities and their families face a lot of challenges in coping in their new environment due to the limited availability of specialised services and lack**

**of advice and support. Research also found that as the centres which accept people with mental and intellectual disabilities only operated in Turkish, their ability to support Syrians' with mental and intellectual disabilities was severely limited.** Syrian refugees who are deaf or hard of hearing have limited communication options as they are confronted with a completely different written language and Sign language. This creates a strong reliance on family members to communicate on their behalf which can undermine their participation and can also create protection risks. While the government provides some support with the cost of hearing aids, the remaining cost is still prohibitively expensive. » Source: Department for International Development (DFID), Syrian refugee women, girls, and people with disabilities in Turkey, 9 août 2018, p.4, 6, 10, 14-15, 17-19: [https://assets.publishing.service.gov.uk/media/5b6c45ae40f0b640bdbf8f94/Syrian\\_refugee\\_women\\_girls\\_and\\_people\\_with\\_disabilities\\_in\\_Turkey.pdf](https://assets.publishing.service.gov.uk/media/5b6c45ae40f0b640bdbf8f94/Syrian_refugee_women_girls_and_people_with_disabilities_in_Turkey.pdf).

DW, 4 janvier 2020:

**« More than 97,000 Syrians left Istanbul in 2019 as part of the government's controversial resettlement plan, the city's governor said on Saturday.**

**The move targets Syrians who were first registered in other parts of the country, with experts estimating that 300,000 Syrians living in Istanbul could be affected by the plan.**

*Istanbul Governor Ali Yerlikaya said that a further 37,582 "irregular migrants" were deported from Istanbul in 2019, reported Turkish news agency Anadolu.*

*The report did not state the nationalities of the migrants who were deported or where they were sent to.*

**The Istanbul governor's office earlier said that Syrians who were not registered in Istanbul were sent to refugee camps outside the city.**

*Controversial removals*

**Turkish authorities have been removing unregistered Syrians from Istanbul since July last year in response to public dissent and growing economic problems.**

**Human rights groups and NGOs have been particularly critical of Turkish President Recep Tayyip Erdogan's plan, claiming that some of the Syrians were deported back to conflict zones in Syria.**

*The government has denied the deportations.*

*An estimated 3.6 million Syrian refugees have been granted temporary protection in Turkey, with more than 500,000 Syrians officially registered in Istanbul alone.*

*Under a refugee deal struck with the European Union in 2016, Turkey agreed to actively stop Syrian refugees from attempting to enter Europe in exchange for billions of euros in aid from the EU.*

Turkey has since said it wants to renegotiate the deal in light of the rising refugee numbers and has threatened to allow asylum-seekers to undergo the dangerous journey to the EU. » Source: Deutsche Welle (DW), Turkey: Nearly 100,000 unregistered Syrians removed from Istanbul, 4 janvier 2020: [www.dw.com/en/turkey-nearly-100000-unregistered-syrians-removed-from-istanbul/a-51888092](http://www.dw.com/en/turkey-nearly-100000-unregistered-syrians-removed-from-istanbul/a-51888092).

ECRE, 29 avril 2020:

« According to the LFIP, foreign nationals who seek legal stay in Turkey are required to obtain a residence permit. There are 6 types of residence permits available to foreign nationals. **Neither the International Protection Status Holder Identification Document issued to international protection status holders nor the Temporary Protection Identification Document issued to beneficiaries of Temporary Protection are identified as “residence permits” as such in Turkish law. The LFIP does not envision the granting of residence permits to either international protection status holders or beneficiaries of temporary protection.**

**The law instead identifies these categories of foreign nationals to be “exempt from the residence permit requirement” that applies to other categories of foreign nationals. They are instead envisioned to stay in Turkey on the basis of open-ended international protection status documents respectively. The International Protection Status Holder Identification Document “shall substitute a residence permit” within the meaning of being equivalent to residence permit for the person concerned in the sense of authorising legal stay in Turkey.**

**Previously refugees were granted an International Protection Status Holder Identification Document with a validity period of 3 years, conditional refugees and beneficiaries of subsidiary protection were issued a document valid for 1 year. However, these provisions were amended on 24 December 2019. For those who are granted conditional refugee, subsidiary protection and international protection status, an identity document including foreign identity number is issued. The duration of validity of these documents, along with the rules on format and content, is to be determined by the Ministry of Interior.**

Therefore, in summary, it should be concluded **that the law stops short of offering clear legislative guidance as to the duration of legal stay envisioned for international protection status holders regardless of what types of international protection the person concerned was granted. International Protection Status Holder Identification Document granted to status holders are to “remain valid until terminated by DGMM”. That is, the discretion to terminate an International Protection Status Holder Identification Document and thereby the actual duration of legal stay afforded by an international protection status are left to the discretion of DGMM.**

By default, in light of the non-refoulement obligation guaranteed by Article 4 LFIP and in the absence of Cessation or Withdrawal procedures, it is unclear whether there can be any other circumstances under which the International Protection Status Holder Identification Document issued to an international protection status holder may be justifiably terminated.

On the other hand, from the vantage point of an international protection beneficiary, **since the International Protection Status Holder Identification Document cannot lead to Long-Term Residence in Turkey and since time spent in Turkey on the basis of an International**

**Protection Status Holder Identification Document cannot count towards the fulfilment of the 5-year uninterrupted legal residence requirement for Naturalisation, the legislative framework in Turkey fails to offer international protection status holders any prospect of long term legal integration in Turkey.**

*This approach adopted in LFIP and reinforced by the RFIP should be interpreted as an extension of Government of Turkey's ongoing "geographical limitation" policy in relation to its obligations under 1951 Refugee Convention. [...]*

**According to Law No 5901 on Turkish Citizenship, there are three procedures for naturalisation of foreign citizens. Citizenship may be acquired through:**

**a. Normal procedure:** According to the normal procedure, the foreigner must have a valid residence permit in Turkey for 5 years. The foreigner with a valid residence permit must not leave Turkey more than 180 days during the 5-year residence period. If this period is exceeded, the 5-year period is restarted. After the completion of 5 years, it is not possible to directly acquire citizenship. First, the Citizenship Committee makes an assessment of the economic status and social cohesion of the applicant. Afterwards, security checks are conducted by the local police and the National Intelligence Organisation and the collected information is sent to the General Directorate of Citizenship of the Ministry of Interior. If no issues are raised at the end of the security investigation, the applicant acquires the Turkish citizenship under a proposal of the General Directorate of Citizenship of the Ministry of Interior through the approval of the Minister of Interior.

