

CHAPTER 6

EVALUATION, CONCLUSION AND SUGGESTION

Turkey with its natural and historical values, stable economy and political structure in comparison with neighboring countries, becomes the subject of foreigners' scientific research, study, education, touristic and trade visits.

In the recent years foreigners who came to Turkey with the purposes listed above increased in comparison to previous decades and yearly around 30 million foreigners are entering to our country. That much entrance and exit brings mostly positive but at the same time some negative side effects with it.

Anatolia from the time of Ottoman Empire throughout history embraced many foreigners and give them asylum who had been subject to religious and political pressure. In 1492's Jews who had escaped from Spain, in 1848 and after an important number of Hungarians and Polish took refuge in the Ottoman Empire. Louis Kossuth who was the leader of Hungarian uprising had been given refugee status. Famous poet Nazım Hikmet's great grandfather Earl Borzecki took refuge from Europe to Ottoman Empire and later on he advanced in his career as a Pasha in the state level.

Hungarian nationalist Josef Ben who had lead the uprising took refuge in Ottoman Empire and worked in the Ottoman army with the name Yusuf Pasha.

During the Second World War thousands of people took refuge in Turkey and more than 10 thousand people escaped from murder and torture from various countries of Europe and came to Turkey as the only country that they could feel secure. During the Hitler period thousands of Jews and Germans who belonged to social democratic ideologies had been unemployed and couldn't perform their skills because of political and racist reasons. Beyond these factors the people whose lives had been in danger, dating from 1933 started to look for a country and some of them among whom there were scientists, architects, engineers and artists took refuge in Turkey. Most of the German refugees took office in young Turkey, especially worked in the universities and had served in important duties.

The incidents and instability that took place in Middle East, Iraq, Afganishtan and Caucasus and in part Africa, made our country the first stop for the refugees especially in the last 20 years because of Turkey's proximity to the region and for being on the transcontinental migration road.

In 1979 after the Iran's Islamic Revolution the first country that opponents of the regime took refuge was Turkey. After the Soviet Union occupation of Afghanistan in 1979, among the millions of Afghans who had escaped from their country approximately 4 thousand of them emigrated to Turkey. During the First Gulf War thousands of Peshmerga escaped from Saddam regime, and had been guests in refugee camps. As a result of Bulgaria's Jivkov regime's oppression policies more than 300 thousand Turks had to take refuge in the motherland.

Turkey with its geographical and geopolitical location is a bridge between Asia and Europe. Regional political and economic instability and problems in neighboring countries and surroundings together with the economic and social development of Turkey and the countries located on the west in terms of legal and illegal migration makes Turkey sometimes a transit country, sometimes a resource country, and sometimes a target country. Because of its status our country is exposed to various negativity in terms of political, economic, socio-cultural, security and humanitarian aspects during the process of refugee/asylum seeker status operations.

The refugees who leave their countries of citizenship because of various reasons took refuge in another country and together with organized crimes such as migrant smuggling and human trade they are directly linked to the illegal migration movement which is a concept that effects the whole world.

During the migrant smuggling events the illegal immigrants' losing their lives results in the victimization of them and this increases appearance of the issue in the public sphere and creates more discussions

Also illegal migration's cross-border nature, be in the scope of organized crime and be an area that the terrorist organization's had active roles makes this concept an issue to be dealt with effectively and makes the national and international cooperation a necessity. Especially in the recent years, fast paced development of technology, cross country borders' virtualization and globalization makes the phenomenon of illegal migration more evident.

Nowadays illegal migration, economic inequality, states being unable to protect the citizens' life safety, political turmoil and violence acts are some of the factors that cause major problems in the world. People who experience these situations migrate for the desire of a better life.

In 1990s with the demolition of the Union of Soviet Socialist Republic emergence of the new Eurasia map and the new countries that exist in this map took an important place in the migration movements' heading towards Europe. Nowadays, especially during the cold war many people in Asia who had been condemned to poverty for many years migrate to countries legally or illegally which are more secure and have higher standards of living.

The migration that is carried out by legal or illegal means effects not only individuals but also states and international organizations (United Nations, European Union, Organization for Security and Cooperation in Europe). Especially developed European countries pay the price of their prosperity by being the target of migration. After the Second World War developed countries accepted legal refugees as a result of a need in work force in the long run created satisfaction, it triggered illegal migration in the following period. Illegal migration effects the social order in these countries.

Crime organizations who do refugee smuggling gain efficiency as a result of illegal migration. In this context carrying out research is becoming important in the fight against illegal migration and refugee smuggling.

