

Resolution 1429 (2005)¹

Asylum seekers and irregular migrants in Turkey

Parliamentary Assembly

1. In the last decade Turkey has become an increasingly important crossroads of migratory movements as a country of origin, transit and destination. Migration in Turkey reveals all the complexity of contemporary migration movements in Europe : flows are of a mixed nature, that is they are composed of people in need of international protection as well as others looking for economic betterment ; they take place in a lawful or clandestine manner ; they can be facilitated by smugglers of migrants or caused by traffickers in human beings ; and they may thrive on the existence of a strong informal economy.
2. The increased importance and complexity of migration poses daunting challenges to Turkey, to which this country has tried to respond through a range of legislative and policy instruments.
3. In the field of illegal migration, the Parliamentary Assembly notes with satisfaction that Turkey has reinforced its legislative framework aimed at combating this phenomenon, including through the introduction of amendments to the Criminal Code and the adoption of a law on combating profit-oriented criminal organisations in 2002.
4. Likewise, the Assembly welcomes the ratification by Turkey of the United Nations Convention on Transnational Organized Crime and its Protocols on 23 March 2003.
5. This legislative effort has been complemented by policy measures aimed at improving Turkey's border-control capacity, aligning its visa system with that of the European Union and concluding readmission agreements with a number of countries.
6. The Assembly acknowledges the financial efforts which have been made by Turkey to improve its efficiency in combating irregular migration and recognises the need for Turkey to be supported in this process through facilitated access to international assistance and technical co-operation programmes.
7. In the field of asylum, the Assembly takes note of the prolongation of the time-limit for filing asylum applications, recently introduced into the legislation, and welcomes the acceptance of the involvement and guidance of the United Nations High Commissioner for Refugees (UNHCR) in status determination procedures.
8. The Assembly also welcomes the willingness of the Turkish authorities to discuss the possibility of lifting the geographical limitation to the 1951 Geneva Convention relating to the status of refugees, which limits the recognition of refugee status by Turkey to European refugees.
9. Access to the asylum procedure, however, remains a matter of concern. In this regard, the Assembly reiterates Turkey's obligation to guarantee the safety of people who are in need of international protection as well as their access to a fair asylum determination procedure, irrespective of their regular or irregular legal status or manner of entry into Turkey, in compliance with the 1951 Geneva Convention relating to the Status of Refugees.
10. In this context, the Assembly recalls the binding nature of the European Convention on Human Rights on Turkey and its relevance for asylum and migration cases.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 March 2005 (see [Doc. 10445](#), report of the Committee on Migration, Refugees and Population, rapporteur : Mr Aliyev).



11. In the field of return, the Assembly welcomes the reduction in the number of controversial expulsions of foreigners and encourages Turkey to envisage and implement a policy to facilitate voluntary return, in co-operation with the International Organization for Migration (IOM).

12. Finally, the Assembly believes that Turkey's efforts to address migration should be supported by the European Union and other Council of Europe member states in the framework of an effective system of burden-sharing.

13. The Assembly therefore calls on the Government of Turkey :

in the field of illegal migration

- a. *to develop and to increase its financial and technical resources to deal effectively with illegal migration and irregular employment ;*
- b. *to continue the process of amending or introducing new legislation in order to address illegal migration and organised crime more effectively and in particular to align its legislation with the Schengen Agreement ;*

in the field of asylum

- a. *to lift the geographical limitation to the 1951 Geneva Convention relating to the Status of Refugees ;*
- b. *to ensure that all those who wish to apply for asylum are given unimpeded access to a fair asylum determination procedure, irrespective of their regular or irregular legal status or manner of entry into Turkey ;*
- c. *to review certain requirements imposed on asylum seekers such as the ten-day limit for filing an application or the fifteen-day limit for providing the authorities with valid documentation ;*
- d. *to continue to develop more comprehensive arrangements for the establishment of a fair and efficient refugee-status determination procedure, in co-operation with the UNHCR ;*
- e. *to contribute to sharing the burden of hosting non-European refugees who are granted refugee status by the UNHCR, by accepting to act as a resettlement country ;*
- f. *to improve accommodation and social support services for asylum seekers and refugees, if necessary by seeking international financial support ;*
- g. *to elaborate and to submit concrete projects to provide assistance to asylum seekers and refugees in order to obtain financing from the Council of Europe Development Bank ;*

in the field of return

- a. *to devise and to implement a policy to facilitate voluntary return, also in co-operation with the IOM ;*
- b. *to ensure that expulsions, when necessary, are conducted in full compliance with the European Convention on Human Rights and its Protocols and in a manner which is respectful of the safety and dignity of the person, consistent with Assembly [Recommendation 1547 \(2002\)](#) on expulsion procedures in conformity with human rights and enforced with respect for safety and dignity.*

14. The Assembly calls on the Council of Europe Development Bank to give positive consideration to projects in the field of migration and asylum submitted by the Turkish authorities for financing.

15. Finally, the Assembly encourages the European Union to allocate financial assistance to Turkey to facilitate its progress in combating illegal migration and complying with international standards in the field of migration and asylum.