**b. Marriage to a Turkish citizen:** If the marriage of the applicant lasts 3 years and is effective, the applicant can acquire the citizenship. However, the applicant again needs to be 'cleared' by a security investigation.

**c. Exceptional circumstances:** Citizenship based on exceptional circumstances is mostly granted to foreigners who bring industrial skills or contributing to the scientific, economic, cultural, social and sportive progress of Turkey, without any residence or temporal conditions. In this way, it is aimed at granting qualified people Turkish citizenship as quickly as possible.

**While some Syrian nationals under temporary protection have been able to access citizenship through the exceptional circumstances procedure (see Temporary Protection: Naturalisation), access to citizenship is not provided to non-Syrian nationals in practice.**

» Source: European Council on Refugees and Exiles (ECRE), Country report Turkey, 29 avril 2020, p.110-111, 112-113: [www.asylumineurope.org/sites/default/files/report-download/aida\\_tr\\_2019update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_tr_2019update.pdf).

GDP, octobre 2019 :

**« In October 2016, the government issued an emergency decree that enumerated conditions in which officials could ignore non-refoulement obligations, many of which were later made into law. Since the decree, Turkey has increased deportations of refugees and asylum seekers to unsafe countries, including Afghanistan, Syria, and Iraq. Most recently, in July 2019, authorities in Istanbul announced raids, stop-checks, and arrests of Syrian refugees registered in other cities. The raids were followed by summary deportations into northern Syria.**

**Turkey has sought to counter criticism of its treatment of Syrians by arguing that more than 315,000 people have returned to Syria at their own free will in recent years. However, observers argue that many of these departures are far from voluntary. For instance, in a widely noted 2019 report, Amnesty International related the accounts of Syrian deportees who were beaten and threatened with violence in order to coerce them into signing “voluntary return” documents.**

**Such expulsions have taken place against the backdrop of Turkey’s desire to establish a “safe zone” along its border with Syria, a plan that the Erdogan administration rapidly sought to achieve following U.S. President Donald Trump’s military pullback in Syria and Turkey’s ensuing military offensive against Kurdish forces in late 2019. They have also been fueled by surging anti-foreigner rhetoric, particularly aimed at Syrians, which has featured heavily in political campaigns and been accompanied by attacks on Syrian refugees and Syrian-owned properties.**

*Turkey has historically served as a crucial transit area for refugees and migrants, dating back long before the current turmoil in the region. Since the outbreak of the Syrian conflict, the country has hosted some 3.5 million Syrian refugees. With Turkey also hosting refugee populations from Afghanistan, Iraq, and other countries, the total number of refugees and asylum seekers in Turkey is close to four million. Given the country’s importance to regional migration, **the EU has repeatedly sought to partner with it on control initiatives, including a 2013 EU-Turkey readmission agreement that obliged Turkey to readmit its own citizens as well as “third-country nationals” who enter the EU directly from Turkey. [...]***

**Refugees from Syria, including Palestinian refugees from Syria (PRS) and stateless persons, access a group-based temporary protection scheme that precludes them from lodging applications for international protection and, once their origins in Syria have been verified, temporary protection is granted without further individual assessment. Temporary protection affords Syrians various rights: “express protection from refoulement and access to basic services, including education and healthcare, on the basis of a temporary protection identification card issued by the DGMM.” Temporary protection applicants are also eligible for resettlement. In 2018 however, more than a dozen provinces (including Istanbul and various others in the south of the country) stopped registering and granting documents to newly arrived Syrians. (For more on Syrians under the temporary protection regime, see: 2.6 Other vulnerable groups).**

*Article 91 of the LFIP stipulates that “temporary protection may be provided to foreigners who, having been forced to leave their country and cannot return to the country they left have arrived at or crossed the borders of Turkey in masses seeking emergency and temporary protection.” [...]*

**Despite protections that are intended for Syrian refugees, they are nevertheless among the most vulnerable groups in Turkey today. Since the refugee “crisis” in 2015, they have been the targets of both physical attacks as well as of increasingly restrictive policies, both at Turkey’s borders and inside the country. Turkey’s borders with Syria have been closed to all but emergency humanitarian cases since the “crisis,” and today remain “effectively closed to new asylum seekers” fleeing Syria, prompting many to rely on smugglers. Those attempting to cross the border can face lethal force by Turkish military and gendarmerie border guards, detention in military facilities, and violent pushbacks. In 2018, Human**

**Rights Watch (HRW) documented instances in which Turkish authorities “routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkish-Syrian border ... and summarily deported them.”** The human rights group has documented similar practices consistently since 2015. More recently, in June 2019, the Global Detention Project (GDP) received images from a Palestinian-Syrian human rights defender inside Syria appearing to show the results of violent beatings by Turkish border guards, who had apprehended the group of young men and forcibly deported them back across the border.