Especially in the recent years Turkey becomes a center of attraction with the increasing number of refugees, asylum seekers and immigrants transition. Thousands of refugees, immigrants and asylum seekers who leave Middle Eastern, Asian and African countries for various reasons try to pass to Europe via Turkey's sea or land roads however quite often they couldn't reach their aims.

Aegean and Mediterranean coasts become important transition routes but also with fatal sea accidents and deaths they become the riskiest regions for the life safety of refugees and illegal immigrants.

Immigrants, asylum seekers and refugees come face to face with big problems in transit countries like Turkey as a result of European countries' focusing their attention on the illegal irregular immigration and their restriction on the right to seek asylum.

In the context of common asylum system European Union member countries make changes in immigration and asylum seeking policies. As part of the asylum policy of the European Union during the candidacy negotiations Turkey is trying to be turned into a kind of 'dam country', 'storage country' merely for the asylum seekers and refugees as a result of the negative and restrictive effects of the immigrant rights. Thus European Union takes strict precautions against transit countries like Turkey and try to strengthen their preventive role of migration against the illegal activity of immigrants, asylum seekers and refugees who try to reach European countries from Asia and Africa. In order to prevent the immigration, asylum seeker and refugee flow to its member countries, European Union carries out Twinning projects in Turkey and in major centers for the construction of refugee and asylum seeker reception centers under the scope of financial support program. Asylum seekers and refugees will be kept in these centers.

Turkey put geographical reservation to the 1951 United Nations International Convention on the Status of Refugees and only accepts the ones who come from European countries as refugees. As a result of this restriction thousands of foreign national refugees who will come out of Europe can't take advantage of this right. They are only given the right to wait in our country until their application to be a refugee in another country will be accepted. Therefore in practice they are faced with legal and humanitarian problems. In other words, in the definition of 'asylum', Turkey in line with 'geographical reservation' principle accepts the asylum requests of the ones who come from Europe and give them refugee status and give the others who come from different areas (especially from the east) asylum seeker status. The foreigners who are accepted as asylum seekers are sent to a third country by United Nations High Commissioner for Refugees. Turkey's becoming side with 'geographical reservation' causes difference in the refugee and asylum seeker definitions apart from international standards. According to this Turkey directly recognizes the right of asylum of people who come from Europe but gives temporary asylum to the foreigners who come out of Europe. The foreigners who carry the necessary requirements can only be given the temporary asylum right although they could benefit from the protection of the right to asylum.

Although the decision makers are expected to take into consideration the international definition and criteria and the people who apply for the right of asylum are expected to be

defined as refugees and could benefit from the international protection decisions the current legal situation invalidates the expectations.

As a result of socio-economic concerns and security reasons The Republic of Turkey signed the '1951 Geneva Agreement 1.B (1)(a) article 'geographical reservation' annotation (giving refugee status to the people who come from the west and giving asylum seeker status who come from the east.) and continued 'geographical reservation' while signing the 1967 Protocol Relating to the Status of Refugees. This restriction affected the No: 6169 regulation on the asylum directive which came into force in 1994. Refugee concept defined in this regulation consists of only the foreigners who seek asylum as a result of events occurring in Europe.

Interview dates of the United Nations High Commissioner for Refugees lengthen out for asylum applications in Turkey and many asylum seekers have to live in ambiguous conditions. Humanitarian and physical conditions of the refugees and asylum seekers who are hosted in guest houses or satellite towns are generally seem inadequate.

Turkey still does not have refugee and asylum regulations which are prepared according to integrated and international standards. Either discrimination that is created as a result of applying geographical reservation of the 1967 Protocol or the 1994 regulation related with asylum rule arrangements are inadequate. There is an urgent need for a Refugee law in this field.

It is mentioned that geographical reservation could be removed in order to prevent the refugee flow according to the National Action Plan and in order to remove EU's burden sharing certain conditions are required to be fulfilled.

Asylum seeking and taking refuge is a human rights problem. In order to extend and protect human rights, support constructive work of the government and NGO's in this field conditions that force people to be refugees should be avoided. A human being asking for protection as a refugee and benefiting from it is natural both ethically and legally.

Under the perception of international cooperation principle it is better to provide permanent solutions and to take necessary precautions before asylum and refuge actions occur. The solution to the problem of displaced people could be achieved only by protecting human rights, providing peace among countries, improving economic prosperity, monitoring international migration and implementing international protection by a common effort.

This situation which comes up with the effect of social and political facts and makes up an important area of international law is still one of the most important key problems of the world and the humanity. Especially 20th century became a period that covered the immigration movement of millions of people.

