**DRAFT PROMISIG PRACTICES**

**Principle 6: Returns (page 15)**

**Remark:** Humanitarian residence permit is regulated in the Article 46 of the Law on Foreigners and International Protection. According to the Article, upon the following cases, upon approval of the Ministry, a humanitarian residence permit with a maximum duration of one year at a time may be granted by the governorates without seeking the conditions for other types of residence permits. Humanitarian permit is issued:

* where the best interest of the child is of concern;
* where, notwithstanding a removal decision or ban on entering Turkey, foreigners cannot be removed from Turkey or their departure from Turkey is not reasonable or possible;
* when there are serious indications to believe that foreigners shall be subjected to the death penalty, torture, inhuman or degrading treatment or punishment in the country to which they shall be returned and when foreigners who would face risk due to serious health condition, age or, pregnancy in case of travel, who would not be able to receive treatment in the country to which they shall be returned while undergoing treatment for a life threatening health condition, victims of human trafficking, supported by the victim’s assistance programme, victims of serious psychological, physical or sexual violence, until their treatment is completed are concerned;
* where there is a judicial appeal against the actions carried out pursuant to Articles 53 (removal decision), 72 (decision on inadmissible applications) and 77 (withdrawal of the application or considered withdrawn);
* throughout the removal process of the applicant to the first country of asylum or a safe third country;
* in cases when foreigners should be allowed to enter into and stay in Turkey, due to emergency or in view of the protection of the national interests as well as reasons of public order and security, in the absence of the possibility to obtain one of the other types of residence permits due to their situation that precludes granting a residence permit;
* in extraordinary circumstances.

Apart from this, a person may also apply for international protection in case he or she, as a result of events occurring in his or her country of origin and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

**Principle 8: Detention (page 23)**

**Remark:**

Additionally, it is regulated by the Regulation on the Implementation of the Law on Foreigners and International Protection that unaccompanied children who are international protection applicants in Turkey shall not be subject to administrative detention; nevertheless, there is no provision related to this matter in the Law on Foreigners and International Protection. Also children who have turned the age of 16 may be sheltered at the removal centres when the special conditions are met if they are irregular migrants, and at reception and accommodation centres if they are applicants or persons with international protection status.

International protection applicants may be subject to administrative detention under certain conditions and in accordance with the Law No 6458 a removal decision shall be issued in respect of those foreigners who are leaders, members or supporters of a terrorist organisation or a benefit oriented criminal organisation; pose a public order or public security or public health threat, deemed associated with the terrorist organizations defined by international organizations and agencies and the international protection applicants or the international protection status holders at the every stage of the international protection process.

Stateless persons are regulated in the Article 50 of the Law on Foreigners and International Protection. Pursuant to the Point (b), Paragraph 1, Article 51 of the Law they shall not be deported unless they pose a serious public order or public security threat.

The Law on Foreigners and International Protection also exempts individuals who are at risk of torture/ill-treatment if expelled; are unable to travel due to poor health, age or pregnancy; require medical treatment that cannot be obtained in the country of origin or return; or are undergoing treatment due to serious psychological, physical or sexual violence, from deportation orders and, therefore, detention. Such individuals are issued with humanitarian residence permits (with specific permits for trafficked persons). Unaccompanied children are placed “by the Ministry of Family and Social Policies in suitable accommodation facilities, in the care of their adult relatives, or in the care of a foster family, upon taking into account the opinion of the unaccompanied minor.”

**Principle 16: Right to Information (page 43)**

**Remark:** In 2015, Turkey launched a new communication center for foreigners ***(YİMER 157).*** The center acts as a “ helpline” service in Turkish, English, Arabic, Russian, ***German and Persian*** ***as well as information regarding Law No. 6458,* Foreigners and International*Protection***. This calling center also serves as a hotline for victims of human trafficking and provides translation services for foreigners who need to contact law enforcement.