**Inside Turkey, Syrians (like other asylum-seeking populations) have been forced to sign “voluntary return documents” under coercion or explicit force by authorities, before being deported back across the border. According to a January 2019 circular issued by the DGMM, Syrians who re-entered Turkey despite having previously signed one of these documents, would be allowed to re-access services.**

**As recently as July 2019, authorities in Istanbul announced planned raids, stop-checks, and arrests of Syrian refugees residing in Istanbul who were registered in other cities around the country, as well as Syrians working informally. In the days that followed, detained Syrians were summarily deported into northern Syria—including those with the necessary documentation to live legally in Istanbul—with many forced to sign voluntary return documents that were in Turkish. According to an October 2019 Amnesty International report, although Turkey does not maintain statistics on such deportations, it is likely that “over the past few months the figure is likely to be in the hundreds.”** These raids and deportations were arguably an advance upon Turkey’s long-standing plans to create a “safe zone” inside Syria along the Turkish border, in which it hopes to resettle two million Syrian refugees. Claims of such forcible deportations raise concerns over how Turkey will persuade Syrians to relocate to this yet-to-be-established “safe zone.” » Source: Global Detention Project (GDP), Country report - Immigration Detention in Turkey: A Serial Human Rights Abuser and Europe’s Refugee Gatekeeper, octobre 2019, p.8-9, 13-15: [www.globaldetentionproject.org/wp-content/uploads/2019/10/ONLINE-191024-Immigration-Detention-in-Turkey.pdf](http://www.globaldetentionproject.org/wp-content/uploads/2019/10/ONLINE-191024-Immigration-Detention-in-Turkey.pdf).

HRW, 17 mars 2020:

« Greece is bound by the EU Charter of Fundamental Rights, which recognizes the right to seek asylum and guarantees protection from refoulement, the forcible return of anyone to a real risk of persecution or other serious harm.

**Turkey does not meet the EU criteria for a safe third country to which an asylum seeker can be returned, which include respect for the principle of non-refoulement. Since July 2019, Turkey has deported at least hundreds of Syrians from its cities, exposing those forcibly returned from Greece to the risk of onward refoulement to Syria.**

**Since 2016, Turkish border guards patrolling Turkey’s closed border with Syria have killed and injured Syrian asylum seekers and carried out mass summary pushbacks. Most have been returned to Idlib governorate, where Syrian government and Russian forces have recently carried out a new round of indiscriminate bombings, striking civilians, hospitals, and schools, forcing a million people to flee. In 2018, Turkey also summarily deported thousands of Afghans to their country.** » Source: Human Rights Watch (HRW), Greece: Violence Against Asylum Seekers at Border, 17 mars 2020: [www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border](http://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border).



HRW, 24 octobre 2019 :

**« Turkish authorities in Istanbul and Antakya arbitrarily detained and deported dozens of Syrians and possibly many more to northern Syria between January and September 2019 despite active hostilities there, Human Rights Watch said today. Deported Syrians said that Turkish officials forced them to sign forms they were not allowed to read, in some cases after beating or threatening them, and transported them to Syria.**

*In late July, Interior Minister Süleyman Soylu denied that Turkey had “deported” Syrians but said that anyone “who voluntarily wants to go back to Syria” can benefit from procedures allowing them to return to unspecified “safe areas.” Human Rights Watch research directly contradicts this, finding that **Turkey has unlawfully deported Syrians to Idlib governorate, one of the most dangerous areas in Syria.** The Syrian-Russian military alliance’s attacks on Idlib governorate and surrounding areas have resulted in the deaths of at least 1,089 civilians since April, according to the United Nations, including at least 20 deaths in an August 16 airstrike on a displacement compound.*

*“Turkish officials’ claims that all Syrians returning to their country are happy to go ring hollow in the face of evidence to the contrary,” said Gerry Simpson, associate crisis and conflict director at Human Rights Watch. “Turkey hosts four times as many Syrians as the European Union, but that does not mean it can return them to a war zone.”*

**On September 24, Turkish President Recep Tayyip Erdoğan told the UN General Assembly that Turkey would seek to set up a safe zone in territories held then by the Kurdish-led Autonomous Administration in northeastern Syria to which between one million and three million Syrian refugees could be returned.** Following the withdrawal of United States forces and a Turkish military incursion, on October 22, Turkey and Russia agreed to joint patrols of most of the Syrian-Turkish border formerly held by Kurdish-led forces. **Human Rights Watch said that “safe zones” established during other conflicts have rarely been safe, and establishing one cannot be used to justify forcibly returning refugees.**

*Turkey shelters 3.65 million Syrians under a “temporary protection” regulation Turkish authorities say automatically applies to all Syrians seeking asylum. This reflects the UN refugee agency’s position that “the vast majority of Syrian asylum-seekers continue to...need international refugee protection” and that “states [should] not forcibly return Syrian nationals and former habitual residents of Syria.”*

*Human Rights Watch spoke with 12 Syrians by phone about their arrest and detention in Turkey and deportation to Idlib, with 2 Syrians in person who fled Idlib after being deported there and who returned to Turkey, and with the wife of a man deported from Istanbul.*

*Thirteen said they were deported by bus between July and September. Three said the other bus passengers, a total of about 100, told them they were being returned to Syria against their will. **Human Rights Watch said this raised concerns that Turkey has deported significant numbers of Syrians from Istanbul and Antakya in recent months to Idlib.***

**A Syrian man from Idlib governorate who had been in Turkey since 2013 said he was arrested on July 17 in Antakya while trying to update his personal information. He said**

**that Turkish immigration officials hit him in the face and forced him to sign a voluntary return form.** The next day, they put him on a bus with about 30 people headed to the border. "Everyone said they had been pressured into signing a form and one of the women was crying, saying the officials had hit her in the face to force her to sign," he said. "No one on that bus wanted to go back to Syria."