Especially after the Second World War the incredible increase in the number of people who had to leave their countries led the United Nations to find solutions to this problem. As a result of that in 1951 the Geneva Agreement State Contract Law on Refugees was prepared and was enacted in 1954.

As it is known the Agreement of Legal Status of Refugees dated 1951 was approved and accepted by the Grand National Assembly of Turkey in 29 August 1961 with the law NO: 359. The Protocol on the Legal Status of Refugees was accepted with the decision of the Council of Ministers on 1 July 1968. However before the approval of the agreement in various laws, rules and regulations refugees and immigrants' entrance to Turkey, their

acceptance, citizenship admissions, residing, housing, work and deportation were placed. Some of these regulations are still in effect.

In the article 4 of the Passport Law it was stated that acceptance of refugees to Turkey is under the responsibility of the Ministry of Internal Affairs. On 15 July 1950 with the number 5683 article 17 of the law on Foreigners' residing and travel in Turkey it was accepted that 'The foreigners who take refuge in Turkey for political reasons can only reside in places permitted by the Ministry of Internal Affairs'.

Our country while accepting the 1951 agreement used the right to vote that is given to to the contracting countries during the process of asylum determination. According to this the region that Turkey is in was taken into consideration and on 29 August 1961 with the law number 359 a declaration was issued. According to this declaration it was stated that only European foreigners who want to take refuge in Turkey will be accepted as refugees under the scope of this Agreement.

Turkey is a bridge between Asia and Europe. Because of its geographical position the region is always open to news flash. These reasons made Turkey in a need to put geographical reservation. The events like The Union of Soviet Socialist Republics' occupation of Afganistan, Iran-Iraq war, enforced immigration of our kins in Bulgaria in 1989 and the gulf crisis put the problem of immigration always on the agenda.

Our country accepted the 1951 Geneva Convention with geographical reservation; taking into account the current hot developments in its region and as a result of the human rights violations the Council of Ministers accepted Decree No.6169 of November 30th 1994 that led to issuing the 'Asylum to Turkey or Foreign Asylum seekers to Another Country who demand residence permit from Turkey and the Rules and Regulations about possible population movements and Foreigners who come to our border Collectively seeking refuge Regulation' by which worked to make paralel national asylum regulation to 1951 Geneva Convention.

Thus, our country has added 'the concept of asylum' to the above mentioned Regulation since this concept is human rights' most important and integral part and also is a part of the Universal Declaration of Human Rights.

Regulation 1994 is about the refugees making an illegal entry or those who have made legal entry, then because of the possibility to continue to stay illegally, 4 Article, the illegal entry of those who entered the place and foresaw the necessity about those who entered legally to apply within reasonable time to governer's Office about their location. While the period regulation of the first text is 5 days, there is often a problem in practice and as a result of the criticism in 1999 it was increased to 10 days, later on 'reasonable period' was determined by Council of Ministers and then published in the Official Gazette dated 27/01/2006 and numbered 16/01/2006-2006/9938.

The Refugees may not have entered the country in accordance with legal norms due to conditions that lead to asylum. First of all, to claim refugees who took refuge must know the country's law, would be against the good faith and such an expectation is against the flow of ordinary life.

In two separate incidents in 1997 have been accepted as refugees by UNHCR a deportation decision that was taken by the Ministry of Internal Affairs according to 1994 Regulation in response to the official letter written to the Ministry of Internal Affairs about

the completion procedure of asylum seekers from Iran to a 3rd country the deportation decision was cancelled by the Administrative Court.

The striking feature of UNHCR's decision regarding both cases is that refugee status was recognized. Even though an asylum seeker issues are included in 1951 Convention, the decisions regarding asylum seekers not legally recognized status are given a stay of execution.

Administrative courts are canceling deportation decisions regarding asylum seekers who weren't able to obtain refugee status yet but their applications are still processing.

In fact, a common feature of all of these decisions is the implementation of the Principle of non-refoulement a guiding principle of the refugee law.

Especially in recent years Turkey became an important transit center for an increasing proportion of refugees, asylum seekers and migrants and the lack of holistic refugee and asylum legislation regulated according to the international standards is a significant deficiency

Turkish refuge and asylum procedure operations at a local level are carried out by Directorates of the Foreigners Branch within the governorates and the Provincial Security Directorates. Turkish refuge and asylum procedure operations at a central level are being carried out by the Department of Foreigners Borders and Asylum Directorates within Ministry of Internal Affairs.

The Refugee status has been defined by Turkey in the 1951 agreement related to the Refugees Legal Status and in the 1967 Protocol related to the Refugees Legal Status but the implementation purpose of those documents had a limited conduct.

