

Regulation
Decision Number: 2006/9938

Upon the correspondence of the Ministry of Interior dated 15/11/2005 and numbered 3127, it has been concluded by the Council of Ministers on 16/1/2006 to put into force the attached “Regulation to Amend the Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to seek Asylum from Another Country”.

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Minister of Culture and Tourism

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Regulation to Amend the Regulation on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to seek Asylum from Another Country

Article 1 — The Article 4 of the Regulation dated 14/9/1994 and numbered 94/6169 on the Procedures and the Principles Related to Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in Order to Seek Asylum from Another Country, which had been put into effect by the Council of Ministers, has been amended as follows:

"Article 4 — Individual aliens who are either seeking asylum from Turkey or requesting residence permission in order to seek asylum from another country shall apply without delay to the governorate of the place where they are present, if they entered Turkey legally; and shall apply without delay to the governorate of the place where they entered Turkey, if they entered illegally.

Those who fail to apply within the within the shortest reasonable time shall notify their valid reasons for failure to apply and shall co-operate with the competent authorities with regard to this issue."

Article 2 — Article 5 of the same Regulation has been amended as:

"Article 5 — With regard to the individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country, the Governorates shall do the following;

- a) Identification shall be made and their photographs and fingerprints shall be taken.
- b) They shall be interviewed in accordance with the 1951 Geneva Convention relating to the Status of Refugees. For interviewing and decision making, personnel shall be appointed at the Governorates that are authorized to conduct interview or make a decision.
- c) The interview documents along with the comments of the interviewer and the decision made on the case of the applicant, in accordance with the authority granted with Article 6, shall be sent to the Ministry of Interior.
- d) Pending further instruction from the Ministry of Interior, the alien shall be accommodated in a center or a guesthouse deemed suitable by the Ministry of Interior or shall freely reside in a place which shall be determined by MOI.
- e) Further steps shall be taken following instructions from the Ministry of Interior."

Article 3 — Article 6 of the same Regulation has been amended as:

"Article 6 — Decisions on the applications of individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country shall be concluded by the Ministry of the Interior in accordance

with the 1951 Geneva Convention relating to the Status of Refugees and the Protocol of 31 January 1967 relating to the Status of Refugees and this Regulation.

When it deems as necessary, the Ministry of Interior could transfer the decision making authority to the Governorates.

The decision taken by the Governorate or the Ministry of Interior shall be communicated to the alien through Governorates.

Those aliens whose applications are accepted shall be accommodated in a guesthouse deemed suitable by the Ministry of the Interior or shall freely reside in a place which shall be determined by the Ministry of the Interior.

Those aliens whose applications are not accepted may appeal to the relevant Governorate within 15 days.

For a more accelerated decision, the period to lodge an appeal could be reduced by the Ministry of Interior, if deemed as necessary.

The statement and other information and documents supporting the claim submitted by the applicant appealing the decision shall be sent to the Ministry of Interior by the Governorate. Appeal shall be concluded by the Ministry of Interior and the final decision shall be notified to the alien.

The situation of those whose appeals are rejected with a final decision are assessed within the framework of the general provisions regarding the aliens. Within the framework of the general provisions regarding the aliens, those aliens who are not deemed eligible for residence permit are notified that they shall leave Turkey within the period determined by the administration. Aliens who do not leave the country are deported from Turkey by the governorates upon the instruction of the Ministry of Interior or ex-officio by the Governorates where the direct decision making authority is transferred to the governorates."

Article 4 — Article 7 of the same Regulation has been amended as:

"**Article 7** — In proceedings regarding the individual aliens who either seek asylum from Turkey or request residence permission in order to seek asylum from another country, there shall be co-operation with other Ministries, institutions and organizations, international organizations such as the United Nations High Commissioner for Refugees and the International Organization for Migration, and non-governmental organizations, especially on aspects such as accommodation, food, transportation, resettlement, voluntary repatriation, obtaining passport or visa."

Article 5 — Same Regulation's Article 30 and its title has been amended as :

Appointment

"**Article 30** — A sufficient number of personnel shall be appointed at the Ministry and the governorates by the Ministry of Interior for decision making on the cases of individual aliens and for the assessment of appeals. The Ministry of Interior could assign those working in the Ministry, in governorates or those working in the

governorates, in the provinces other than the province they work on a temporary basis, not exceeding 15 days each time.

In order to enforce this Regulation during mass influx situations or population movements and in order to support this regulation with sufficient number of personnel; the relevant ministries, public institutions and organizations shall assign sufficient number of personnel in front-line assembly and assembly areas on a temporary basis, following a recommendation, based on their relevance, from the Turkish General Staff or the Ministry of Interior.

Personnel appointed on a temporary basis shall receive, if deserving, daily allowances in accordance with the Law No. 6245 on Daily Allowances."

Article 6 — This regulation shall enter into force on the day of its publication.

Article 7 — The provisions of this regulation shall be applied by the Council of Ministers.