



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Thirty-first session**

2–11 September 2019

Item 5 of the provisional agenda

**Consideration of reports submitted by States  
parties under article 73 of the Convention**

**Concluding observations on the initial report of Turkey**

**Addendum**

**Information received from Turkey on follow-up to the  
concluding observations\***

[Date received: 22 July 2019]

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\* The present document is being issued without formal editing.



1. The Committee requests that the State party provide, within two years, that is by 1 May 2018, written information on the implementation of the recommendations contained in paragraphs 18, 48 and 54.

**Paragraph 18 of the concluding observations**

**The Committee recommends that the State party consider making declarations provided for in articles 76 and 77 of the Convention.**

**Paragraph 48 of the concluding observations**

**The Committee recommends that the State party:**

(a) **Ensure that administrative detention is used as a measure of last resort only that non-custodial alternatives are prompted, in line with Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families;**

2. Through Law No. 6458 on Foreigners and International Protection, alternatives to administrative detention have been introduced. New practices are introduced in Articles 54 and 55 of the Law. Foreigners are only detained when there is a risk of absconding or disappearing.

(b) **Expediently and completely cease the detention of children on the basis of their parents' immigration status and adopt alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based on contexts while their immigration status is being resolved, consistent with their best interests, and with children's rights to liberty and family life;**

3. Children are not detained in removal centers due to their migration status or any other reasons. The children, whose parents are taken under administrative detention, may stay with other relatives if they are in the country. Besides, children are allowed to stay with their parents where they or their parents do not want to separate each other. In such conditions, the child is not separated from their parents in any circumstances. Their needs such as education, health, food, supplementary food, milk, and baby food and baby diapers are met. Best benefits of children are observed in each steps taken. Experts provides psychological support and their procedures are prioritized and speeded up. Alternatives to detention such methods as obligation to sign in a certain address are used.

(c) **Ensure that humanitarian as opposed to a security approach to migration continues to guide all the State's party's policies and practices, including by prioritizing alternatives to rather than increase in, detention.**

**Paragraph 52 of the concluding observations**

**The Committee recommends that the State party:**

(a) **Take the steps necessary to ensure that in administrative proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation are guaranteed due process on an equal basis with nationals of the State party before the courts and tribunals;**

4. Procedures, decisions taken and administrative and judicial processes are submitted in a language that foreigners can understand. There is no problem that foreigners encounter in access to judicial and administrative authorities.

(b) **Include in its follow-up and second periodic reports detailed disaggregated information on the number of migrant workers detained for immigration offences and the place, average duration and conditions of their detention as well as information on the implementation of the rights of migrant workers in respect of due process and equality before the courts;**

(c) **Ensure that the minimum guarantees enshrined in the Convention are assured with regard to administrative and judicial procedures against migrant workers and member of their families.**

### Paragraph 54 of the concluding observations

#### The Committee recommends that the State party:

**(a) Investigate the alleged cases of collective expulsion of Syrian, Afghan and Iraqi migrants;**

5. Pursuant to the Law No. 6458, each irregular migrants are considered individually and for whom separate decisions are taken. The collective expulsion is not a question.

**(b) Take the steps necessary to ensure that administrative and judicial proceedings for deportation and/or expulsion are fully regulated by law and are in accordance with the Convention;**

6. Law No. 6458 on Foreigners and International Protection and its secondary legislation have been prepared in accordance with international. Removal procedures are stipulated in the Law in accordance with international legislation.

**(c) Ensure that migrant workers who are subject to an administrative deportation or expulsion order are aware of and exercise their right to appeal against the order;**

7. Methods for appeals and objection are submitted to foreigners.

**(d) Develop mechanisms to prevent the expulsion of migrant in transit until the assessment of each individual situation has been completed in order to, inter alia, uphold the principles of non-refoulement and prohibition of collective expulsion;**

8. Pursuant to the Law No. 6458, each irregular migrants are considered individually and for whom separate decisions are taken. The collective expulsion is not a question.

**(e) Provide in its follow-up and second periodic report information, including disaggregated statistics, on the numbers of expulsions, the grounds for the expulsions and procedures used;**

9. In 2018, the number of expulsion was increased by %59.90 in comparison to 2017.

10. Removal procedures are regulated by Article 54 of the Law No.6458 on Foreigners and International Protection. Pursuant to the article:

(1) A removal decision shall be issued in respect of those foreigners listed below who/whose:

- Are deemed to be removed pursuant to Article 559 of the Turkish Penal Code No. 5237;
- Are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation;
- Submit untrue information and false documents during the entry, visa and residence permit actions;
- Made their living from illegitimate means during their stay in Turkey;
- Pose a public order or public security or public health threat;
- Has overstayed their visa or the visa exemption period for more than ten days or, whose visas are cancelled;
- Residence permits are cancelled;
- Overstayed the expiry date of the duration of their residence permit for more ten days without an acceptable reason;
- Are determined to be working without a work permit;
- Breach the terms and conditions for legal entry into or exit from Turkey;
- Are determined to have entered into Turkey despite an entry ban to Turkey;
- International protection claim has been refused; are excluded from international protection; application is considered inadmissible; has withdrawn the application or

the application is considered withdrawn; international protection status has ended or has been cancelled, provided that pursuant to the other provisions set out in this Law they no longer have the right of stay in Turkey after the final decision;

- Fail to leave Turkey within ten days in cases where their residence permit renewal application has been refused;
- (Annex: 3/10/2016-KHK-676/36 article) are evaluated as being associated with terrorist organizations which have been defined by international institutions and organizations;
- (Amendment: 3/10/2016-KHK-676/36 article) A removal decision may be issued at every stage of international protection proceedings in respect of international protection applicants or international protection beneficiaries who are evaluated as being within the scope of (b), (d) and (k) subparagraphs of the first paragraph of this Article.

(f) **Ensure that all necessary procedure safeguards are strictly followed in all individual expulsion proceedings in order to prevent arbitrary expulsion, including in the context of agreement between the European Union and State party that was signed on 18th March 2016.**

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