Even though our country had signed both documents no law was issued regarding to date practises as of that the current practises became effective with the Council of Ministers Regulation dated 19.04.1994 94/6169 and with the amendments to this Regulation dated 15.12.1998 and numbered 98/12243 published in the Official Gazette dated 27.01.2006 continues to practice according to the Regulation changes. According to the Regulation 1994, refugees coming from Europe and refugees coming from other places who have made legal entry should apply to the governor's Office within their current location and those who made an illegal entry must apply within reasonable period of time from the place they have entered our country. According to the previous issues of the regulation the application period used to be 5 days but because of the criticisms as a result of frequent implementation problems in 1999 that period was increased to 10 days but later on in 27.01.2006 was changed to a reasonable application period. Provincial governorships are obliged to take the applications made within the statutory period.

The requests for asylum to our country made by these foreigners should be taken by the governorates without being subject to any consideration, even during after hours or public holidays and for those foreigners who entered illegally and applied for asylum no judicial process should be made.

Those who do not apply within the shortest reasonable time must explain the reasons for their delay to the competent authorities.

Information brochure is given to those applying for asylum. There are information and notification sessions given regarding the rights and obligations, and also about the available services and benefits. Photos and fingerprints are taken and identification is made then id cards are given to them. Fingerprints are taken on A4 format and then put in a file. The repeated applications can not be determined due to the lack of automated fingerprint identification system.

The next step is the pre-interview with the claimant through an interpreter and then interview is made and report is prepared.

In practice, the provision of an interpreter and the deficiency in the number of qualified personnel lead to prolonged status determination period.

Refugee and asylum seekers' interviews are made by the Governorships. The interview is carried out in two stages. At the first stage a Registration Form containing foreigner's open identity and his reasons for asylum is issued, at the second stage an 'Interview Form' describing in detail the reasons for asylum is prepared and send to the Ministry of Internal Affairs.

Those who apply for asylum are subject to a free residence approved by the Ministry of Internal Affairs or those who demand are hosted at the guesthouse.

Foreigners' archival research and security investigation is made by the Ministry of Internal Affairs. At the same time the required "Recording-Interview Forms" prepared by the governorates are especially sent to the Ministry of Foreign Affairs and to other institutions, overview regarding their eligibility of getting a refugee status is taken and they are allowed to stay during this period.

Ministry of Interior decides whether to grant or not to grant a refugee or temporary refugee status to the foreigners after the opinions of the Ministry of Foreign Affairs and the other relevant institutions are taken. There is also a cooperation with UNHCR at the decision making stage about the entity of the foreigners and decision taken by that institution is taken into account.

Ministry of Internal Affairs decides to grant the foreigners a refugee status according to the monthly list sent by the UNHCR and also if that asylum demand is done in accordance with our law.

After this stage, the foreigner is notified about the positive or negative decision. Those foreigners who get approved but entered the country illegally and are waited at border towns, immediately after their approval are taken to the Central Anatolian provinces where there are less security problems and where it's easier to control the temporary asylum seekers who are permitted to reside there.

The same situation is also valid for the foreigners who entered our country legally and kept in our big cities. Foreigners who entered our country legally and hold in our Central Anatolian provinces are issued a residence permit without changing their province.

Foreigners who are known as Refugee/Asylum seekers in Turkey, according to 5683 Article 17 of the Law are required to reside in places shown by the Ministry of Internal Affairs.

A foreigner who receives a negative decision is given 15 days after he is been notified to appeal against the decision or to leave our country. At the end of this period if a foreigner had appealed against the decision he will be notified by a top court whether his file will be re-examined or not.

Those refugee or asylum claims that were not based on a justifiable reason and those who were provided exit if come again within a short period of time (at least three months) with the same claims and if those claims are not found sincere by the Governorships, those people are treated as foreigners and in the courts if there is no ban for leaving the country, they are deported from our country.

Secondary protection is provided to foreigners who get the final rejection regarding their asylum claims if there is a risk of persecution when sent back to their country. The residence status as a 'foreigner' are granted for those who are deemed eligible within the scope of considerations and those not approved are notified to leave the country.

Except its general refugee mission the UNHCR is responsible to place and undertake concrete tasks regarding foreigners placement to third countries, who come from other countries except Europe and apply for asylum in Turkey within Turkish refuge and asylum procedures.

Those refugees who get an affirmative decision are granted a resident permit in our country. Those who obtain resident permit are allowed to study and work. Their citizenship applications are accepted for evaluation. Those asylum seekers who are legal in our provinces, obtain visa through UNHCR or by themselves and if their third- country asylum is accepted they are sent to these countries without delay.