**None of the 15, some of whom were detained for up to 6 weeks before they were deported, were charged with any offense or allowed to challenge their detention with officials or before a judge.** Despite Turkish laws guaranteeing representation to anyone being deported, only one person interviewed said he had found a lawyer who was able to prevent his deportation. Some had no time to ask for a lawyer as they were deported so quickly, while immigration officials told others they did not need a lawyer, or they could not afford legal fees. Most of those who did pay said they never saw the lawyers again. » Source: Human Rights Watch (HRW), Turkey: Syrians Being Deported to Danger, 24 octobre 2019: [www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger](http://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger).

HRW, 16 juillet 2018 :

**« Les autorités turques d'Istanbul et de neuf provinces situées à la frontière syrienne ou à proximité ont cessé d'enregistrer les demandeurs d'asile syriens récemment arrivés, sauf dans de rares cas, a déclaré Human Rights Watch aujourd'hui. Cette suspension entraîne des expulsions illégales, des retours forcés en Syrie et le déni du droit à la santé et à l'éducation.**

La Commission européenne a récemment fait l'éloge du système d'asile de la Turquie et compte débloquer bientôt le second volet du financement de 3 milliards USD prévu par leur accord sur les migrations de mars 2016, qui inclut le soutien aux personnes réfugiées en Turquie. Les institutions et les gouvernements de l'Union européenne ont gardé publiquement le silence sur cette suspension et sur les autres abus commis à l'encontre des réfugiés en Turquie, ce qui suggère que leur préoccupation première est de faire cesser le mouvement de demandeurs d'asile et de migrants de la Turquie vers l'Europe. [...]

**La suspension des enregistrements représente la dernière tentative en date de la Turquie pour refuser la protection aux nouveaux demandeurs d'asile. Lors des trois dernières années, la Turquie a bouclé ses frontières avec la Syrie et les gardes-frontière turcs continuent à repousser massivement, voire tuer ou blesser des Syriens, lorsqu'ils essaient de les franchir.**

Entre début 2011 et fin mai 2018, la Turquie a enregistré presque 3,6 millions de Syriens, ce qui en fait le premier pays d'accueil de réfugiés dans le monde. Cette générosité n'exonère pas la Turquie, ni ses partenaires internationaux, du devoir d'aider les demandeurs d'asile nouvellement arrivés, a déclaré Human Rights Watch.

Mi-mai 2018, Human Rights Watch a mené 32 entretiens avec des Syriens dans la province turque du Hatay pour évoquer leurs tentatives d'obtenir une **carte de protection temporaire** dans les provinces du Hatay, de Gaziantep et d'Istanbul. **Ce document protège les Syriens de l'arrestation et du risque d'expulsion. Il leur permet également d'avoir accès aux soins médicaux et à l'éducation, de travailler et de demander une assistance sociale – y**

**compris, pour les personnes syriennes les plus vulnérables, celle du filet de sécurité sociale d'urgence financé par l'Union européenne.**

*Ces Syriens ont déclaré que les policiers turcs les avaient expulsés en groupes de jusqu'à vingt personnes parce qu'ils n'avaient pas la carte de protection, et que **sans ce document, les hôpitaux et établissements scolaires refusaient de les accepter. Certains ont déclaré qu'ils avaient dû retourner en Syrie pour recevoir des soins médicaux urgents, pour eux-mêmes ou leurs proches.** D'autres ont témoigné qu'ils avaient décidé de retourner en Syrie parce que seuls certains membres de leur famille avaient pu être inscrits. En un mot, **ils vivaient dans la crainte permanente d'être arrêtés et expulsés et limitaient leurs déplacements au strict minimum afin d'éviter la police.***

*La Turquie est liée par la règle de non-refoulement du droit international coutumier, qui interdit de renvoyer toute personne, de quelque manière que ce soit, vers un endroit où elle serait exposée à un risque avéré de persécution, de torture ou d'autres mauvais traitements, voire au risque de perdre la vie. Cette règle s'applique aux demandeurs d'asile, qui ont le droit de voir leur requête étudiée de façon juste et de ne pas être expulsés sommairement là où ils craignent d'être maltraités. La Turquie n'a pas non plus le droit de forcer les gens à retourner dans les régions où ils sont exposés à des préjudices en leur refusant un statut légal ou un accès aux services fondamentaux.*

**Le 30 octobre 2017, les services du gouverneur du Hatay ont déclaré qu'afin de décourager les passeurs d'aider les Syriens à pénétrer en Turquie par le Hatay, la province n'enregistrerait plus les Syriens nouvellement arrivés en vue de la délivrance de cartes temporaires de protection. De même, début février 2018, le ministère de l'Intérieur turc a déclaré que la province d'Istanbul n'enregistrerait plus de Syriens.**

**Huit autres provinces situées à la frontière syrienne ou à proximité ont également suspendu l'enregistrement des Syriens qui venaient d'arriver, depuis fin 2017 ou début 2018, d'après les informations fournies par des organisations travaillant sur le terrain avec les réfugiés syriens, mais aussi par un responsable de la Commission européenne et un fonctionnaire turc ayant travaillé sur les questions de migration. Il s'agit des provinces d'Adana, Gaziantep, Kahramanmaraş, Kilis, Mardin, Mersin, Osmaniye et Şanlıurfa.**

*Depuis fin août 2015, seuls les Syriens enregistrés qui obtiennent un permis de voyage spécial ont le droit de se déplacer à l'intérieur de la Turquie. En pratique, **l'immense majorité des demandeurs d'asile syriens entrent en Turquie de façon illégale, à travers les quelques ouvertures qui existent encore dans la barrière marquant la frontière dans la province du Hatay. Comme l'enregistrement y est bloqué, ils sont incapables de quitter le Hatay de façon légale et de se rendre dans d'autres provinces où on peut encore être enregistré. Ils sont donc forcés de vivre en clandestinité dans la province du Hatay ou d'utiliser les services de passeurs pour se rendre dans d'autres zones de Turquie, avec le risque d'être arrêtés et expulsés.***