The Governorates are accepting applications with applicants open identity within the legal period and then report them immediately to the Ministry of Internal Affairs. And ministry of Internal Affairs sent their applications to United Nations of High Commissioner to place refugees to another country. Refugees are signed up and start to contact with United Nation of High Commissioner.

In addition, Turkey is flexible to some demands that are out of the scope of 1994 regulation. As an exemplary, as a result of agreement of Ministry of Internal Affairs and Ministry of Foreign Affairs with United Nations of High Commissioner in 1997, Turkey behave more softly to 3330 Iran and Iraq citizens who have the statue of refugee.

Until going to another country, refugees who enforce a claim about staying in Turkey, have restricted rights. Their education and work are related with general decisions.

People, who come from abroad countries and wanted to stay in Turkey, can take resistance permit; but it must be compatible to general procedure. As a result of review, these foreigners can stay in our country continuously and can take resistance permit with the framework of 1957 Geneva Convention. In this situation, these foreigners can stay

everywhere in Turkey. In addition, there are some critiques about Turkish refugees and asylum seekers procedure; because it is too extensive procedure.

In parallel with the developments of social, political, economical, cultural and demographic issues, in 21st century the number of refugees are increasing continuously.

With 1980s, Western countries began to take precautions against the access of refugees to their countries instead of taking responsibility of human assistance.

At present, the cause of refugees are the countries which are less developed economically and these countries could not complete the process of being democratic. In this context, Turkey is a bridge between East and West. Because of this reason, there are incursion of refugees and asylum seekers to Turkey.

Within the framework of Turkey and European Union Accession Partnership, Turkey has to reform socially, politically and economically. In addition, other neighbouring countries' political, economical and social problems can be a cause for incursion of refugees to Turkey.

From 1995, 70.264 foreign nationals asked for political asylum. (In 2008, 11819 foreign nationals, in 2009, 6652 foreign nationals asked for political asylum.)

35.571 refugees, who have necessary criteria, take their status and they are placed in the United States of America, Canada, and Australia and Scandinavian countries, and to the 3rd countries.

As of May 2010, 20.668 foreigners were named as "refugee and asylum seeker applicants." They have a residence permit. 8027 of them came from Iraq, 5941 of them came from Iran, 3755 of them came from Afghanistan, and 1490 of them came from Somalia. Other 1455 foreigners came from 55 different countries.

Solving the problems in this area only through national possibilities and local regulations are not sufficient.

If we look at the approach for the integration of asylum seekers and refugees in our country from the national level, except for the national action plan for integration there is not a single type of legal arrangement, usually refugee and asylum rights are scattered in different laws under general topics. In practice, these legal instruments in the hands of practitioners brought to defuse a truly ineffective compliance.

Integration is one of the most important tools in the process of employment. In our country, they could not get work permits for asylum seekers and refugees usually cannot enter to active business life, cannot benefit from social security institutions. Asylum seekers and refugees, receiving social assistance face very serious problems.

Asylum-seekers and refugees themselves, not have enough information on services offered to the public employees lack of knowledge in the field of asylum, poor consultation services, language problems, their causes of social assistance utilizations are not enough.

One of the most important safeguards provided by the social security system for individuals are health facilities. However, difficulties are experienced in the field of health applications. Asylum-seekers and refugees who can not get Turkish Official ID number; couldn't apply to hospitals and can not express their health problems due to the lack of interpreter shortage.

Another problem is that because of economic difficulties they cannot benefit from health centers. Especially health expenditures and drug costs that are not been met are one of the important issues. In sum, we can say that although there are no legal restrictions in terms of social assistance and health care for asylum seekers and refugees in Turkey, they face many challenges.

Currently, some non-governmental organizations and international institutions are located in social services for asylum seekers and refugees. However, target group's needs cannot be met because of the services which are independent and unaware of each other, and lack coordination. Looking at the presence of NGOs in this field in Turkey although the services cannot be denied, the integration of refugees and asylum-seekers and effective implementation projects and their applications are not enough. Increasing the NGO's capacities, NGO co-operation with the observed reluctance on the elimination of the administration, the active provision of a functioning administrative structure are among the problems that need to be solved.

RECOMMENDATIONS

1) Turkey has a history of refugee rights that can be considered quite good. However, today the narrow capacity of the Turkish legislation on the subject in the hierarchy of law, is considered serious enough in the face of the movement of a population that does not reach the figures and contradicts with the past. Currently foreigners arriving in Turkey from being focused on the human rights point of view unfortunately has become focused on security and the economy. This point of view are bound to change and should be focused on human rights, such as in the past. Every alien seeking asylum in our country, must not seen and evaluate as illegal immigrant. Border security and illegal immigration measures under taken, actually reaching the borders of Turkey for asylum or refuge of foreigners were brought to request the time limit should be possible.

Turkey does not have an asylum and refugee legislation that is arranged according to international and integrated standards. Regulations of the discrimination and asylum rules are inadequate in the Protocol of 1967 and 1994 regulation. In this area there is a need of refugee law and this law should be prepared in a manner consistent with relevant international conventions and EU legislation. While making this arrangement, the relevant civil society organizations, academics, lawyers should be taken as opinions of experts. The upcoming work of the law and subsequent regulations, business, education, health and other basic public provision of access to opportunities, giving identity and travel documents and family reunification should be developed in compliance with EU and international standards.

2) In legislation and practice, the refugee status of refugees' rights and responsibilities consistent with the definition of an objective basis and be required to provide and implement legal, administrative and physical infrastructure and institutional arrangements should be made.

3) A research based on concrete data and figures should be made as soon as possible about the outcomes of the removal of geographical reservation. Human rights activists, those who are in charge of the public sector, representatives of international organizations and university lecturers all give different opinions on the removal of Turkey's geographic reservation and the burden it will face as a result of it. In this research, expected increase in the number of refugees coming to our country after the removal of geographic reservation, the establishment of refugee guesthouses, determination of the place and the cost of accept and return centers, the unit in the field of refugee status determination should include the cost of legal and administrative infrastructure.

4) According to the results set forth above, the research, Turkey, the European Union and the Member States and with the removal of geographical restrictions will arise as a result of the implementation of the EU acquis in order to create mechanisms for sharing of financial burden should enter into dialogue. Burden-sharing, as defined above, next to the establishment of administrative structures for refugees and refugee guesthouses in part to continue the deployment in other European countries also cover areas such as financial and technical assistance.

5) About refugee status or asylum, clearly non-durable or open to abuse applications, arrivals via doesn't make persecution third countries, for those who do not have identity documents, proof of identity or non-expedited procedure established and recognized by international law and avoid abuse of the rights and opportunities. So that the negative attitudes and practices that may occur to those who need real eliminated. Asylum seekers and illegal immigrants in the implementation of the strategy to distinguish between refugees and the actual establishment of the system infrastructure and equipment necessary for the determination of priorities, the establishment of centers in our country accept and return, asylum seekers and refugees, the European Commission regarding the provision of social and legal assistance, the Member States and the United Nations High Commissioner for Refugees prepared and is available on this issue with comprehensive programs and a safe "the creation of country of origin information system" the establishment of a common system for the international road specialist.

6) Correction of negative situations in about return of their country of illegal immigrants from our country or other illegal migrants to our country made the transition to a country from our country of illegal adoption also refund procedure, according to legal basis "Readmission Agreements" has occurred. From readmission agreements with countries outside Syria and Kyrgyzstan, Turkey and the destination or transit countries in western countries is to be seen. Immigrants and asylum countries in eastern Turkey to find more, the countries of emigration in the face of the fact that the importance of readmission agreements with these countries will be understood more. For this reason, countries in eastern Turkey (as source country) and African countries needed to be done on a readmission agreement with the Ministry of Internal Affairs for the establishment of roads and the ongoing efforts by the Ministry of Foreign Affairs should continue efforts to conclude.

7) Turkey, 1951 Geneva Convention Relating to the Status of Refugees (1951 Geneva Convention), Law No. 359 on August 29, 1961, (Article 42 of the Convention recognized the right to vote with the signatory states by using the "geographical reservation" (available only to applicants coming from Europe to our country by foreigners to evaluate the scope of the Convention) adopted in Parliament endorsing. Turkey, 1967 Additional Protocol on the Status of Refugees (the New York Protocol) in the same condition (Geographic Reservation)

confirmed on July 1, 1968. However, the current hot developments in the region and the resulting human rights violations issued on 1994, considering the asylum/refuge with the European Directive came from outside our country to foreigners seeking asylum, until you have moved temporarily to a third country the right to international recognition of protection envisaged. European Union accession process, within the framework of the Copenhagen criteria, Turkey's geographical reservation is required for good lift. Turkey, in the area because of its difficult experiences, the Geneva Convention of 1951 'that what applied to the removal of geographic reservation policy, the 2008 National Program for Migration and Asylum, as stated in the Road Map "to the European Union during the accession negotiations for full membership in detail by considering signing the treaty for removal, a refugee from Turkey direct should not encourage the flow of the necessary legislation and implementation of infrastructure changes and, depending on the sensitivity of the EU's burden-sharing will be evaluated as "determined". Turkey, declared it as written and verbal. Turkey in line with the demand from the national program said that will lift the geographical reservation. But, likely to emerge will install a heavy economic cost of asylum can not be able to meet the existing facilities of the National Programme for the budget specified. That are important in ensuring the right to asylum, the person is located in the acceptability of the conditions, specified in the Geneva agreement must be compliance with five criteria, when a person should not be decisive in this regard the importance of geography. Therefore, Turkey is implementing a detailed justification of any connecting lift the geographical restriction.