*D'après trois sources confidentielles, la Turquie a rejeté des propositions portant sur un nouveau système qui permettrait aux Syriens arrivant au Hatay, et dans une moindre mesure dans les autres provinces frontalières, de s'enregistrer dans d'autres parties de Turquie, où vivent moins de réfugiés.*

Les réfugiés ont déclaré à Human Rights Watch que le contrôle strict que maintient la Turquie sur les organisations internationales et locales d'aide aux réfugiés les empêchent de trouver et d'aider les Syriens non enregistrés. Du fait de ce manque de suivi par les organisations, **il n'existe pas de statistiques ou d'estimations du nombre de Syriens qui ont été expulsés ou à qui on a refusé l'enregistrement ou l'accès aux services d'urgence.**

En réponse à une lettre du 13 juin présentant les conclusions de Human Rights Watch, les autorités migratoires d'Ankara ont affirmé qu'aucune des 81 provinces du pays, y compris le Hatay et Istanbul, n'avait suspendu l'enregistrement des Syriens. Le Haut-Commissariat des Nations unies pour les réfugiés (HCR) a déclaré à Human Rights Watch que mi-mai, les autorités lui avaient encore assuré que l'enregistrement des Syriens se poursuivait, y compris au Hatay et à Istanbul. **Mais d'autres institutions humanitaires qui assistent les réfugiés affirment que les autorités des dix provinces ont seulement continué à enregistrer les Syriens qui étaient pré-enregistrés au moment de la suspension, ainsi que les cas médicaux urgents signalés depuis la Syrie et les bébés nés en Turquie de parents syriens déjà enregistrés.** Deux organisations d'aide aux réfugiés ont également précisé que dans certains cas elles avaient réussi à convaincre les autorités des provinces du Hatay et d'Osmaniye d'inscrire des Syriens non enregistrés particulièrement vulnérables.

Début 2018, les autorités du Hatay ont ouvert un nouveau centre d'enregistrement à Antioche. Les représentants de trois organisations humanitaires, ainsi que deux agents de sécurité travaillant à Antioche, ont déclaré que ce centre était dédié exclusivement aux Syriens non enregistrés qui demandaient de l'aide pour repartir en Syrie, tandis que les Syriens enregistrés pouvaient postuler à cette même assistance au retour auprès des autres centres officiels pour les migrants.

La Turquie n'autorise à effectuer aucun suivi indépendant pour déterminer si les Syriens non enregistrés s'inscrivant pour un retour ont réellement l'intention de repartir ou bien si en réalité on les force à le faire. Par contre, la Turquie autorise un suivi indépendant de la décision de certains Syriens enregistrés de retourner en Syrie. » Source: Human Rights watch (HRW), La Turquie n'enregistre plus les demandeurs d'asile syriens, 16 juillet 2018: <https://www.hrw.org/fr/news/2018/07/16/la-turquie-nenregistre-plus-les-demandeurs-dasile-syriens>.

HRW, 20 juin 2016:

**« Delays in registration and limited implementation of temporary protection policies in Turkey mean that many Syrian refugees are left without effective protection or access to jobs and services that they desperately need, Human Rights Watch said today. As long as Turkey remains burdened by overwhelming numbers of refugees and unable to provide sufficient protection and security for all, the European Union should not be sending Syrian refugees back to Turkey.**

*“As Turkey is host to over two million Syrian refugees it is hardly surprising that many are not getting the support they desperately need to maintain livelihoods,” said Stephanie Gee, fellow in the refugee rights program at Human Rights Watch. “The EU is morally, and indeed legally, obliged to share some of the refugee burden by not sending Syrian refugees back to Turkey without assessing their asylum claims.”*

**An agreement, which went into effect in March 2016, between the EU and Turkey provides that many Syrian asylum seekers in Greece could be returned to Turkey without EU evaluation of their original protection claims concerning conditions in their home countries because Turkey is a “safe third country” or “first country of asylum” for them. “Safe” for the purposes of this analysis means more than being safe from war or persecution. It means that an individual refugee has protected rights in line with the Refugee Convention, including the rights to work, health care, and education.**

**The laws and policies governing Syrian refugees’ lives in Turkey, however, do not grant them full refugee rights, and the protections these laws and policies do extend have yet to be fully realized. As a result, many Syrians in Turkey still cannot access education, health care, and lawful employment. Furthermore, delays of up to six months in registration for temporary protection mean that some refugees are unable to get basic services and live in fear of being forced to live in a camp or deported.**

*Human Rights Watch has previously documented how Turkish pushbacks at the Syrian border constitute refoulement – being returned to a country where their lives or freedom would be threatened – and has repeatedly called for the EU to recognize how both **relevant policies and circumstances on the ground in Turkey mean it should not be considered legally “safe” for returns. New legal analysis and research demonstrate in detail why the quality of protection in Turkey for Syrians does not rise to the level required for “safe third country” or “first country of asylum” returns.***

*In March and April, Human Rights Watch interviewed 67 Syrian refugee adults and children living in Turkey. **These interviews, along with information from nongovernmental groups and public reports, revealed that many refugees face months-long delays in registering for temporary protection, leaving them unable to enroll their children in school or get health care. [...]***

*While Turkey signed the 1951 Refugee Convention and its 1967 Protocol, it limited its application to European refugees, excluding all others from its protection. **A 2013 law established a system of “international protection” for non-European asylum seekers that brings Turkish refugee law closer to the convention’s provisions. The law also provided for a temporary protection regime, which was fleshed out in an October 2014 regulation. The regulation governs rights and benefits for most Syrian refugees in Turkey, but it could be terminated at will by the Council of Ministers. If that happened, beneficiaries would lose the guarantee that they could remain in the country legally.***

*In January 2016, Turkey issued a new regulation allowing Syrian temporary protection beneficiaries to apply for work permits, but subject to certain residency criteria and only if they can find an employer willing to sponsor them. As a result of the limitations, adult refugees that Human Rights Watch interviewed were either ineligible to apply, lacked information about the policy, or could not find a sponsoring employer. Among the Syrian refugees interviewed, 24 adults were eligible for work permits and another 24 were not, and none had applied or heard of anyone who had.*

*Human Rights Watch has documented how these types of difficulties put Syrian refugee families in Turkey at risk of poverty and child labor. They also put Syrian workers at risk of exploitation. One woman said she was paid half of what her Turkish co-workers received and that*

sometimes her employers halved even that small amount. She also described instances of physical abuse of Syrian workers by managers.