8) Refugee status determination procedures are still being carried out by General Directorate of Security of the Ministry of Internal Affairs. General Directorate of Security as the main occupation area, and of course the challenge of crime and criminality. Human rights in the civil space area needed a look. For this reason, the refugee status determination procedures to be established within the Ministry of Internal Affairs and not by the General Directorate of Security, asylum, asylum and on immigration, has given the ministries in charge of personnel trained in the hosting services, should be made by the General Directorate of Migration and Asylum. General Directorate of Migration and Asylum and / or other institutions related to the refugees in the EU and international standards, especially access to basic services, including acceptance conditions in the development and implementation of inter-ministerial co-ordination of activities should be responsible.

9) Asylum and immigration are still working in the field and in the future which will identify staff training needs and developing training programs should be provided. In this context, territorial administration, especially Supervisors, the Police General Directorate, the Gendarmerie General Command, the Coast Guard and other relevant institutions in the field of personnel training programs to be prepared for asylum. At the same time judges and prosecutors, the asylum petitions related to the subject should be included in the process.

10) What kind of treatment to be kept subject to the remaining illegal immigrants guest houses that do not confer any. There is not Transactions of the container and a text editor on guest houses.

Records are not kept and as regular statistical data. This situation also leads to inter-provincial in various applications. Illegal immigrants here from the entry of people in these places is hosted, internal functioning, must be complied with norms, rules of conduct and regulatory law specified minimum standards should be in around the text should be prepared. Records and statistical data are collected and regularly published in the same way all of these places.

11) Some of the immigrants first came to the legal framework in our country by not applying for asylum, after a period of time, "apply for asylum if I can be good for me, " he has applied. As a result of this application by the Ministry of Internal Affairs granted asylum application is rejected, the decision to deport the person. People, against the deportation decision, the administrative judge and apply the European Court of Human Rights are available. However, during the deportation process can be given at the last minute decisions to stop this process and people, the final decision until a second decision by UNHCR to them in a safe third country, even if people in the camp forced heels are set and Turkey is not allowed out of their outputs. This situation appears to be an effect which is against the people. Used to be a right, the person should not result against the result would yield. In this case, according to a self-petition for waiver cases, taking them by the UNHCR in Turkey to go to a safe third countries' barriers to be removed from the outputs of giving permission.

12) Foreigners residing in our country (including refugees and asylum seekers) Permit for the residence, subject to fee number 492 under the Fees Act.

The circular order about refugees and asylum seekers which has made by the Ministry of Internal Affairs on March 19, 2010 with numbered 2010/19 clarifies the residence fee and identity number issue that applied for refugees and asylum seekers. If these refugees and asylum seekers declare that they don't have good financial conditions to pay a residence fee, their request will evaluate by the police headquarters' foreign branches which responsible for their own jurisdictions.

The governorship has already directed to accept the applications of refugees which determined in that way. However, its a reality that asylum seekers have poor economic conditions in our country to pay this amount of fee. And also known that they don't allow to leave our country to the third world countries where appointed for them. Because they have still debt to our country. Therefore, it would be better to make necessary arrangements in charges law about this specific issue. The refugees and asylum seekers could be exempt from residence fee.

13) We don't have enough qualified personnel who interest in immigrant, refugee and asylum seeker issues. The only official authority about this subject is police headquarter in our country. But they don't have enough personnel to solve all problems. They have also some other extra duties which they are responsible for. Such as matches, concerts, watching demonstrations etc. Because of this large scale they have they are living some difficulties to focus on this issues. In this point we need to establish a new system that enable us to bring up qualified personnel to help these refugees and asylum seekers. Until we will use this system in full capacity we should increase the number of related personnel in police quarters. We should also create a new foreign branch and we have to determine these personnels job definition as quick as possible.

14) It would be very optimistic if we say we don't have any problems about refugees to access asylum procedure or we couldn't say that our related police department always keep the records about refugees coordinately. And of course, we couldn't say that we don't have any problems about asylum issue. The authorized parties and personnel in our country should give detailed information to the refugees about asylum procedures and they also should take their asylum applications correctly in order to help them.

Generally refugees enter the country by illegal ways and they don't have any legal documents on them which show their status. But this situation would not be a problem for them to benefit from asylum process. All information about the asylum procedure must be given for them by international standards.

15) Asylum seekers and refugees must be treated as a human being like all other people as mentioned by the Universal Declaration of the Human Rights without excluding their freedoms.

Refugees and asylum seekers have to be informed not only for their basic rights but also their procedural rights. The guesthouses need to be conform to international standards in case of human rights and freedoms.

Generally foreigners are arrested in Turkey for their illegal in and out entering activities and for their residence permit problems. In this manner they need to deal with foreign branches which are directly connected to the police headquarters. In our country detainees usually keep in foreign guesthouses, police detention rooms or airport transit rooms. A huge percentage of detainees who are staying in the guesthouses were committed crime against passport law.

Almost all people who are staying in foreign guesthouses as illegal immigrants act violation against passport law. Thus their misdoing is actually violation against passport law and technically it is accepted as a fault not a crime. Although this is the case, people who are living in shelters still wondering what kind of treatment they are going to take. They are also wondering how long they are going to be detained and what their obligations are?

The asylum seekers and other foreigners also should be informed about about how long they need to stay at most in guest houses by legal regulations.

Illegal immigrants have more difficult living conditions than people who commit severe crimes. If we compare immigrant situations with the people who are staying in jails we will see big difference. For example even the prisoners have some knowledge about what kinds of rights they have and when they will be out of jail, the immigrants have no idea about these facts and their future.

Theoretically an illegal immigrant could be held in a guesthouse until the end of his life. Compared with other countries, living conditions of immigrants in our country are better than others. But it still depends on related authorities and personnel in a way. And most of the the guesthouses contain a very large number of immigrants which are more than their capacity.

While accepting in foreign guesthouses, the immigrants should be informed about the structure of guesthouses, mechanism of it and their rights while they are staying in it. The written and visual techniques should be used and also international arrangements should be made.

16) Every sheltering house and relocation center conditions should be determined by the international standards. It should never exceed the capacity. It should never accept more people than capacity no matter what the situation is.

17) Meals should be paid from the central budget. It should be prepared regularly and all food must meet the nutrition criteria. It also needs some other possibilities to create for the people who are staying in centers other than 3 meals.

18) People could leave for the open air without any limit and they could find a chance to do their physical exercises without any difficulty.

19) It should be preferred free residing policy rather than detaining in guesthouses for the refugees and fugitive immigrants.

20) Entering guesthouses should be more easy for the non governmental organizations, academic personnel and especially for lawyers without requesting permission from the Ministry of Internal Affairs. Visiting and making inspection to these places should be also more easier than today. The guesthouses should become more accessible places.

21) We don't have enough data that show the official authorities are implemented violence against immigrants in guesthouses. Personnel who attempted this type of violation for human rights must be determined quickly. The perpetrators should also be allocated for compensation penalties.

23) Illegal immigrant smuggling is an organized crime that it couldn't be avoidable just only taking criminal and legal measures by the states. In August 9, 2002 a new immigration law has become valid. It was a milestone for illegal immigrant smuggling. But because of economic reasons, political conflicts and the chance of a war illegal immigrant smuggling is still increasing.

In this manner we can not totally finish to illegal immigrant smuggling but

a) The main target to combat with the illegal immigration is determining the organized crime networks. In this manner, we need to make cooperations with security forces in target, transit and origin countries where these networks are located.

b) All illegal immigrants caught in Turkey border actually means that an illegal immigrants who blocked to go to the European countries.

c) Within the framework of existing practises in EU countries, the illegal immigrants cost them nearly 2500-3000 euros. Combating illegal immigration is an activity that directly proportional to law enforcement agencies as well as operational and intelligence capabilities. In this manner, we should increase these capabilities in order to reach more output. Of course in order to gain benefits it also needs to offer a burden sharing to other countries.

24) In order to achieve a better employment and better living standards, the immigrants are aiming to go overseas. Because of their status they could be an easy target to illegal immigration organizations. Also a huge amount of money is spending to these crime organizations and this would be a real threat to the economy. Specially in last five years, illegal immigrant organizations played very important role as a financial resource of crime networks.

These unemployed, broke, unskilled and uneducated illegal immigrants are carrying economical and social threat to many countries. Because of this threat all national and international institutions should cooperate to fight against illegal immigration.

25) Immigration, asylum and foreigner issues are wide areas of national and international legislation and they are requiring expertise. Practices such as deportation can cause serious consequences in context of human rights. In this manner the decision has to be made quickly by the court. Expert judges should also look at such cases and they need to make decisions as quick as possible. In this context, the establishment of specialized courts for this area is required.