**In April, a UN World Food Programme assessment of 1,562 Syrian households in south-eastern Turkey found that 93 percent of those interviewed were living below the national poverty line. The report found that limited access to stable employment was strongly linked to food insecurity.**

**The majority of Syrian children in Turkey remain unable to attend school.** In November 2015, Human Rights Watch published a report documenting the reasons Syrian refugees have not been able to go to school in Turkey. The government has taken admirable steps to address these gaps and has pledged to enroll 450,000 Syrian children by the end of this year. However, **the Education Minister recently acknowledged that “only 325,000 Syrians in Turkey are attending school out of more than 756,000 school-age refugees in Turkey.”** The number of school-age children may be even higher, as there are now nearly 940,000 Syrian children aged 5 to 17 registered in Turkey, though some may have left.

International donors should support the Turkish government in efforts to improve the realization of basic rights for Syrian refugees who have fled to Turkey. In the meantime, the European Asylum Support Office (EASO) and Greece should consider all asylum applications of Syrians who have come through Turkey on their merits, as **they should not be considered inadmissible on the grounds that Turkey is a “safe third country” or “first country of asylum” for all Syrians.**

“Turkey already hosts over two million refugees, many of whom are struggling to survive and do not see their rights fulfilled as refugees,” Gee said. “Instead of trying to pass the buck and violating their own standards, EU governments should play their part in global responsibility-sharing and give Syrian asylum seekers a chance to make their claims.”

#### Legal Framework

Turkey signed the 1951 Refugee Convention and its 1967 Protocol, but it is the only country in the world to have expressly declared a geographical limitation, excluding non-Europeans from its protections. In 2013, Turkey passed the Law on Foreigners and International Protection, bringing its treatment of non-European asylum seekers more closely in line with the convention’s provisions. The law also provided for a temporary protection mechanism for situations of “mass influx,” which was fleshed out and formally extended to Syrian refugees in the October 2014 regulation.

**Syrian refugees in Turkey largely fall into three categories: those with renewable residency permits, which require a valid entry stamp and a fee of more than 1,000 Turkish lira [US\$344] for the first year, with additional fees thereafter; temporary protection beneficiaries who have been registered at no cost under the October 2014 temporary protection regulation; and unregistered people without explicit legal status.** The vast majority fall under the second category, and references to the 2.7 million refugees registered in Turkey indicate people with temporary protection status. Syrians are barred from applying for other forms of international protection under the 2013 Law, as long as they are covered by the temporary protection regulation.

*Under the EU-Turkey deal, there are two legal principles that can be used by Greece to return asylum seekers to Turkey without examining their asylum claims on their merits. One is “first country of asylum,” under which they can be returned to a country if they already have accessible and sufficient protection there as defined in Article 35 of the EU Asylum Procedures Directive (APD), and “safe third country,” as defined in Article 38, meaning they can be returned to a country where they could have requested and received refugee status.*

*A “safe third country” must offer the individual applicant the chance to request and receive refugee status in line with the Refugee Convention’s provisions. Even if Turkey’s 2013 Law created an international protection system that allows individual asylum seekers to receive “conditional refugee status” and protections in line with the convention, Syrians are excluded from it because the temporary protection regulation that governs their status is explicitly outside the scope of that system. Therefore, Turkey cannot legally be considered a “safe third country” for Syrian refugees.*

*Whether Turkey presents a relevant “first country of asylum” for Syrians depends on slightly different criteria: the person must either be recognized in that country as a refugee or have “sufficient protection” there, including protection from refoulement – being returned to a country where their lives or freedom would be threatened. **Since Syrians are not recognized as refugees in Turkey, they must enjoy “sufficient protection” in practice there for this concept to apply.***

*UNHCR, the United Nations refugee agency, has indicated that having “sufficient protection” must mean an individual will be granted “a right of legal stay and be accorded standards of treatment commensurate with [the Refugee Convention] and international human rights standards,” including for “living, work rights, health care, and education.” UNHCR has also stated that “[a]ccession to and compliance with the 1951 Convention and/or the 1967 Protocol are essential” to consider, and that “the capacity of States to provide protection in practice should be taken into consideration, particularly if they are already hosting large refugee populations.”*

*The analysis of Turkey’s legal and policy framework presented here, illustrated by accounts of Syrian refugees, shows that **Turkey fails to meet these standards.***

*Furthermore, in May, Human Rights Watch documented brutality and pushbacks at the Turkey-Syria border, where Turkish border guards have killed at least five Syrian asylum seekers attempting to reach safety and seriously injured at least 14. These actions amount to refoulement under international law.[...]*

***On April 7, Turkey amended the Temporary Protection Regulation to provide that Syrians returned from Greece “may” have their status reinstated at their request. However, this measure is not enough to establish that all returned Syrians will be offered “sufficient protection” in Turkey. Any examination of that question should keep in mind that Turkey’s accession to the Refugee Convention does not extend any protection to Syrians; the temporary protection regime falls outside the international protection system under Turkey’s migration law; and Turkey’s capacity in practice to meet Syrian refugees’ rights is demonstrably limited. Until the relevant legal framework and regulations are amended to address the gaps in access to basic services and protection and this results in changes in***

practice, EU governments should not consider Turkey as qualifying as a “first country of asylum” for the purposes of admissibility decisions in the EU.

#### *Long Delays in Registration*

**Human Rights Watch found that in both Istanbul and Izmir, Syrian refugees faced months-long delays in registering for temporary protection and in receiving official identification cards, known as a kimlik (“identification” in Turkish). The card is required to enroll children in public schools and get primary health care and work permits.**

Nongovernmental groups working with Syrian refugees say that these delays are in part the result of a new “pre-registration and screening” phase that the Directorate General of Migration Management (DGMM) added to the temporary protection procedure in March. Capacity constraints may also be causing delays. One employee of an international aid group in the south-east told Human Rights Watch that registration has operated in fits and starts; in Gaziantep, the process was effectively stalled until recently, with at least a two-month delay in appointments now. In Istanbul, another group representative said appointments were delayed three to six months in districts with many Syrians.

DGMM told Human Rights Watch that Syrians may be issued a 30-day valid “pre-registration form” that allows them to stay lawfully in the country while they wait for their applications to be processed. However, the representative of a nongovernmental group operating across Turkey said that **this form cannot be used to get services, so those with the “pre-registration paper” must rely on limited charitable and aid group assistance.** [...]

**These registration delays have a direct impact on Syrian refugees’ stability and safety.** Several refugees said they believed that being unregistered might lead to a forced move into a refugee camp or deportation. **In April, Amnesty International reported large-scale deportations of Syrians in Hatay province, where those returned were primarily unregistered refugees or refugees apprehended without their IDs.**

**Delays are also preventing many Syrian refugees from accessing education and health care,** adding to gaps in services and protections that exist even for individuals who have valid registration. [...]

#### *Access to Education*

In November, Human Rights Watch released a report documenting the **barriers preventing the majority of Syrian refugee children living outside of refugee camps from attending school,** despite regulatory changes allowing them to do so in principle. **Those barriers included economic hardship and child labor, bullying, language barriers, bureaucratic hurdles, and non-compliance with the relevant regulation at the local school or provincial level.** [...]

#### *Access to Health Care*

**The temporary protection regulation also gives registered Syrian refugees access to free primary health care through public hospitals and providers. However, as this regulation implies, those who have not registered cannot get adequate care beyond the emergency**



**level unless they can afford private treatment.** . » Source: Human Rights Watch (HRW); EU: Don't Send Syrians Back to Turkey, 20 juin 2016: <https://www.hrw.org/news/2016/06/20/eu-dont-send-syrians-back-turkey>.

Kids Rights, 27 mars 2018:

« According to recent assessments, **nearly 67% of Syrian refugees live below the poverty line. Poverty and the challenging socio-economic situation** in which Syrian refugee families live is, according to education experts working for INGO's, **the number one reason why children are out-of-school. It is hard for Syrians to get access to work permits and jobs in Turkey.**

Turkey is in theory a leader among host countries for creating a pathway for Syrians to obtain work permits. In practice, however, **the number of work permits made available would accommodate fewer than 1 percent of Syrian refugees, since employers must sponsor them and promise to pay a minimum wage.** In addition, Turkey has a very high unemployment rate (above 11% in 2017, youth unemployment stood even at 19.3% in Oct. 2017). Furthermore, now that the Turkish government is closing the TEC's, many Syrian teachers are at risk of losing their jobs which will again negatively affect their ability to send their own children to school, as well as the ability of children to access education. Of the adult Syrians without a job, many are coming from rural areas where they were mainly working in agriculture, which makes it challenging to enter the regular labour market in Turkey. **Children who want to attend school are often unable to afford transportation to schools,** although recently Syrian refugee children would get access to free transportation in rural areas. **Syrian children often drop out of school to work, to supplement their family's income,** while they are paid even less than Syrian adults. Boys above 12 years old are at particular risk of dropping out and engaging in child labour to support their family. This may also be due to the fact that Syrian refugee parents perceive (secondary) education as not very important compared to working and gaining an income. In June 2017, with the support of international donors, the national Conditional Cash Transfer for Education (CCTE) was extended to refugees, with the aim of promoting attendance, reducing drop-out, and encouraging enrolment for some 230,000 children by end 2017. Nevertheless, from our understanding, it has been difficult to access the helplines and it takes a long time before the initial payments come through, and the amount of the payments wouldn't be sufficient to convince parents to reintegrate their children in schools.

Language

**The language of instruction in schools, Turkish, remains a challenge for many Syrian refugee children. For most Syrian children who enroll in Turkish public schools, the language of instruction is foreign and new, and access to accelerated language learning programs is limited.** There are limited opportunities for children to enroll in preschool education where they could get exposed to the language from a young age. While younger children have less difficulties to learn a new language and adapt, older children, mainly in higher grades, are often unable to understand lessons in Turkish, and drop out.

[...]

Restrictive government procedures

**Turkey's generous enrollment policy does not require Syrian refugee children to prove their residency, but does require them to produce Turkish-issued identification (ID)**

**cards.** In 2015, nearly all Syrian refugee families Human Rights Watch interviewed had obtained these cards without undue difficulty or delay. **However, after Turkish authorities introduced a new “pre-registration and screening” step in March 2016, Syrian families described a backlog with waiting times of up to six months for these cards.** In some areas, **Turkish public school administrators refused to allow Syrian children to enroll even if they had the identification cards, or the school officials demanded other documents.** According to one education expert working for an INGO, the GoT had difficulties dealing with such a high influx of refugees, and government institutions and departments dealing with refugee and migration issues lacked the capacity to process the many requests and respond to the many needs. » Source: Kids Rights, The Widening Educational Gap for Syrian Refugee Children, 27 mars 2018, p.7-8: [https://reliefweb.int/sites/reliefweb.int/files/resources/Background%20Report%202018%20-%20The%20Widening%20Educational%20Gap%20for%20Syrian%20Refugee%20Children\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Background%20Report%202018%20-%20The%20Widening%20Educational%20Gap%20for%20Syrian%20Refugee%20Children_0.pdf).

MEMO, 13 octobre 2018:

« [...] It should be acknowledged that **the number of Syrians who have acquired Turkish citizenship is not high; so far around 50,000 Syrians have become Turkish citizens. The majority of these are Syrians who either have Turkish parents or a Turkish spouse, which legally enables them to acquire Turkish citizenship.** Only a small number of people have acquired citizenship status through the exceptional citizenship law, which highlights an important issue regarding the legal pathways for integration.

**Under the current system, a Syrian who is entitled to temporary protection status is not able to apply for Turkish citizenship, even if they fulfil the necessary requirements – such as 5 years of residency.** The Ministry of Interior Affairs announced that they are working on **entitling citizenship to those who would be beneficial to the nation in industry, science and education. Currently, Syrians cannot apply for citizenship individually, but the Ministry of Interior Affairs chooses which Syrians can be interviewed for the naturalisation process.** In the short term, this is a very important step to provide the necessary rights for Syrians to be included in the labour market and be a part of the social and political community. However, in the longer term, Turkey does not have the necessary institutions to analyse the profiles of 3.5 million Syrians. Therefore, it is imperative to institutionalise the naturalisation process. » Source: Middle East Monitor (MEMO), Syrian refugees in Turkey and the changing concept of Turkish citizenship, 13 octobre 2018: [www.middleeastmonitor.com/20181013-syrian-refugees-in-turkey-and-the-changing-concept-of-turkish-citizenship/](http://www.middleeastmonitor.com/20181013-syrian-refugees-in-turkey-and-the-changing-concept-of-turkish-citizenship/).

UNHCR, pas de date:

« After registering with the Provincial Directorate of Migration Management in the province where you reside, you will obtain your identification document (Kimlik) from the Turkish authorities. **Syrians with Temporary Protection ID numbers starting with 99 are eligible for almost all the assistance provided by the Turkish authorities, including medical and medication assistance within the province of their registration.**

**As a registered individual under TP, the costs of health services at all levels including at public health centres (toplum sağlığı merkezleri in Turkish), family health care centres, public hospitals and public university hospitals, would be covered for you on an equal**

**footing with Turkish citizens.** This is in accordance with the Health Care Implementation/Budget Law (Sağlık Uygulama Tebliği).

**There are also Migrant Health Centres (MHC) established for Syrian beneficiaries of temporary protection; these employ Arabic-speaking staff and are available in some provinces. Syrians can approach these centres as primary health clinics. Up-to-date information on these centres can be obtained from the Ministry of Health website or from the Provincial Directorate of Health in the province of your residence.**

*In the absence of Migrant Health Centres, you can approach public health centres in your province to benefit from primary health services free of charge.*

**Unless there is an official referral from other state health institutions, you would need to pay the expenses at private hospitals and clinics.**

**If you're not registered with the Turkish authorities, only emergency services at the hospitals would be available and accessible to you free of charge. In this case you may also approach private hospitals or clinics; however, you would need to pay the expenses.**

*UNHCR and its partners also provide counselling and assistance to persons with serious medical conditions. Find the contact details here.*

#### *Medicines*

**As a Syrian beneficiary of temporary protection holding a Temporary Protection Identification Document (TPID) (with a foreigner's ID number starting with 99), you can approach any pharmacy to obtain medication with a prescription.**

**If the medicine is covered under the Health Implementation Law/Budget Law (Sağlık Uygulama Tebliği), the total cost of the medication will be covered by the Turkish government and you will not be asked to pay any contribution fees.**

**However, not all medicines are free. This is the case for imported medicines, which are not covered by the Social Security Institution – neither for Turkish citizens nor other individuals.**

#### *Psychological assistance*

*You can approach primary health clinics or public hospitals which provide psychological and psychiatric support in the province of your residence. You can apply at state hospitals to get an appointment for psychiatric assistance. If the hospital does not have a psychiatry department or doctor available, you will be referred to another hospital or city accordingly. This support and treatment will be covered under your health insurance as a beneficiary of temporary protection.*

*You can also approach the Social Service Centres (SSC) under the coordination of the Provincial Directorate of Family and Social Policies (PDoFSP) for psychological assistance. It is important to note, however, that not all PDoFSP have interpreters available at their centres.*

*UNHCR's partner organizations may also have psychologists who provide psychological support in the province where you are residing. They may also provide you with interpreter assistance to help you in accessing governmental services. Please consult UNHCR and/or its partners to find out about whether they are present in your city of residence and to learn about the services they provide. [...]*

*Please be aware that if you sign a voluntary repatriation request form and agree to return to Syria, your temporary protection status in Turkey will end. You may accordingly face challenges if you later wish to return to Turkey. Reinstatement of temporary protection status in this case may only be possible if a positive assessment is delivered by the national authorities following an individual interview conducted with you. » Source: UNHCR, Help Turkey, pas de date: <https://help.unhcr.org/turkey/information-for-syrians/medical-and-psychological-assistance/>.*

L'Organisation suisse d'aide aux réfugiés (OSAR) est l'association faitière nationale des organisations suisses d'aide aux réfugiés. Neutre sur le plan politique et confessionnel, elle s'engage pour que la Suisse respecte ses engagements en matière de protection contre les persécutions conformément à la Convention de Genève relative au statut des réfugiés. Les activités de l'OSAR sont financées par des mandats de la Confédération et par des dons de particuliers, de fondations, de communes et de cantons.

Vous trouverez les publications de l'OSAR sur la Turquie ainsi que sur d'autres pays d'origine de requérant-e-s d'asile sous <https://www.osar.ch/publications/rapports-sur-les-pays-dorigine>.

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